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## **PRESENT**

### **Members:**

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

### **Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Acting Director Business and Performance (Ashley Grummitt)  
Director Community, Planning and Environment (Melissa Watkins)  
Acting Director Community Infrastructure (Glenn Lacey)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Executive Manager Strategy (Duncan Coulton)  
Governance and Legal Officer (Kirsty Callander)  
Governance Officer (Vicki Garde)

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The meeting opened at 10:00am.

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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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Justin Pagotto from Grace Church delivered the Local Government Prayer.

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#### **04 APOLOGIES**

Nil.

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

*RESOLVED: Roberts/Maltman*

That the Minutes of the Ordinary Council Meeting held on 17 March 2022 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 14.06 - Notice of Motion - Lake Cathie Management, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 14.07 - 2021 Illaroo Road Community Values Survey Results, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.07 Rescission Motion - Notice of Motion - Road Network - the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.08 Rescission Motion - Notice of Motion - Draft Infrastructure Strategy - the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.09 Rescission Motion - Notice of Motion - Draft Regional Integrated Transport Strategy, the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

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Councillor Edwards declared a Pecuniary, Significant Interest in Item 12.04 Policy Review - Management of Public Spaces, the reason being that Councillor Edwards holds a mobile vendors licence which is addressed within this policy.

Councillor Intemann declared a Non-Pecuniary, Less than Significant Interest in Item 12.01 2021-2022 Round 2 Community Grant Program for Endorsement, the reason being a member of a group recommended for receiving a grant, and I occasionally serve as their Returning Office for Annual General Meetings.

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**07.01 MAYORAL MINUTE - ERROR! NO DOCUMENT VARIABLE SUPPLIED.**

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*RESOLVED: Pinson*

That Council, on behalf of the local community, extend its congratulations to local musician, Angus Gill, on winning his first Golden Guitar Award for the Bush Ballad of the Year at the 2022 Golden Guitar Awards.

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

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Roberts/Griffiths*

That Council determine that the attachments to Items Number 12.01, 13.03 and 14.11 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

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## **09 PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Steven Gates - Flooding to Wauchope Businesses
2. Steven Gates - Road Repairs and Tree Remedial Prioritisation

*RESOLVED: Roberts/Lipovac*

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **09.01 FLOODING TO WAUCHOPE BUSINESSES**

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Mr Steven Gates addressed Council in relation to Flooding to Wauchope Businesses and answered questions from Councillors.

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### **09.02 ROAD REPAIRS AND TREE REMEDIAL PRIORITISATION**

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Mr Steven Gates addressed Council in relation to Road Repairs and Tree Remedial Prioritisation and answered questions from Councillors.

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## **10 PUBLIC FORUM – MATTERS ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

Item 12.06 Notice of Motion - Affordable Housing - Caleb Rose in support of the recommendation.

Item 14.02 - Planning Proposal - 2021 Administrative Review of the Port Macquarie-Hastings Local Environmental Plan 2011 - Peter Hore in support of the recommendation.

Item 14.03 - Le Clos Planning Proposal - Maurice Driscoll in opposition to the recommendation.

Item 14.03 - Le Clos Planning Proposal - Graham Burns in opposition to the recommendation.

Item 14.06 - Lake Cathie Natural Resource Management - Monthly Update Report - Kate Aston in opposition to the recommendation.

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*RESOLVED: Roberts/Slade*

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

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

Item 12.06 Notice of Motion - Affordable Housing - Caleb Rose addressed Council in support of the recommendation and answered questions from Councillors.

Item 14.02 - Planning Proposal - 2021 Administrative Review of the Port Macquarie-Hastings Local Environmental Plan 2011 - Peter Hore addressed Council in support of the recommendation and answered questions from Councillors.

Item 14.03 - Le Clos Planning Proposal - Maurice Driscoll addressed Council in opposition to the recommendation and answered questions from Councillors.

Item 14.03 - Le Clos Planning Proposal - Graham Burns addressed Council in opposition to the recommendation and answered questions from Councillors.

Item 14.06 - Lake Cathie Natural Resource Management - Monthly Update Report - Kate Aston addressed Council in opposition to the recommendation and answered questions from Councillors.

Councillor Slade left the meeting, the time being 11:27am.

