

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Geoff Hawkins

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Acting Director Corporate Performance (Ashley Grummitt)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

This meeting was held remotely and electronically through Microsoft Teams and is live streamed on Council's YouTube channel.

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Due to the current COVID-19 health emergency all Councillors are attending by remote means.

03 LOCAL GOVERNMENT PRAYER

Due to the current COVID-19 health emergency, the Local Government Prayer was not delivered as part of this meeting.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Griffiths/Intemann

That the Minutes of the Ordinary Council Meeting held on 21 July 2021 be confirmed.

CARRIED: 6/0
FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

06 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

07.01 INFRASTRUCTURE CONTRIBUTIONS REFORMS

MOVED: Pinson

That Council:

1. Call on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Call on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Call on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Request that the Chief Executive Officer write to:
 - the Member for Port Macquarie, the Hon Leslie Williams MP;
 - the Member for Oxley, the Hon Melinda Pavey MP;
 - the Premier of NSW, the Hon Gladys Berejiklian MP;

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- the Treasurer of NSW, the Hon Dominic Perrottet MP;
 - the Minister for Planning and Public Spaces, the Hon Rob Stokes MP;
 - the Minister for Local Government, the Hon Shelley Hancock MP;
- seeking them to withdraw the Bill.
5. Request the Chief Executive Officer write to:
- the Shadow Treasurer, the Hon Daniel Mookhey MLC;
 - the Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP;
 - the Shadow Minister for Local Government, Mr Greg Warren MP;
- seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.
6. Affirm its support to Local Government NSW and requests Local Government NSW continue advocating on Council's behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Alley

That Council determine that the attachments to Item 09.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Turner

That Standing Orders be suspended to allow Items 09.03, 09.05, 09.06, 09.08, 09.09, 09.10, 09.11, 09.12, 12.01, 12.02, 12.04 not in the block to be brought forward and considered next.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.03 FUTURE 2021 ORDINARY COUNCIL MEETINGS

MOVED: Intemann/Griffiths

That Council

1. Conduct the remaining 2021 Ordinary Council Meetings on 6 September 2021, 15 September 2021, 13 October 2021 and 3 November 2021.
2. Cancel the Ordinary Council Meeting scheduled to occur on Wednesday 8 December 2021 due to the NSW Local Government elections being held 4 December 2021.
3. Request the Chief Executive Officer to communicate with Local Government NSW and the Office of Local Government regarding the election set for 4 December 2021, and support any action to ensure that the election is held as planned, including through the use of iVote and extended postal voting.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.05 NOTICE OF MOTION - PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the professional development undertaken by Mayor Pinson from September 2019 to the end of Council term in 2021.
2. Request the Chief Executive Officer provide the new Council with the opportunity for professional development.

AMENDMENT

MOVED: Turner/Hawkins

That this matter be deferred to the 15 September 2021 Ordinary Council Meeting pending full detailed information of the cost to the community of the professional development undertaken by the Mayor and an outline of the conditions under which professional development is offered to Councillors.

EQUAL: 3/3

FOR: Hawkins, Intemann and Turner

AGAINST: Alley, Griffiths and Pinson

*CASTING VOTE: Against
LOST*

AMENDMENT

RESOLVED: Turner/Hawkins

That Council:

1. Note the professional development undertaken by Mayor Pinson from September 2019 to the end of Council term in 2021.
2. Request the Chief Executive Officer provide the new Council with the opportunity for professional development.
3. Request the Chief Executive Officer provide a report to the 15 September 2021 Ordinary Council Meeting outlining financial details of the cost to the community of professional development of the Mayor.

ADJOURN MEETING

Due to technical difficulties, the Ordinary Council Meeting adjourned at 5:57pm and resumed at 6:02pm.

THE AMENDMENT WAS PUT AND CARRIED

CARRIED: 4/2
FOR: Alley, Hawkins, Intemann and Turner
AGAINST: Griffiths and Pinson

09.06 NOTICE OF MOTION - FREEZING OF FUTURE INCREASES TO COUNCIL ORDINARY RATES

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the financial impacts felt by the ratepayers associated with drought, bushfires, the Covid-19 pandemic and the recent floods in our region over the past three years.
 2. Note the total funds invested by Council as at 30 June 2021 is \$342,612,871.
 3. Note the Port Macquarie-Hastings Local Government Area has and continues to experience an unprecedented level of development activity with new rateable properties increasing Council income.
 4. Note the Council resolution at the Ordinary Council Meeting held on 16 June 2021 - Item 09.05 - Making of rates and charges for 2021-2022, adoption of the fees and charges and revenue policy for 2021-2022.
 5. Note the Ordinary Rate was resolved to increase Council's General Rating Income by 2.0% for 2021-2022, which is the rate peg increase approved by IPART.
 6. Further to Point 1 above, freeze any further future rate increases until Council is able to:
 - a) Demonstrate commitment to reducing costs within the organisation;
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- b) Provide evidence on how Council will increase its delivery of key and critical projects and infrastructure with the associated resourcing plan.
 7. Bring a report to the newly elected Council outlining actions proposed in Point 6 above.

