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## **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)  
Director Business and Performance (Rebecca Olsen)  
Director Community Planning and Environment (Melissa Watkins)  
Director Community Infrastructure (Dan Bylsma)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance and Legal Officer (Kirsty Callander)  
Executive Assistant to the Mayor (Linda Kocis)

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The meeting opened at 5.30pm.

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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**

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Captain Rebecca Gott from the Salvation Army delivered the Local Government Prayer.

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#### **04 APOLOGIES**

Nil.

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#### **05 CONFIRMATION OF MINUTES**

*RESOLVED: Griffiths/Alley*

That the Minutes of the Ordinary Council Meeting held on 13 October 2021 be confirmed.

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

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#### **06 DISCLOSURES OF INTEREST**

Councillor Alley declared a pecuniary interest in Item 12.10 - Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011, the reason being he is the Parish Treasurer and serves on the Parish Council of the Anglican Parish of the Camden Haven. From time to time, the Parish makes decisions to purchase or develop property which may include property that is relevant to this report item. It is possible that the changes recommended in the report could result in a financial gain or loss to the Parish.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) and (5) of the Local Government Act 1993 in relation to Item 12.09 - Le Clos Sancroix Planning Proposal, the reason being she has family members who live in the area of the planning proposal.

Mayor Pinson declared a pecuniary interest in Item 09.10 - Property Investment Portfolio - 2021 Annual Update, the reason being she has an interest in one of the properties up for sale by Council.

Mayor Pinson declared a pecuniary interest in Item 12.04 - North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - Post Exhibition, the reason being that she has interest in a property that falls within the Study Area.

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#### **07 MAYORAL MINUTES**

Nil.

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Griffiths/Alley*

That Council determine that the attachments to Item Number 9.16 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*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Griffiths/Alley*

That Standing Orders be suspended to allow Items 09.10, 09.13, 09.14, 09.19, 12.01, 12.02, 12.04, 12.05, 12.06, 12.07, 12.09, 12.10, 12.11 and 12.14 not in the block be brought forward and considered next.

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

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**09.10 PROPERTY INVESTMENT PORTFOLIO - 2021 ANNUAL UPDATE**

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Mayor Pinson declared a pecuniary interest in this item, left the meeting and took no part in the discussion or voting thereon, the time being 5:38pm.

Deputy Mayor Intemann assumed the Chair.

*RESOLVED: Alley/Griffiths*

That Council note the update provided on the Property Investment Portfolio as provided in this 2021 Annual Update report.

*CARRIED: 5/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann and Turner*  
*AGAINST: Nil*

Mayor Pinson returned to the meeting, the time being 5:39pm and assumed the Chair.

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### **09.13 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Adopt the annual financial statements for the year ended 30 June 2021, as submitted, together with the auditor's report.
2. Note the resolutions of the Audit, Risk and Improvement Committee at its Extra-Ordinary meeting held on 22 October 2021 as detailed in the body of the report.
3. Request the Chief Executive Officer prepare a communications strategy to promote a broad understanding of the need for the collection, retention and use of funds held in reserves.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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### **09.14 2020-2021 ANNUAL REPORT**

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*RESOLVED: Turner/Griffiths*

That Council:

1. Adopt the 2020-2021 Annual Report, comprising Part A and Part B, and the End of Term Report.
2. Submit the adopted 2020-2021 Annual Report to the Minister for Local Government by 30 November 2021.
3. Publish the adopted 2020-2021 Annual Report and the End of Term Report on Council's website and make copies of the reports available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2020-2021.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **09.19 RELIEF MEASURES FOR THE IMPACTS OF COVID-19**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Note the significant impacts on the local community of the COVID-19 Pandemic and the significant financial assistance provided by Council, via relief measures, to those affected members of the community.

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2. Waive application fees and park hire fees for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138) for a further period up to 30 June 2022 for 'regular' local events from the date of recommencement, (e.g. markets) or waive fees for next event for irregular or new events. These will be assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity, and excludes driveway / footpath works and power charges incurred.
  3. Waive monthly rental fees for the Port Macquarie Senior Citizens Facility for a further period of 6 months up to 30 June 2022.
  4. Note that remaining measures that had been implemented will revert to pre-COVID-19 adopted fees and charges status from 1 January 2022.
  5. Note that members of the community can seek assistance in times of hardship under the provisions of Council's Rates and Charges Hardship Assistance Policy.