Councillor Slade returned to the meeting, the time being 11:29am.

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts /Griffiths*

That Standing Orders be suspended to allow Items 12.06, 14.02, 14.03, 14.06, 11.01, 11.02, 11.05, 11.06, 11.07, 11.09, 11.10, 11.11, 12.01, 12.04, 12.05, 12.07, 12.08, 12.09, 13.01, 13.02, 13.03, 14.01, 14.04, 14.05, 14.07 and 14.11 to be brought forward and considered next.

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

Councillor Sheppard left the meeting, the time being 11:31am.

Councillor Sheppard returned to the meeting, the time being 11:34am.

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## **12.06 NOTICE OF MOTION - AFFORDABLE HOUSING**

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### **MOTION:**

*MOVED: Lipovac/Griffiths*

That Council:

1. Request the Chief Executive Officer provide advice to Council on affordable housing in the Port Macquarie-Hastings Local Government Area.
2. Receive a report at the July 2022 Ordinary Meeting of Council on affordable housing.

### **AMENDMENT:**

*MOVED: Roberts/Slade*

That Council:

1. Acknowledge that Affordable Housing is a significant National issue.
2. Note that Council has placed Affordable Housing and Housing Affordability on the list of priority issues to address through the Port Macquarie Hastings Blueprint.

*CARRIED: 5/4*

*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

**THE AMENDMENT WAS PUT AND CARRIED.**

**THE AMENDMENT THEN BECAME THE MOTION.**

### **PROCEDURAL MOTION:**

*RESOLVED: Roberts*

That the motion be put.

*CARRIED: 9/0*

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

*AGAINST: Nil*

**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**

### **MOTION**

*RESOLVED: Roberts/Slade*

That Council:

1. Acknowledge that Affordable Housing is a significant National issue.
2. Note that Council has placed Affordable Housing and Housing Affordability on the list of priority issues to address through the Port Macquarie Hastings Blueprint.

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*CARRIED: 5/4*

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

### **PROCEDURAL MOTION**

*RESOLVED: Pinson/Roberts*

That the Council meeting be adjourned.

*CARRIED: 9/0*

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

The meeting adjourned at 12:07pm.

The meeting resumed at 12:19pm.

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### **SUSPENSION OF STANDING ORDERS**

*RESOLVED: Roberts/Maltman*

That Standing Orders be suspended to allow Item 11.11 to be brought forward and considered next.

*CARRIED: 8/1*

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

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### **11.11 PORT MACQUARIE HASTINGS BLUEPRINT**

#### **MOTION:**

*MOVED: Roberts/Griffiths*

That Council:

1. Adopt the Action Plan to develop a Blueprint as included in Attachment 1.
2. Specify a shortened tender period of 14 days from the date the invitation to tender is released in accordance with clause 171(1) of the Local Government (General) Regulation 2021 for the purpose of expediting the development of the Blueprint.
3. Request Chief Executive Officer to present a report to a future meeting of Council on completion of the procurement evaluation process, for Council's consideration of T-22-23 Port Macquarie- Hastings Blueprint 2022 and acceptance of the recommended proposal.
4. Note the expected estimated total cost (\$150,000 - \$250,000) of T-22-23 Port Macquarie- Hastings Blueprint 2022 and approve the overall budget as described in the included financial summary.

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**AMENDMENT:**

*MOVED: Sheppard/Intemann*

That Council

1. Note the potential utility of the infrastructure mapping component proposed in Councillor Roberts' tabled Blueprint talk notes, and request that Council give consideration to including such visual aids in the final Infrastructure Strategy and Regional Integrated Transport Strategy.
2. Note the considerable body of Strategic Work that has been undertaken by Council over the past several years. Further, note that this strategic work includes ensuring council's strategic documents are;
  - a) internally aligned;
  - b) clearly grounded in community values and priorities;
  - c) able to appropriately guide delivery of services and infrastructure, and additionally that
  - d) the strategies link to funding mechanisms through alignment with the higher level regional and state strategies and priorities.
3. Note the unexpected and unbudgeted escalation of costs of delivering the Blueprint, as described in the Report, including the potential that delivery of a Blueprint document could plausibly surpass \$250,000 in costs.
4. Note that progress on critical strategies (Infrastructure Strategy, Regional Integrated Transport Strategy) is being substantially delayed to facilitate delivery of the Blueprint.
5. Note:
  - a) the continued lack of clarity and inconsistent information about what the Blueprint is proposed to be or achieve;
  - b) that Councillors have not yet been provided with the 'scope' or 'brief' that will be used to invite tenders as per the 'Action Plan';
  - c) the limited information contained within the 'Action Plan' in the attachments;
  - d) the process through which the 'Action Plan' was developed;
6. Noting clauses 3, 4 and 5, defer progress on the Blueprint until February 2023 pending review.