LOST: 2/4

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann and Turner

FORESHADOWED MOTION

RESOLVED: Intemann/Hawkins

That Council:

1. Note the financial impacts felt by many ratepayers associated with drought, bushfires, the COVID-19 pandemic and recent floods and other disasters in our region over the past three years.
2. Note that Council has a hardship policy in place to assist anyone who is unable to pay their rates, and request the Chief Executive Officer to ensure that this assistance continues to be communicated to members of our community who may be experiencing difficulties.
3. Note the total funds invested by Council as at 30 June 2021 is \$342,612,871, plus \$4.7 million cash on hand, of which, based on previous year's audit, approximately 97% is expected to be deemed as held in restricted reserves to fund significant future infrastructure upgrades, especially water storage and supply.
4. Note that the amount held in externally restricted reserves is \$277 million, and is subject to legislative control, for example through water, sewer, waste, developer contributions (\$56 million) and unexpended grants (\$21 million).
5. Note that the amount held in internally restricted reserves is \$60 million, the majority of which is currently allocated to specific projects such as Ocean Drive duplication, or specific operational purposes such as employee leave entitlements, however the allocation of those funds could be amended by Council resolution.
6. Note the Port Macquarie-Hastings Local Government Area has experienced an unprecedented level of development activity, which brings new rate income for providing services to the new properties, although IPART has reported that on average, councils are recovering from rates only around 60% of the costs associated with growth.
7. Note that growth brings additional costs to Council in the form of significantly increased demand for new roads, infrastructure and facilities that rate income and/or development contributions does not adequately fund.
8. Note the Council resolution at the 16 June 2021 Ordinary Council Meeting, Item 09.05 - Making of rates and charges for 2021-2022, adopting the fees and charges and revenue policy for 2021-2022.
9. Note that the Office of Local Government comparative data for 2018-2019 (being the most recent comparative data available) shows that Port Macquarie-Hastings Council Ordinary Rates are consistent with, and in many cases lower, than other Group 5 councils similar to ours, and NSW councils overall.
10. Note that the Ordinary Rate included an increase in Council's General Rating Income by 2.0% for 2021-2022, which is the rate peg increase approved by

- IPART to offset cost increases to Council, especially in wages, materials, and construction.
11. Note that award increases in staff salaries and wages are forecast to increase by around \$850,000 in 2022-2023, hence the rate peg increase only just covers that amount each year, without considering other costs increases.
 12. Note that forgoing the IPART rate peg increase for 2022-2023 alone, would result in a loss of income of General Rating of \$1.1 million in that year, which cannot be taken up in future years so would have an enduring and cumulative negative impact of \$12.8 million on Council's Long Term Financial Plan over 10 years.
 13. Note that forgoing the IPART rate peg increase for the next three years would have a cumulative negative loss in revenue of \$34.4 million on Council's Long Term Financial Plan over 10 years.
 14. Note that IPART is considering amending the rate peg methodology to include an allowance for population growth, so the negative impact from not applying the rate peg could be far greater than the amounts identified in clauses 12 and 13 above.
 15. Remind all Councillors of their responsibility and civic duty to make fiscally responsible decisions regarding Council's income and expenditure at all times in order to achieve sustainable quadruple bottom line outcomes for our community.
 16. Note the unanimous Council resolution at the 17 March 2021 Ordinary Meeting, Item 10.03, to request the Chief Executive Officer to implement the Australian Business Excellence Framework to improve organisational performance.
 17. Note that the 21 July 2021 Ordinary Meeting resolved at Item 12.08 to request the Chief Executive Officer to review the existing structure and resource base to increase its delivery of key and critical transport infrastructure.
 18. In view of the postponement of Council elections, request the Chief Executive Officer to brief Councillors on the review referred to in clause 17 above, before 31 January 2022, and formally report to Council before 31 March 2022.
 19. Request the Chief Executive Officer to brief Councillors on the issue of rates and charges as part of the 2022-2023 budget process.
 20. Note the potential negative impact of a rate freeze on the willingness of higher levels of government to co-invest with Council on agreed local priority projects.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