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

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#### **12.01 NOTICE OF MOTION - HOUSTON MITCHELL DRIVE AND PACIFIC HIGHWAY INTERSECTION - NEED FOR OVERPASS**

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*RESOLVED: Pinson/Hawkins*

That Council:

1. Note the submission received by the Bonny Hills Progress Association Inc, as attached to the report and request the Chief Executive Officer to forward a copy of the report to the Member for Port Macquarie, the Hon Leslie Williams MP; the Federal Member for Lyne, the Hon Dr Gillespie MP and the Deputy Premier of NSW, the Hon Paul Toole MP.
2. Note temporary safety upgrades currently being undertaken by the State Government at the Houston Mitchell Drive and Pacific Highway intersection.
3. Note the recent decision of the Federal Government to fund an overpass at the intersection of Harrington Road and the Pacific Highway.
4. Note GHD 2018 report identifying an overpass would be required by 2026.
5. Note PMHC Urban Growth Management Strategy 2017-2036 reference to population growth (page 17).
6. Note PMHC Draft Local Housing Strategy 2021-2041.
7. Note the Ordinary Council Meeting resolution of 21 July 2021 in relation to Item 12.08 - Integrated Strategic Transport Network Update, in particular Point 3 Priority Ratings:  
3(b) Short to Medium Term:  
(iv) Houston Mitchell Drive / Pacific Highway intersection grade separation upgrade.
8. Note the Media Release dated 1 November 2021 by the Member for Port Macquarie, the Hon Leslie Williams MP which, amongst other things, states that with respect to the Houston Mitchell Drive / Pacific Highway intersection she is "continuing to advocate for a graded separation (overpass) at this location", as tabled.

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9. Amend the Integrated Strategic Transport Network Plan Priorities list by:
- (a) Adding a new Short-Term Priority Project as follows: "Detailed Designs for a Houston Mitchell Drive / Pacific Highway Overpass".
  - (b) Replacing the words in 3(b)iv) above "Houston Mitchell Drive / Pacific Highway intersection grade separation upgrade" with the following: "Construction of an overpass at the Houston Mitchell Drive / Pacific Highway Intersection."

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.02 RAWDON ISLAND BRIDGE UPDATE**

*RESOLVED: Intemann/Griffiths*

That Council note the information provided in the Rawdon Island Bridge Update report.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.04 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - POST EXHIBITION**

Mayor Pinson declared a Pecuniary Interest in this item, left the meeting and took no part in the discussion or voting thereon, the time being 6:27pm.

Deputy Mayor Intemann assumed the Chair.

*RESOLVED: Turner/Alley*

That Council:

1. Note the feedback received from the community on the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan during the public exhibition period.
2. Thank all those residents and landowners who made submissions during the recent public exhibition period.
3. Endorse the Draft Floodplain Risk Management Study and Plan subject to the amendments listed in the report.
4. Request the Chief Executive Officer consider funding opportunities for implementation of the North Brother Local Catchments Floodplain Risk Management Plan through development of future Operational Plans and relevant State and Federal government grant programs.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Mayor Pinson returned to the meeting, the time being 6:28pm and resumed the Chair.

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## **12.05 LOCAL STRATEGIC PLANNING STATEMENT**

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*RESOLVED: Turner/Griffiths*

That Council:

1. Note the progress of actions identified in Council's Local Strategic Planning Statement - Shaping our Future 2040 (LSPS).
2. Note Council's intention to review the LSPS to ensure alignment with Council's new Community Strategic Plan (Imagine 2050) and the revised North Coast Regional Plan following adoption of both Plans.
3. Receive updates on the implementation of actions identified within the LSPS on an annual basis.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.06 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BI-ANNUAL REPORT**

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*RESOLVED: Intemann/Turner*

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Receive a further update report in June 2022 regarding the progress of site specific Planning Proposal requests.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.07 INTEGRATED STRATEGIC TRANSPORT NETWORK PLAN**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. Note the information provided in this report.
2. Note that Council is undertaking an organisational realignment and workforce plan to improve Council's timely, efficient delivery in achieving key asset priorities, including those projects identified for the Integrated Strategic Transport Network Plan.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.09 LE CLOS SANCROX PLANNING PROPOSAL**

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Councillor Griffiths left the meeting, the time being 06:41pm.