A Point of Order was raised by the chairperson who insisted that point 5(d) be removed. The point of order was upheld.

**PROCEDURAL MOTION:**

*MOVED: Sheppard/Intemann*

A Motion of Dissent was moved on the Chairperson's ruling to remove item 5(d) from the amendment

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

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

The mover of the amendment amended 5(d) which was accepted by the chairperson.



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**PROCEDURAL MOTION:**

*RESOLVED: Roberts*

That the amendment be put.

*CARRIED: 5/4*

*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

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

**PROCEDURAL MOTION:**

*MOVED: Roberts/Slade*

That Council adjourn the meeting

*CARRIED: 8/1*

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

*AGAINST: Intemann*

The meeting adjourned at 1:21pm

The meeting resumed at 1:54pm

**AMENDMENT:**

*MOVED: Sheppard/Edwards*

That Council defer this matter until after such time that Councillors have been provided with the Brief to be used in the tendering process for the Blueprint work.

**THE AMENDMENT WAS PUT AND LOST**

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

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

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Griffiths*

That Council:

1. Adopt the Action Plan to develop a Blueprint as included in Attachment 1.
  2. Specify a shortened tender period of 14 days from the date the invitation to tender is released in accordance with clause 171(1) of the Local Government (General) Regulation 2021 for the purpose of expediting the development of the Blueprint.
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3. Request Chief Executive Officer to present a report to a future meeting of Council on completion of the procurement evaluation process, for Council's consideration of T-22-23 Port Macquarie- Hastings Blueprint 2022 and acceptance of the recommended proposal.
  4. Note the expected estimated total cost (\$150,000 - \$250,000) of T-22-23 Port Macquarie- Hastings Blueprint 2022 and approve the overall budget as described in the included financial summary.

*CARRIED: 5/4*

*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

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### **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts/Maltman*

That Standing Orders be suspended to allow Item 14.06 to be brought forward and considered next.

*CARRIED: 8/1*

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

*AGAINST: Intemann*

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### **14.06 LAKE CATHIE NATURAL RESOURCE MANAGEMENT - MONTHLY UPDATE REPORT**

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

*RESOLVED: Griffiths/Sheppard*

That Council:

1. Note the update report on Lake Cathie / Lake Innes / Cathie Creek waterway natural resource management projects/initiatives.
2. Note the progress on development of the Coastal Management Program to manage the Lake Cathie / Lake Innes / Cathie Creek waterway.
3. Delay presentation to Council of a further revision of the Lake Cathie Entrance Management Strategy Flow Chart and educational material until the Lake is closed, at which time any results and findings of current studies can be included in determining the future strategy direction.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Roberts/Griffiths*

That Council:

1. Take the necessary steps under sections 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 61) in accordance with the exhibited Planning Proposal in Attachment 1.
2. Delegate authority to the Director Community, Planning and Environment to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
3. Notify all persons who lodged submissions of the meeting outcome.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **14.03 LE CLOS PLANNING PROPOSAL**

**OWNER: LCS ESTATES PTY LTD**

**APPLICANT: LAND DYNAMICS AUSTRALIA**

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#### **MOTION**

*MOVED: Pinson/Roberts*

That Council:

1. Acknowledge the current Housing Crisis identified by both the Federal and State Governments.
2. Write to the Department of Planning and Environment (DPE) to request an extension of time of up to six (6) months be granted for the Le Clos Planning Proposal due to a number of identified issues which require further time to resolve, as outlined in the report.
3. Request the Chief Executive Officer to write to The Hon Anthony Roberts, the Minister for Planning and the Minister for Homes informing Minister Roberts of the impediments faced by Council which create obstacles, and cause delays and additional cost to the delivery of housing in the Port Macquarie-Hastings Local Government Area.