**09.08 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN
- SIX MONTHLY PROGRESS REPORT AS AT 30 JUNE 2021**

RESOLVED: Griffiths/Hawkins

That Council:

1. Note the 2017-2022 Delivery Program and 2020-2021 Operational Plan Six Monthly Progress Report as at 30 June 2021.
2. Request the Chief Executive Officer investigate options to develop and implement an improved operational plan performance reporting framework.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

**09.09 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE
PLAN 2020 - 2022 ACTIONS**

RESOLVED: Hawkins/Griffiths

That Council note the information provided in the Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions report.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.10 2020-2021 CARRY-OVER PROJECTS

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the 2020-2021 carry-over projects outlined in this report for inclusion in the 2021-2022 budget.
2. Amend the 2021-2022 one-year Operational Plan to include all projects approved to be carried over as individual action items.
3. Congratulate staff on the exceptional delivery of projects in what has been an extraordinarily challenging year due to natural disasters and the COVID-19 pandemic.
4. Could the Chief Executive Officer investigate the increase in delivery for the last 2 financial years and provide information to Council as part of the budget process.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.11 MONTHLY BUDGET REVIEW - JULY 2021

RESOLVED: Griffiths/Hawkins

That Council:

1. Adopt the adjustments in the "July 2021 Adjustments" section of the Monthly Budget Review – July 2021 report and associated attachment.
2. Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.12 TEMPORARY WAIVER OF FEES - PORT MACQUARIE SENIOR CITIZENS CLUB & THE HUB BUSINESS AND CO-WORKING CENTRE

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the recent NSW Health Orders in response to the latest COVID-19 outbreak, calls on communities to work from home where possible.
2. Waive, refund or defer the payment of fees and charges as detailed below, in relation to community members and local businesses impacted by the current COVID-19 outbreak. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral
a)	Monthly Rental Fee - Port Macquarie Senior Citizens Facility	For 6 months commencing from July 2021
b)	Hub Business and Co-Working Centre User Subscription Fee	For 6 months commencing from July 2021

3. Note that a future report be presented to the November 2021 Ordinary Council Meeting to review this schedule.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

12.01 NOTICE OF MOTION - COMMUNITY POLL ON FLUORIDATION

RESOLVED: Pinson/Intemann

That Council:

1. Note the correspondence of Minister for Health & Medical Research, the Hon Brad Hazzard MP.
2. Note the postponement of Local Government elections on 4 September 2021, as Gazetted by the Minister for Local Government, the Hon Shelly Hancock MP.
3. Note the intended Yes or No Poll for continuing the addition of Fluoride in the Port Macquarie-Hastings drinking water as resolved by Council.
4. Word the new Poll to ask: "Do you want Port Macquarie-Hastings Council to permanently cease adding fluoride (hydrofluorosilicic acid) to the drinking water supply"?
5. Request the Chief Executive Officer make arrangements for the Fluoridation Poll to be held at the Local Government elections on 4 December 2021, allowing the voting community to have their say.

EQUAL: 3/3

FOR: Griffiths, Intemann and Pinson

AGAINST: Alley, Hawkins and Turner

CASTING: For

CARRIED

12.02 NOTICE OF MOTION - HIBBARD FERRY OPERATING HOURS

MOTION

MOVED: Intemann/Alley

That Council:

1. Note the intention of the resolution at Item 12.03 of the 19 May 2021 Ordinary Council Meeting, and extend the hours of operation of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.
2. Fund the extended hours from the Ferry Reserve and reconsider the funding source at the time of the next report on ferry operations.
3. Note that the report to Council on 19 May 2021 indicated that the annualized cost of this option was \$22,400.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Defer Item 12.02 Hibbard Ferry Operating Hours to the 6 September 2021 Ordinary Council Meeting for clarification of the resolution and recording of the meeting.
2. Continue the trial as resolved with the extension of one extra week.

3. Request the Chief Executive Officer to communicate to the residents of the North Shore the extension to the trial.
4. Request the Chief Executive Officer provide an urgent briefing to Councillors to consider the results of the trial and the availability of funds to permanently extend the operating hours of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.