*RESOLVED: Intemann/Turner*

That Council:

1. Progress to public exhibition of the "Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Amendment No 59) - Le Clos Sancrox" as included as Attachment 1 to this report, for a period of not less than 28 days.
2. Progress the draft contributions and finance documentation (draft Planning Agreement) for the Le Clos Sancrox Planning Proposal to cover all relevant contributions.
3. Ensure that all relevant documentation (including the draft Planning Agreement) is exhibited, approved by Council, and ready for submission to Regional Planning before 13 May 2022.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Griffiths returned to the meeting, the time being 6:54pm.

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## **12.10 PLANNING PROPOSAL - 2021 ADMINISTRATIVE REVIEW OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011**

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Councillor Ally declared a pecuniary interest in this Item, left the meeting and took no part in the discussion or voting thereon, the time being 6:54pm.

*RESOLVED: Turner/Griffiths*

That Council:

1. Prepare a draft Planning Proposal pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the eight issues as generally described in this report.
2. Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Director Community, Planning and Environment to make any minor mapping updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
4. Receive a report following the public exhibition period on any submissions received.

*CARRIED: 5/0*

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

*AGAINST: Nil*



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Councillor Alley returned to the meeting, the time being 6:57pm.

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## **12.11 LAKE CATHIE DREDGING**

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*RESOLVED: Pinson/Griffiths*

That Council:

1. Note the media release dated 19 October 2021 from The Hon. Leslie Williams, Member for Port Macquarie requesting Council to considering dredging the Lake Cathie lagoon.
2. Acknowledge that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.
3. Request the Chief Executive Officer to write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the issue of extensive wait times for Crown license applications and request additional resources are provided.
4. Request the Chief Executive Officer write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the approvals process for the Coast and Estuary Grants program requesting streamlining of grant announcements.
5. Request the Chief Executive Officer to write to The Hon. Leslie Williams, Member for Port Macquarie to advise that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**12.14 DA2020 - 958.01 ALTERATIONS AND ADDITIONS TO ECO TOURIST FACILITY, INCLUDING CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD UNDER CLAUSE 7.14, LOT 100 & 101 DP 754444, 743 OCEAN DRIVE, GRANTS BEACH**

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*RESOLVED: Griffiths/Intemann*

That DA2020 - 958 for Alterations and Additions to EcoTourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 (exceeding the total gross floor area for an Eco-tourist Facility) at Lot 100 & 101, DP 754444, No. 743 Ocean Drive, Grants Beach, be determined by granting consent subject to the recommended conditions.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Intemann/Griffiths*

That Items 09.01, 09.02, 09.03, 09.04, 09.05, 09.06, 09.07, 09.08, 09.09, 09.11, 09.12, 09.15, 09.16, 09.17, 09.18, 09.20, 10.01, 10.02, 11.01, 12.03, 12.08, 12.12 and 12.13 be considered as a block resolution.

*CARRIED: 6/0*

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

*AGAINST: Nil*

*RESOLVED: Intemann/Griffiths*

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

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**09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*BLOCK RESOLVED: Intemann/Griffiths*

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

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**09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 30 SEPTEMBER TO 20 OCTOBER 2021**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the Mayoral Discretionary Fund allocation for the period 30 September to 20 October 2021 inclusive.

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**09.03 PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE COUNCILLORS**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the professional development undertaken by Councillors since the September 2016 elections.

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**09.04 EXTENSION OF MEMBERSHIP OF INDEPENDENT MEMBERS TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council extend the membership of Grahame Marchant and Stephen O'Rourke to Council's Audit, Risk and Improvement Committee until such time Council conducts an expression of interest for these independent positions.