#### **AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Note the submissions received in relation to public exhibition of the 'Le Clos Sancrox' Planning Proposal.
2. Note the timeframe for completing the Planning Proposal is to be 12 months following the date of the Gateway determination, which was made on 13 May 2021.
3. Not proceed with the 'Le Clos Sancrox' Planning Proposal due to incomplete draft infrastructure contributions and costings required to ensure proposed

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- infrastructure and public benefit of the Planning Proposal are made available to the public.
4. Request the Minister to determine that the matter not proceed pursuant to section 3.35 of the Environmental Planning and Assessment Act 1979 due to incomplete draft infrastructure contributions and costings required to ensure proposed infrastructure and public benefit of the Planning Proposal are made available to the public.
  5. Note the detailed investigations undertaken to date and the merits of the proposal however acknowledges the critical importance of resolving infrastructure issues before land is rezoned to a higher use.

**THE AMENDMENT WAS PUT AND LOST**

*LOST: 4/5*

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

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Pinson/Roberts*

That Council:

1. Acknowledge the current Housing Crisis identified by both the Federal and State Governments.
2. Write to the Department of Planning and Environment (DPE) to request an extension of time of up to six (6) months be granted for the Le Clos Planning Proposal due to a number of identified issues which require further time to resolve, as outlined in the report.
3. Request the Chief Executive Officer to write to The Hon Anthony Roberts, the Minister for Planning and the Minister for Homes informing Minister Roberts of the impediments faced by Council which create obstacles, and cause delays and additional cost to the delivery of housing in the Port Macquarie-Hastings Local Government Area.

*CARRIED: 5/4*

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

Councillor Lipovac left the meeting, the time being 02:23pm.

Councillor Lipovac returned to the meeting, the time being 02:25pm.

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## **11.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Intemann / Roberts*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **11.02 DISCLOSURE OF INTEREST RETURNS - COUNCILLORS**

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*RESOLVED: Intemann / Griffiths*

That Council note the Disclosure of Interest returns for the following Councillors:

- Mayor Peta Pinson
- Councillor Lauren Edwards
- Councillor Sharon Griffiths
- Councillor Lisa Intemann
- Councillor Nik Lipovac
- Councillor Danielle Maltman
- Deputy Mayor Adam Roberts
- Councillor Rachel Sheppard
- Councillor Josh Slade

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **11.05 CODE OF MEETING PRACTICE**

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### **MOTION:**

*MOVED: Roberts/Edwards*

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

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## **AMENDMENT**

*MOVED: Lipovac/Sheppard*

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.
4. Exhibit the Draft Code of Meeting Practice including Clauses 10.22 and 10.23 indicating a time limit of five (5) minutes rather than the three (3) minutes currently in the Draft Code.

## **THE AMENDMENT WAS PUT AND LOST**

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

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

## **THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Edwards*

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

*CARRIED: 8/1*

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

*AGAINST: Lipovac*

Councillor Slade left the meeting, the time being 03:02pm.

Councillor Slade returned to the meeting, the time being 03:04pm.

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## **11.06 MONTHLY BUDGET REVIEW - MARCH 2022**

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*RESOLVED: Intemann/Lipovac*

That Council:

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Sheppard left the meeting, the time being 03:14pm.

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

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## **11.07 INVESTMENTS - MARCH 2022**

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### **MOTION:**

*MOVED: Intemann/Roberts*

That Council note the Investment Report for the month of March 2022.

### **AMENDMENT:**

*MOVED: Sheppard/Griffiths*

That Council:

1. Note the Investment Report for the month of March 2022
2. Noting the currently complex and highly dynamic nature of investment markets, request that Imperium Markets provide a Councillor Briefing to better understand the recommended approach to Council's investments in the current environment.