THE AMENDMENT WAS PUT AND LOST

LOST: 2/4
FOR: Griffiths and Pinson
AGAINST: Alley, Hawkins, Intemann and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Alley

That Council:

1. Note the intention of the resolution at Item 12.03 of the 19 May 2021 Ordinary Council Meeting, and extend the hours of operation of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.
2. Fund the extended hours from the Ferry Reserve and reconsider the funding source at the time of the next report on ferry operations.
3. Note that the report to Council on 19 May 2021 indicated that the annualized cost of this option was \$22,400.

CARRIED: 4/2
FOR: Alley, Hawkins, Intemann and Turner
AGAINST: Griffiths and Pinson

**12.04 PLANNING PROPOSAL 2017 - 4.1 CRESTWOOD PARK RECREATION
PRECINCT - POST EXHIBITION REPORT**

RESOLVED: Griffiths/Turner

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal PP2017 - 4.1 - Crestwood Park Recreation Precinct.
2. As result of the consideration of submissions, endorse the Planning Proposal in relation to Lot 516 DP1261705, Lot 497 DP1237901 and Lot 319 DP1214443, Crestwood, as exhibited, and take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 57) to give effect to the Planning Proposal.
3. Delegate authority to the Director Development and Environment to make any inconsequential or minor administrative amendments to the Planning Proposal in finalising the matter.
4. Notify Council's decision to all persons who lodged a submission.

CARRIED: 6/0
FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

13 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Hawkins/Alley

That Items 09.01, 09.02, 09.04, 09.07, 09.13, 09.14, 09.15, 09.16, 10.01, 10.02, 10.03, 11.01, 12.03, 12.05 be considered as a block resolution.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

RESOLVED: Hawkins/Alley

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

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Hawkins/Alley

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

09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 8 TO 21 JULY 2021

BLOCK RESOLVED: Hawkins/Alley

That Council note the Mayoral Discretionary Fund allocations for the period 8 to 21 July 2021 inclusive.

Item 09.03 Future 2021 Ordinary Council Meetings, has been addressed previously within the meeting.

09.04 LEGAL FEES

BLOCK RESOLVED: Hawkins/Alley

That Council note the information in the Legal Fees report.

Item 09.05 Notice of Motion - Professional Development Undertaken by the Mayor, has been addressed previously within the meeting.

Item 09.06 Notice of Motion - Freezing of Future Increases to Council Ordinary Rates, has been addressed previously within the meeting.

09.07 2020-2021 FINANCIAL STATEMENTS AUDIT

BLOCK RESOLVED: Hawkins/Alley

1. That Council refer to audit the draft Financial Statements as at 30 June 2021.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Chief Executive Officer, the Mayor and one Councillor as required by the Local Government Act 1993.

Item 09.08 2017-2022 Delivery Program and 2020-2021 Operational Plan - Six Monthly Progress Report as at 30 June 2021, has been addressed previously within the meeting.

Item 09.09 Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions, has been addressed previously within the meeting.

Item 09.10 2020-2021 Carry-over Projects, has been addressed previously within the meeting.

Item 09.11 Monthly Budget Review - July 2021, has been addressed previously within the meeting.

Item 09.12 Temporary Waiver of Fees - Port Macquarie Senior Citizens Club & The Hub Business and Co-Working Centre, has been addressed previously within the meeting.

09.13 DRAFT SUSTAINABILITY POLICY AND DRAFT CLIMATE CHANGE RESPONSE POLICY

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note and thank the Sustainability Advisory Sub-committee for their participation in the review and subsequent unanimous endorsement of the draft Sustainability Policy and draft Climate Change Response Policy.
2. Place the draft Sustainability Policy and draft Climate Change Response Strategy on public exhibition from 5 August 2021 for a period of 28 days.
3. Note that a further report will be tabled at the October 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.
4. Note that further development of the draft Sustainability Framework and draft Climate Change Response Strategy and associated draft Action Plans will be the subject of future reports to Council as key milestones are achieved.

09.14 BUSHFIRE DISASTER RECOVERY FUNDING

BLOCK RESOLVED: Hawkins/Alley

That Council note:

1. The Bushfire Disaster Recovery Funding Report which provides an update monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.
2. That a further update report will be provided at the February 2022 Council meeting.

09.15 GRANT APPLICATIONS BIENNIAL REPORT

BLOCK RESOLVED: Hawkins/Alley

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2020-2021 financial year.

