
PRESENT

Members:

Mayor Peta Pinson (Mayor)
Councillor Lauren Edwards (by remote)
Councillor Sharon Griffiths
Councillor Lisa Intemann
Councillor Nik Lipovac (by remote)
Councillor Danielle Maltman
Councillor Adam Roberts
Councillor Rachel Sheppard (by remote)
Councillor Josh Slade

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Rebecca Olsen) (by remote)
Director Community, Planning and Environment (Melissa Watkins) (by remote)
Director Community Infrastructure (Dan Bylsma) (by remote)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 12:04pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: Roberts/Slade

That Council accede to the request of Councillors Edwards, Lipovac and Sheppard to attend the meeting by remote means.

CARRIED: 9/0
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,
Sheppard and Slade
AGAINST: Nil

03 APOLOGIES

Nil.

04 DISCLOSURES OF INTEREST

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 05.01 - Opening Lake Cathie, the reason being that Councillor Maltman is a non-financial life member of Revive Lake Cathie.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 10.01 - Notice of Motion - Proposed Road Closure - Part Pacific Drive, North of Home Street, Port Macquarie, the reason being that Councillor Intemann is the only sitting Councillor who was present at the 2017 Council meeting, the subject of the motion.

Mayor Pinson declared a Pecuniary, Significant Interest in Item 10.02 - EOI-21-05 Flood Recovery Works - Civil Construction, the reason being that Mayor Pinson has an interest in a company owned by her husband who is in civil construction. The registered name of the company is Stabilcorp and has been recommended to be included on the approved procurement list for related works.

05.01 OPENING LAKE CATHIE

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

MOTION

MOVED: Pinson

That Council:

1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.
2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.
3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.
4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.
5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.
6. Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.
7. Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.
8. Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.
9. That the Chief Executive Officer be requested to expedite the coastal management program.

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note the importance of this issue to a large number of members of our community.
2. Note the complexity of issues regarding Lake Cathie from a legislative and environmental sense.
3. Request the Chief Executive Officer provide a briefing to Councillors on the relevant considerations such that this issue can be debated at the February 2022 Ordinary Council Meeting.

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson

That Council:

1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.
2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.
3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.
4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.
5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.
6. Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.
7. Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.
8. Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.
9. That the Chief Executive Officer be requested to expedite the coastal management program.

CARRIED: 7/2

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards and Sheppard

06.01 CREATION OF OFFICE OF DEPUTY MAYOR

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be the Mayoral term.

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3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office Deputy Mayor to be one (1) year.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson/Griffiths

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be the Mayoral term.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 8/1

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

AGAINST: Edwards

The Chief Executive Officer, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Rachel Sheppard, nominated by two Councillors and accepted by Councillor Sheppard.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Adam Roberts, nominated by two Councillors and accepted by Councillor Roberts.

The Returning Officer then called for a show of hands in favour of Councillor Sheppard for Deputy Mayor.

The Returning Officer then called for a show of hands in favour of Councillor Roberts for Deputy Mayor.

The Returning Officer declared Councillor Adam Roberts elected to the Office of Deputy Mayor for the Mayoral period as resolved by Council.

The Chief Executive Officer congratulated Councillor Adam Roberts on his election to the Office of Deputy Mayor.

Deputy Mayor, Councillor Adam Roberts, thanked the Council for his election as Deputy Mayor.

06.02 FEBRUARY 2022 ORDINARY COUNCIL MEETING DATE

RESOLVED: Roberts/Intemann

That Council:

1. Conducts the February 2022 Ordinary Council meeting at 5.30pm on Wednesday 16 February 2022.
2. Determine the times and dates of the remainder of Ordinary Council meetings for 2022 at the February 2022 Ordinary Council meeting.

CARRIED: 9/0

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

AGAINST: Nil

06.03 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

RESOLVED: Pinson/Griffiths

That Council:

1. Note the Special Conference to be held between 28 February 2022 and 2 March 2022, and those Councillors wishing to attend to advise the Chief Executive Officer.
2. Determine that the voting delegates be the first four (4) Councillors to report to the Chief Executive Officer of their intent to attend the Special Conference to be held between 28 February 2022 and 2 March 2022.
3. Note that the Chief Executive Officer and Mayor will also attend the Conference.

CARRIED: 9/0

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

AGAINST: Nil

06.04 COUNTBACK ELECTION

RESOLVED: Intemann/Griffiths

That Council make the following declaration:

Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Port Macquarie-Hastings Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

CARRIED: 9/0

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

AGAINST: Nil

09.01 NOTICE OF MOTION - ORBITAL ROAD

MOTION

MOVED: Roberts/Pinson

That Council:

1. Discontinue any investigations, planning, and funding for new roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs and land owners within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Defer debate of this agenda item until the first ordinary meeting of Council, after Councillors have received appropriate briefing.
2. Note the importance of this matter to the residents and businesses effected by the Orbital Road corridor.
3. Note the complexity of this matter in terms of likely significant strategic and financial implications for Council discontinuing investigations of the noted Orbital Road corridor.
4. Request the Chief Executive Officer provide a briefing for Councillors as to the relevant considerations, including strategic and financial implications for Council.
5. Request the Chief Executive Officer provide the briefing in point 3 within a time frame to facilitate debate in the February open Council meeting.