### **AMENDMENT WAS PUT AND CARRIED.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

### **THE AMENDMENT BECAME THE MOTION**

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*RESOLVED: Sheppard/Griffiths*

That Council:

1. Note the Investment Report for the month of March 2022
2. Noting the currently complex and highly dynamic nature of investment markets, request that Imperium Markets provide a Councillor Briefing to better understand the recommended approach to Council's investments in the current environment.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **11.09 POLICY REVIEW - VOLUNTEER POLICY**

*RESOLVED: Intemann/Sheppard*

That Council:

1. Place the draft Volunteer Policy on public exhibition, for a period of not less than 28 days,
2. Note that a further report will be tabled at the July 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **11.10 POLICY REVIEW - MEDIA RELATIONS POLICY**

*RESOLVED: Roberts/Maltman*

That Council:

1. Adopt the draft Media Relations Policy for the purpose of public exhibition for a period of not less than 28 days.
2. Note that a further report will be tabled at the July 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*



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**12.01 2021-2022 ROUND 2 COMMUNITY GRANT PROGRAM FOR  
ENDORSEMENT**

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

*RESOLVED: Griffiths/Roberts*

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2021-2022 Round 2, for the total amount of \$30,029 according to the following:

<i>Organisation Name</i>	<i>Project</i>	<i>Funding</i>
Community Builders		
Port Macquarie Kart Racing Club	Hastings Road Safety Expo	\$5,000
	Sub-total	\$5,000
Community Celebrations		
Wauchope Chamber of Commerce	Christmas Celebrations	\$4,700
Liberty Domestic & Family Violence Specialist Services	Coastal Walk against Domestic & Family Violence	\$4,750
	Sub-total	\$9,450
Cultural Activities		
Hastings Fine Art Association	Hastings Valley Open Art Prize	\$1,000
Wauchope Community Art Council	Arts from the Heart of Wauchope	\$5,000
	Sub-total	\$6,000
Youth Projects		
Port Macquarie Squash Inc.	Junior Squash Competition	\$5,000
Hastings Neighbourhood Services	Cathie Youth Hub	\$4,759
	Sub-total	\$9,579
2021-2022 Round 1 Community Grants Distribution Total		\$30,029

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **12.04 POLICY REVIEW - MANAGEMENT OF PUBLIC SPACES**

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Councillor Edwards declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration.

### **MOTION**

*RESOLVED: Sheppard/Slade*

That Council:

1. Adopt the draft Management of Public Spaces Policy which would replace nine policies for the purpose of public exhibition and publically exhibit the draft policy for a period of not less than 28 days.
2. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.05 DUNBOGAN BEACH RECREATIONAL ENHANCEMENT OPTIONS**

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### **MOTION**

*RESOLVED: Pinson/Roberts*

That Council:

1. Undertake community engagement with nearby residents of Dunbogan Beach, Dunbogan community, key stakeholders, Bunyah LALC, local environmental groups and Crown Land to survey the desire for Council to enhance the access to the beach and provide amenities and formalised carparking.
2. Provide a report back to Council at the July 2022 Ordinary Council meeting for further consideration.

*CARRIED: 7/2*

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

*AGAINST: Griffiths and Intemann*

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## **12.07 RESCISSION MOTION - NOTICE OF MOTION - ROAD NETWORK**

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

### **MOTION:**

*MOVED: Sheppard / Lipovac*

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, Lake Road, Boundary Street and the Education Precinct surrounding CSU and St Columba Anglican College.
4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.
5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Governments.
6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.
7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
9. Note that Council considers road network planning, corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

be rescinded.

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**THE MOTION WAS PUT AND LOST**

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

**PROCEDURAL MOTION**

MOVED: Sheppard/Edwards

That a motion of Dissent be moved against the ruling of the chairperson and the rejecting of a request to table documents.

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

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

**THE MOTION WAS PUT AND LOST**

Councillor Maltman left the meeting, the time being 03:37pm.

Councillor Maltman returned to the meeting, the time being 03:40pm.

Councillor Intemann left the meeting, the time being 03:38pm.

Councillor Intemann returned to the meeting, the time being 03:39pm. Councillor

Councillor Griffiths left the meeting and did not return, the time being 03:57pm.