**09.16 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE**

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note the Development Activity and Assessment System Performance report for the fourth quarter of 2020-2021.
 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.
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10.01 CULTURAL PLAN 2021 - 2025

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note the submissions and feedback received on the draft Cultural Plan during the exhibition period;
 2. Thank all those in the community who made submissions;
 3. Adopt the Port Macquarie-Hastings Cultural Plan 2021-2025;
 4. Request Chief Executive Office report annually commencing in August 2022, on the implementation of the Cultural Plan and evaluation of actions undertaken of the Cultural Plan.
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10.02 DISABILITY INCLUSION ACTION PLAN UPDATE

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note the Disability Inclusion Action Plan 2017-2021 update.
 2. Note that a future report will be presented to the October 2021 Ordinary Council Meeting for the Disability Inclusion Action Plan 2017-2021 Final Progress Report.
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10.03 RECREATION ACTION PLAN - ANNUAL UPDATE

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note progress achieved to date in implementing the Recreation Action Plan 2020-2025.
2. Endorse the updated Recreation Action Plan 2021-2025 for implementation.
3. Request the Chief Executive Officer to promote the adoption of the updated Recreation Action Plan 2021-2025 on Council's website.

11.01 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note the progress of projects in the COVID-19 Recovery and Stimulus Projects report.
2. Note a further update report will be provided at the February 2022 Council Meeting.

Item 12.01 Notice of Motion - Community Poll on Fluoridation, has been addressed previously within the meeting.

Item 12.02 Notice of Motion - Hibbard Ferry Operating Hours, has been addressed previously within the meeting.

12.03 PROPOSED SETTLEMENT SHORES CANALS ESTATE FEE - REPORT ON COMMUNITY ENGAGEMENT OUTCOMES

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Note the feedback from the recent engagement on the proposed Settlement Shores Canals Estate fee.
2. Undertake further community education and engagement with the residents in the Settlement Shores Canals Estate to co-design an approach to ongoing maintenance, including the funding of these works.
3. Investigate the costs/benefits of purchasing, operating, and maintaining appropriate dredging equipment.

Item 12.04 Planning Proposal 2017 - 4.1 Crestwood Park Recreation Precinct - Post Exhibition Report, has been addressed previously within the meeting.

12.05 LAND ACQUISITION - HOUSTON MITCHELL DRIVE, LAKE CATHIE

BLOCK RESOLVED: Hawkins/Alley

That Council:

1. Pay compensation in the amount of \$6,000 (GST Exclusive) to the owner of Lot 2 Deposited Plan 774341, Barronden Pty Limited, for the acquisition of those parts of Lot 2 Deposited Plan 774341 more particularly described as Lot 1 and 2 in plan of acquisition Deposited Plan 1239447.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing costs.
3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lot 1 and 2 Deposited Plan 1239447 as public road.

CONFIDENTIAL SESSION

RESOLVED: Alley/Hawkins

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.
2. That Council move into Closed Session to receive and consider the following items
 - Item 14.01 T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - Item 14.02 T-20-33 High Voltage Maintenance Services
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

14.01 T-21-15 STAGE 1 CONSTRUCTION OF RAINBOW BEACH SPORTING FIELDS

RESOLVED: Turner/Intemann

That Council:

1. In accordance with clauses 178(1)(b) and 178(3)(e) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields and enter into negotiations with Glascott Landscape and Civil Pty Ltd or any person that submitted a tender in response to Request for Tender T-21-15, with a view to entering into a contract for Stage 1 Construction of Rainbow Beach Sporting Fields.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the Tender Evaluation Panel considers that the preferred tenderer has demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender, and that inviting fresh tenders likely will not achieve a superior outcome and will unduly delay the project.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-15.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

14.02 T-20-33 HIGH VOLTAGE MAINTENANCE SERVICES

RESOLVED: Alley/Griffiths

That Council:

1. In accordance with clauses 178(1)(b) and 178(3)(e) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-20-33 High Voltage Maintenance Services and enter into negotiations with Ampcontrol Service (NSW) Pty Ltd, or any person whether or not they submitted a tender, with a view to entering into a contract for High Voltage Maintenance Services.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the Tender Evaluation Panel considers that the preferred tenderer has demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender, and that inviting fresh tenders likely will not achieve a superior outcome and will unduly delay planned maintenance on high voltage electrical assets.

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3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
 4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-33.

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

RESOLVED: Alley/Hawkins

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

CARRIED: 6/0

FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

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

The meeting closed at 10:19pm.

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Peta Pinson
Mayor