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**09.05 POLICY REVIEW - COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the public submissions received in response to the draft Councillor Induction and Professional Development Policy.
  2. Adopt the Councillor Induction and Professional Development Policy.
  3. Thank those who made submissions on this draft policy and notify them of Council's resolution in the matter.
  4. Rescind the current Councillor Professional Development Policy and the Councillor Induction Policy.
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#### **09.06 DISCLOSURES REGISTER - ANNUAL RETURN 2019-2020 - OUTSTANDING RETURNS**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the Annual Disclosure Returns for the following positions:
    - a) Environmental Engineer.
  2. Note that the outstanding Annual Disclosure returns for the followings positions be presented to Council once the designated person has returned from leave:
    - a) Transport Engineer (on extended leave).
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#### **09.07 LEGAL FEES**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the information in the Legal Fees report.

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#### **09.08 CODE OF CONDUCT COMPLAINT STATISTICS**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2020 to 31 August 2021.

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#### **09.09 POLICY REVIEW - SPONSORSHIP POLICY - POST EXHIBITION**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council adopt the Sponsorship Policy as presented.

Item 09.10 Property Investment Portfolio - 2021 Annual Update, has been addressed previously within the meeting.

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#### **09.11 MONTHLY BUDGET REVIEW - OCTOBER 2021**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

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

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the Investment Report for the month of October 2021 (as at 18 October 2021).

Item 09.13 Annual Financial Statements for the Year Ended 30 June 2021, has been addressed previously within the meeting.

Item 09.14 2020-2021 Annual Report, has been addressed previously within the meeting.

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#### **09.15 2017-2022 DELIVERY PROGRAM AND 2021-2022 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2021**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the 2017-2022 Delivery Program and 2021-2022 Operational Plan Quarterly Progress Report as at 30 September 2021.

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#### **09.16 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2021**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the Quarterly Budget Review Statement for the September 2021 Quarter.

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## **09.17 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the information on the financial impact of cost shifting for the 2020-2021 financial year.
  2. Note that any future reports or updates on cost shifting to be determined by Council following the election if required.
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## **09.18 BOUNDARY ADJUSTMENT**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council make application to Her Excellency the Honourable Margaret Beazley - Governor of New South Wales, Minister of Local Government and MidCoast Council to approve a minor boundary adjustment from MidCoast Council to Port Macquarie-Hastings Council.

Item 09.19 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

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## **09.20 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2021-2022.
  2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.
  3. Acknowledge the tremendous efforts of development assessment staff in realising the \$3million grant under the State's Public Spaces Legacy Fund program.
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## **10.01 DISABILITY INCLUSION ACTION PLAN ANNUAL PROGRESS REPORT**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the Disability Inclusion Action Plan 2020-2021 Annual Progress report.

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## **10.02 PLAN OF MANAGEMENT FOR COUNCIL MANAGED COMMUNITY CROWN RESERVES**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council, in accordance with Sections 38, 39,40 and 40A of the Local Government Act 1993:

1. Receive and note the draft Council Managed Crown Land Plan of Management.
2. Forward the draft Council Managed Crown Land Plan of Management to the land owner, Crown Lands (NSW Department of Planning, Industry and Environment), seeking endorsement to proceed to public exhibition of the draft Plan of Management.
3. Delegate authority to the Director Community, Planning and Environment to revise the draft Council Managed Crown Land Plan of Management in accordance with any direction received from Crown Lands, prior to placing on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days.
4. Bring the final version of the Council Managed Crown Land Plan of Management to a future Council meeting for consideration and adoption.

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## **11.01 UPDATE ON IMPACTS OF COVID-19 ON THE PORT MACQUARIE-HASTINGS ECONOMY**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the analysis provided in the report.
2. Note the broad based impacts COVID-19 has had on the local economy and acknowledge a continued focus will be required from Council and other levels of government to support recovery.

Item 12.01 Notice of Motion - Houston Mitchell Drive and Pacific Highway Intersection - Need for Overpass, has been addressed previously within the meeting.

Item 12.02 Rawdon Island Bridge Update, has been addressed previously within the meeting.

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## **12.03 MANAGEMENT OF RECYCLED WATER**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council note the information provided in the Management of Recycled Water report.

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Item 12.04 North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - post exhibition, has been addressed previously within the meeting.

Item 12.05 Local Strategic Planning Statement, has been addressed previously within the meeting.

Item 12.06 Update on Site Specific Planning Proposal Requests - Bi-Annual Report, has been addressed previously within the meeting.