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**12.08 RESCISSION MOTION - NOTICE OF MOTION - DRAFT  
INFRASTRUCTURE STRATEGY**

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

**MOTION:**

MOVED: Sheppard/Edwards

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

1. Note the progress of the development of the draft Infrastructure Strategy as outlined at the Councillor Briefing in February 2022.
2. Note the importance of ensuring that the draft Infrastructure Strategy aligns with the future Port Macquarie-Hastings Blueprint should it be adopted.
3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Infrastructure Strategy prior to it being finalised for further consideration by Council for public exhibition.

be rescinded.

LOST: 4/4

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*FOR: Edwards, Intemann, Lipovac and Sheppard*  
*AGAINST: Maltman, Pinson, Roberts and Slade*  
*Mayor Casting Vote (against)*

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## **12.09 RESCISSION MOTION - NOTICE OF MOTION - DRAFT REGIONAL INTEGRATED TRANSPORT STRATEGY**

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

### **MOTION**

*MOVED: Sheppard/Edwards*

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

1. Note the progress of the development of the draft Port Macquarie - Hastings Regional Integrated Transport Strategy as outlined at the Councillor Briefing in February 2022.
2. Note the importance of ensuring that the draft Port Macquarie-Hastings Regional Integrated Transport Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.
3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Port Macquarie - Hastings Regional Integrated Transport Strategy prior to it being finalised for further consideration by Council for public exhibition.

be rescinded.

*LOST: 4/4*  
*FOR: Edwards, Intemann, Lipovac and Sheppard*  
*AGAINST: Maltman, Pinson, Roberts and Slade*  
*Mayor Casting Vote (against)*

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## **13.01 NOTICE OF MOTION - PORT MACQUARIE WORKS DEPOT**

### **MOTION**

*RESOLVED: Pinson/Roberts*

That Council request the Chief Executive Officer to provide a report to the May 2022 Ordinary Council Meeting as to the future plans for the relocation of the Port Macquarie Works Depot.

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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**13.02 2022-2032 ECONOMIC DEVELOPMENT STRATEGY**

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**MOTION**

*RESOLVED: Roberts/Maltman*

That Council:

1. Acknowledge the Economic Development of the Port Macquarie Hastings LGA is of strategic importance.
2. Not adopt the Draft Economic Development Strategy.
3. Note that Council has placed Economic Development on the list of priority issues to address through the Port Macquarie Hastings Blueprint.
4. Advise people and organisations who provided input and feedback through the community engagement on the 2022-2032 Economic Development Strategy of Council's determination in this matter and thank them for their input

*CARRIED: 4/4*

*FOR: Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard  
Mayor Casting Vote (for)*

**PROCEDURAL MOTION**

*MOVED: Sheppard/Edwards*

That the Council meeting be adjourned for 5 minutes.

*LOST: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade  
Mayor Casting Vote (against)*

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**13.03 MAJOR EVENTS GRANT PROGRAM - ROUND 2, 2022**

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*RESOLVED: Roberts/Lipovac*

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Grant Program Round 2, 2022 in the total amount of \$20,000 as follows:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. Elephant Trail Race (Coastal Sports Warehouse & Coastal Track & Trail Runners)	\$5,000
2. Gardenista (Creative Comboyne)	\$5,000
3. Academy Netball Challenge (North Coast Academy of Sport)	\$2,500

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4. Rainbow Gold Enduro (Wauchope Bonny Hills Surf Lifesaving Club)	\$2,500
5. Beach Oztag (Australian Oztag)	\$2,500
6. Dropknee Sessions (Clayton Pickworth)	\$2,500
Total allocated this round	\$20,000

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Intemann left the meeting, the time being 05:04pm.

Councillor Intemann returned to the meeting, the time being 05:07pm.

Councillor Edwards left the meeting, the time being 05:08pm.

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#### **14.01 NOTICE OF MOTION - BELLBOWRIE PARK, PORT MACQUARIE**

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*RESOLVED: Pinson/Roberts*

That Council:

1. Give consideration to the establishment of a new dog park at Bellbowrie Park in conjunction with the upcoming annual review of Council's Recreation Action Plan.
2. Request the Chief Executive Officer to include the concept of establishing a dog park at Bellbowrie Park in the community engagement for the Recreation Action Plan review.