LOST: 4/5

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

THE AMENDMENT WAS PUT AND LOST

AMENDMENT

MOVED: Edwards/Sheppard

1. Discontinue any investigations, planning, and funding for new major roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs, land owners and biodiversity values within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

LOST: 4/5

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

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. Discontinue any investigations, planning, and funding for new roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs and land owners within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

CARRIED: 7/1

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Sheppard

ABSTAIN: Edwards

CONFIDENTIAL SESSION

RESOLVED: Roberts/Griffiths

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 Confidential Session to receive and consider the following items:
 - Item 10.01 Notice of Motion - Proposed Road Closure - Part Pacific Drive, North of Home Street, Port Macquarie

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.
 - Item 10.02 EOI-21-05 Flood Recovery Works - Civil Construction

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

CARRIED: 9/0

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

AGAINST: Nil

RESOLVED: Griffiths/Slade

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

CARRIED: 9/0

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

AGAINST: Nil

10.01 NOTICE OF MOTION - PROPOSED ROAD CLOSURE - PART PACIFIC DRIVE, NORTH OF HOME STREET, PORT MACQUARIE

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

MOTION

MOTION: Griffiths/Pinson

That Council:

1. Note the intent of Councillors to provide members of the public with clarity and transparency about what transpired regarding Council's dealings with Pacific Drive matter in question.
2. Authorises immediately the disclosure of all information relied upon by Councillors, including the report and minutes, with respect to the discussion at, or business of, Item 15.02 of the Ordinary Meeting of Council held 15 March 2017 concerning the subject of "Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie."
3. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

AMENDMENT

MOTION: Sheppard/Edwards

That Council:

1. Defer this agenda item for one month, until the next Ordinary Council Meeting (February 16th, 2022), until Councillors have undertaken induction and received briefing outlined in 2 below.

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2. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Griffiths/Pinson

That Council:

1. Note the intent of Councillors to provide members of the public with clarity and transparency about what transpired regarding Council's dealings with Pacific Drive matter in question.
2. Authorises immediately the disclosure of all information relied upon by Councillors, including the report and minutes, with respect to the discussion at, or business of, Item 15.02 of the Ordinary Meeting of Council held 15 March 2017 concerning the subject of "Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie."
3. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

CARRIED: 9/0

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

AGAINST: Nil

10.02 EOI-21-05 FLOOD RECOVERY WORKS - CIVIL CONSTRUCTION

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the chair, left the room and was out of sight during the Council's consideration, the time being 2:05pm.

Deputy Mayor Roberts assumed the Chair.

RESOLVED: Griffiths/Intemann

That Council:

1. In accordance with section 169(4)(a) of the Local Government (General) Regulation 2021, list the following applicants as a recognised contractor on the approved procurement list for Flood Recovery Works - Civil Construction until 31 December 2024:
 - Aitken Civil Engineering Pty Ltd,
 - Azbuild Pty. Limited,
 - Burnett Civil Pty Ltd,
 - Coffs Harbour City Council t/as Coastal Works,
 - Ditchfield Contracting Pty. Limited,

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- D.S.A. Contracting Pty Ltd,
 - Durack Civil Pty Ltd,
 - Earthtec Pty Ltd,
 - Eire Constructions Pty Ltd,
 - Engineering and Civil Contractors Pty Ltd,
 - Fortade Group Pty Ltd,
 - GC Civil Contracting Pty Ltd,
 - Gleeson Civil Engineering Pty Ltd,
 - GPM Marine Constructions Pty Ltd,
 - Keegan Civil Pty Ltd,
 - Local Land Services t/as Soil Conservation Service,
 - Magnum Haulage & Excavations Pty Ltd,
 - Pan Civil Pty Ltd,
 - Piling & Concreting Australia (PCA) Pty Ltd,
 - P.J. Warner Australia Pty Limited t/as Warner Company,
 - RIX Asset Maintenance Pty Limited,
 - Stabilcorp Pty Ltd,
 - Symal Infrastructure Pty Ltd, and
 - XXXDirtworx Pty Limited t/as M.C Dirtworx.
2. Maintain the confidentiality of the documents and consideration in respect of Expression of Interest EOI-21-15.

CARRIED: 8/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting and assumed the Chair, the time being 2:10pm.

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

The meeting closed at 2:14pm.

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Peta Pinson
Mayor