Item 12.07 Integrated Strategic Transport Network Plan, has been addressed previously within the meeting.

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## **12.08 KEY INTERSECTIONS FOR UPGRADE**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the prioritisation list and indicative costs of intersection upgrades in this report.
2. Note that key identified intersection upgrades will be incorporated into the Joint Integrated Strategic Transport Network Plan.

Item 12.09 Le Clos Sancrox Planning Proposal, has been addressed previously within the meeting.

Item 12.10 Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011, has been addressed previously within the meeting.

Item 12.11 Lake Cathie Dredging, has been addressed previously within the meeting.

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## **12.12 LAND ACQUISITION - GILLMAN WAY, THRUMSTER**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Pay compensation in the amount of \$41,678 (GST Exclusive) to the owners of Lot 1 Deposited Plan 1273983, PM Land Pty Ltd, for the acquisition of that part of Lot 1 Deposited Plan 1273983 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1275372.



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2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing expenses.
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### **12.13 LAURIETON TOWN CENTRE MASTER PLAN**

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*BLOCK RESOLVED: Intemann/Griffiths*

That Council:

1. Note the engagement done to date to develop the Laurieton Town Centre Master Plan.
2. Place the draft Laurieton Town Centre Master Plan on an extended public exhibition period from 15 November 2021 to 28 January 2022.

Item 12.14 DA2020 - 958.01 Alterations and Additions to Eco Tourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14, Lot 100 & 101 DP 754444, 743 Ocean Drive, Grants Beach, has been addressed previously within the meeting.

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### **CONFIDENTIAL SESSION**

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*MOVED: Griffiths/Alley*

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 Infinity Total Protection**

This item is considered confidential under Section 10A(2)(d(ii)) 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-21-24 Technology Infrastructure Management Agreement**

This item is considered confidential under Section 10A(2)(d(ii)) 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 T-21-38 Supply and Delivery of One (1) Landfill Compactor**

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed,

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prejudice the commercial position of the person who supplied it.

Item 14.04 T-21-41 Supply and Delivery of Three (3) 10m3 Garbage Compactor Bodies

This item is considered confidential under Section 10A(2)(d(ii)) 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 T-21-36 Bicentennial Walkway Stage 1 - Major Civil Package

This item is considered confidential under Section 10A(2)(d(ii)) 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 14.06 T-21-13 Water & Sewer Client Side Engineering Support Services & T-21-14 Water & Sewer Design Services Panel Arrangement

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

Item 14.07 T-21-34 Professional Services Contract for Ocean Drive Duplication Contract Manager

This item is considered confidential under Section 10A(2)(d(ii)) 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 14.08 T-21-43 Fixing Country Bridges - Detailed Design of Multi Span Bridges

This item is considered confidential under Section 10A(2)(d(ii)) 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 14.09 T-21-10-21 Purchase of additional timber for Bril Bril Bridge

This item is considered confidential under Section 10A(2)(d(ii)) 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.

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

*RESOLVED: Griffiths/Hawkins*

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

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#### **14.01 INFINITY TOTAL PROTECTION**

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*RESOLVED: Griffiths/Alley*

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act 1993, not invite tenders for a cyber-security architecture solution due to extenuating circumstances being risk of creating inherent gaps in the security posture leaving Council enterprises unprotected from sophisticated attacks.
2. Accept the proposal from Checkpoint Software Technologies (Australia) Pty limited for their Checkpoint Infinity solution at a value of \$392,354 (ex GST) over a 36 month period.
3. Maintain the confidentiality of the documents and consideration in respect of the cyber-security architecture requirements and products and this report.

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

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#### **14.02 T-21-24 TECHNOLOGY INFRASTRUCTURE MANAGEMENT AGREEMENT**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement arrangement LGP115 IT&C Products, Services & Consulting, from S5 Technology Group Pty Ltd to provide Infrastructure Support Services at a value of \$461,098.44 (exclusive of GST) for a fixed period of 36 months commencing 10 November 2021 for T-21-24 Technology Infrastructure Management Agreement.
2. Note the Chief Executive Officer, under existing delegation to the General Manager, will execute the contract documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Quotation T-21-24.