*CARRIED: 5/2*

*FOR: Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Intemann and Lipovac*

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#### **14.04 PP2017-11.1 PLANNING PROPOSAL ASSESSMENT REPORT - LOT 1 DP1161722, THE CHIMNEYS, HOMEDALE ROAD, KEW OWNER: YEVRAH SUPER PTY LTD APPLICANT: GEM PLANNING PROJECTS**

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*RESOLVED: Roberts/Slade*

That Council:

1. Not support the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone Lot 1 DP 1161722, Homedale Road, Kew from RU1 Primary Production to R1 General Residential, C2 Environment Conservation and C3 Environmental Management, for the following reasons:
  - a) The proposed development resulting from the Planning Proposal is premature from an infrastructure servicing perspective. The current Kew/Kendall Sewerage Treatment Plant currently does not have capacity for currently zoned land within the Kew / Kendall area and therefore Council cannot approve the rezoning of any further land for urban purposes that will



- 
- increase the sewerage loading to the treatment plant. A new system is only in the design phase and remains several years from completion.
- b) The request proposes development of land which, if supported, would be inconsistent with Objectives (b), (c), (e), (f), (g) and (j) of the Environmental Planning and Assessment Act, 1979.
  - c) The Planning Proposal is inconsistent with State Environmental Planning Policies for SEPP (Biodiversity and Conservation) 2021 - Chapter 3 Koala Habitat Protection, SEPP (Resilience and Hazards) 2021 - Chapter 2 Coastal Management and SEPP (Transport and Infrastructure) 2021.
  - d) The Planning Proposal is inconsistent with the following Environmental Planning and Assessment Act, 1979 Section 9.1 Ministerial Directions:
    - I. Direction 3.1 Conservation Zones
    - II. Direction 3.2 Heritage Conservation
    - III. Direction 4.2 Coastal Management
    - IV. Direction 4.3 Planning for Bushfire Protection
    - V. Direction 5.1 Integrating Land Use and Transport
    - VI. Direction 6.1 Residential Zones
    - VII. Direction 9.2 Rural Lands.
  - e) The proposed amendments requested to the Port Macquarie-Hastings Local Environmental Plan 2011 through the Planning Proposal do not demonstrate strategic and site specific merit under the Assessment Criteria in the NSW Department of Planning & Environment's Local Environmental Plan Making Guideline (December 2021).
  - f) Under Section 3.6 b) of Council's Planning Proposal Policy (2019) the Planning Proposal does not promote the orderly and efficient provision of essential services, notably sewer and road infrastructure, and involves the development of areas of high environmental value.
  - g) The Planning Proposal is inconsistent with the Biodiversity Conservation Act 2016 in that the biodiversity values of the site have not been sufficiently assessed and the physical constraints of the site avoided.
  - h) The Planning Proposal has not adequately assessed and demonstrated avoidance of the high environmental values on the site, as it does not:
    - I. Provide the required buffers to the three (3) Endangered Ecological Communities, as required by Council's Development Control Plan 2013,
    - II. Proposes the removal of four (4) Hollow Bearing Trees (HBT), which, due to the score these have achieved under Council's HBT Assessment Protocol, require retention and exclusion from development under DCP 2013,
    - III. Undertake an assessment of potential Koala presence in accordance with SEPP (Biodiversity and Conservation) 2021.
  - i) The proposed development does not incorporate community facilities, contrary to Council's Development Control Plan 2013, which requires a neighbourhood park to be located within a 500m walkable catchment.
  - j) The Planning Proposal has not interpreted the Port Macquarie-Hastings Local Environmental Plan 2011 Schedule 5 Environmental heritage item I161 (Chimneys - remains of mill workers' cottages) formerly located on the site, contrary to Condition 6 of DA No 2018/215, which required any future rezoning of the site to interpret the heritage item within a public reserve.
  - k) Secondary road access arrangements are not adequately addressed for the Planning Proposal in accordance with the requirements of the NSW Government's Planning for Bushfire Protection (PBP) 2019 and Council
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policy. As required by Section 4.2.1 of PBP 2019, the increasing density of development and traffic movements on Homedale Road should be considered in the context of emergency access, egress and evacuation for any future development proposed on the site.