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

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#### **14.03 T-21-38 SUPPLY AND DELIVERY OF ONE (1) LANDFILL COMPACTOR**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement panel arrangement LGP419 Supply of Plant, Machinery and Equipment, from Liebherr Australia Pty Ltd:
  - a) for the Lump Sum of \$883,000.00 (exclusive of GST) for T-21-38 Supply and Delivery of One (1) Landfill Compactor.
  - b) for the Lump Sum of \$50,000.00 (exclusive of GST) for the 5 year Extended Warranty option.
  - c) including the trade in offer for the P7634 Tana E380 Landfill Compactor from Liebherr Australia Pty Ltd for \$163,636.37 (excluding GST).
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-21-38.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **14.04 T-21-41 SUPPLY AND DELIVERY OF THREE (3) 10M3 GARBAGE COMPACTOR BODIES**

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*RESOLVED: Intemann/Alley*

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement panel arrangement NPN1.15-2 Specialised Trucks, from Garwood International Pty Ltd for the Lump Sum of:
  - a) \$307,500.00 (exclusive of GST) for T-21-41 Supply and Delivery of Three (3) 10m<sup>3</sup> Garbage Compactor Bodies.
  - b) \$1,473.00 per vehicle (exclusive of GST) for the supply and installation of the Auto Bin Lift.
  - c) \$5,340.00 per vehicle (exclusive of GST) for the supply and installation of the Surround Camera System.
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-21-41.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **14.05 T-21-36 BICENTENNIAL WALKWAY STAGE 1 - MAJOR CIVIL PACKAGE**

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RESOLVED: *Hawkins/Turner*

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from Building Heights Pty Ltd for the Lump Sum of \$3,367,885.44 (exclusive of GST) for T-21-36 Bicentennial Walkway Stage 1 - Major Civil Package.
2. Accept the offer from Building Heights Pty Ltd for Provisional Item: P1 Town Wharf Maintenance Scope TfNSW/MIDO for the Lump Sum of \$48,707.10 (exclusive of GST).
3. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-36.

CARRIED: 6/0

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

AGAINST: Nil

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#### **14.06 T-21-13 WATER & SEWER CLIENT SIDE ENGINEERING SUPPORT SERVICES & T-21-14 WATER & SEWER DESIGN SERVICES PANEL ARRANGEMENT**

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RESOLVED: *Intemann/Griffiths*

That Council:

1. Note that in accordance with Section 377 of the Local Government Act 1993, the Chief Executive Officer, under existing delegations to the General Manager, may accept:
  - a) a tender for T-21-13 Water & Sewer Client Side Engineering Support Services; and
  - b) tenders for T-21-14 Water & Sewer Design Services Panel Arrangement,and present a further report to a future meeting of Council after contract award for Council's information.
2. Maintain the confidentiality in respect of Request for Tenders T-21-13 and T-21-14.

CARRIED: 6/0

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

AGAINST: Nil

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**14.07 T-21-34 PROFESSIONAL SERVICES CONTRACT FOR OCEAN DRIVE  
DUPLICATION CONTRACT MANAGER**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from R B Ausling & Associates Pty Ltd for the Lump Sum of \$1,634,000.00 (exclusive of GST) for T-21-34 Professional Services Contract for Ocean Drive Duplication Contract Manager.
2. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
3. Maintain the confidentiality and the documents and consideration in respect of Request for Tender T-21-34.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**14.08 T-21-43 FIXING COUNTRY BRIDGES - DETAILED DESIGN OF MULTI  
SPAN BRIDGES**

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*RESOLVED: Griffiths/Alley*

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from MU Group Consulting Pty Ltd for the Lump Sum of \$549,490.00 (exclusive of GST) and with a Schedule of Rates for T-21-43 Fixing Country Bridges - Detailed Design of Multi Span Bridges.
2. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-43.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**14.09 T-21-10-21 PURCHASE OF ADDITIONAL TIMBER FOR BRIL BRIL BRIDGE**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Note the revised value of contract RFQ-21-13 for Bril Bril Bridge - Timber Supply with Coffs Harbour Hardwoods Trading Pty Limited
2. Maintain the confidentiality of the documents and consideration in respect to Contract Number RFQ-21-13.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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The meeting closed at 7.39pm.

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Peta Pinson  
Mayor