- l) Pedestrian accessibility and connectivity of the site to the Kew village and public transport is not adequately addressed by the Planning Proposal. In the event of future secondary road access is provided from the land to Kendall Road (to the north-west) and Nancy Bird Walton Drive (to the east), footpaths will be required to meet the NSW Government requirements for Traffic Generating Development, which would allow easy pedestrian access to bus stops and into Kew.
2. For the reasons outlined in 1 above, not refer the Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979.
3. Acknowledge that the subject land is located within the Urban Growth Area boundary of the North Coast Regional Plan 2036 and Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036, and invite the Proponent to submit a new Planning Proposal application, which addresses the matters raised within this report, at a time when Council has entered into a construction contract for the Kew/ Kendall Sewage Treatment Plant upgrade.
4. Notify the Proponent of its decision in the matter.
5. Notify the NSW Department of Planning & Environment of its decision in the matter.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **14.05 PORT MACQUARIE AQUATIC FACILITY**

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*RESOLVED: Roberts/Maltman*

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility report.
2. Endorse the revised design options A, B, C, D to progress to development of a Business Case Report.
3. Request to Chief Executive Officer (CEO) present the Business Case report to the June 2022 Ordinary Council meeting outlining the Capital and Operational impacts / Financial implications for Council.

*CARRIED: 6/1*

*FOR: Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Intemann*

Councillor Edwards returned to the meeting, the time being 5:10pm

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#### **14.07 2021 ILLAROO ROAD COMMUNITY VALUES SURVEY RESULTS**

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

*RESOLVED: Maltman/Roberts*

That Council note the results of the Illaroo Road Community Values Survey as outlined in the report.

*CARRIED: 7/1*

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

*AGAINST: Intemann*

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#### **14.11 TACKING POINT SURF LIFE SAVING CLUB EXTERNAL SEWER UPGRADE WORKS**

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*RESOLVED: Roberts/Intemann*

That Council:

1. Note the request from the Tacking Point Surf Life Saving Club to consider a contribution toward the expansion of the Club House in Matthew Flinders Drive, Port Macquarie.
2. Request the Chief Executive Officer confirm with the Tacking Point Surf Life Saving Club that a contribution toward the new private sewage pumping station to the value of \$52,525 will be made upon completion of the project should the project continue.
3. Include a budget line item to the value of \$52,525 in the 2021-2022 Operational Plan "Tacking Point Surf Life Saving Club SPS" funded from the sewer reserve.

*CARRIED: 6/2*

*FOR: Edwards, Lipovac, Maltman, Pinson, Roberts and Slade*

*AGAINST: Intemann and Sheppard*

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#### **15 ITEMS TO BE DEALT WITH BY EXCEPTION**

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*RESOLVED: Roberts/Slade*

That Items 11.03, 11.04, 11.08, 12.02, 12.03, 14.08, 14.09 and 14.10 be considered as a block resolution.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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*RESOLVED: Roberts/Slade*

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

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

Item 11.01 Status of Reports from Council Resolutions has been addressed previously within the meeting.

Item 11.02 Disclosure of Interest Returns - Councillors has been addressed previously within the meeting.

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**11.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 MARCH TO 6 APRIL 2022**

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*BLOCK RESOLVED: Roberts/Slade*

That Council note the Mayoral Discretionary Fund allocation for the period 3 March to 6 April 2022 inclusive.

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**11.04 POLICY REVIEW - MAYORAL DISCRETIONARY FUND POLICY - FOLLOWING EXHIBITION**

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*BLOCK RESOLVED: Roberts/Slade*

That Council adopt the Mayoral Discretionary Fund Policy.

Item 11.05 Code of Meeting Practice has been addressed previously within the meeting.

Item 11.06 Monthly Budget Review - April 2022 has been addressed previously within the meeting.

Item 11.07 Investments - April 2022 has been addressed previously within the meeting.

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## **11.08 POLICY REVIEW - CONTROL OF BURNING - POST PUBLIC EXHIBITION**

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*BLOCK RESOLVED: Roberts/Slade*

That Council adopt the Draft Control of Burning Policy.

Item 11.09 Policy Review - Volunteer Policy has been addressed previously within the meeting.

Item 11.10 Policy Review - Media Relations Policy has been addressed previously within the meeting.

Item 11.11 Port Macquarie Hastings BLUEPRINT has been addressed previously within the meeting.

Item 12.01 2021-2022 Round 2 Community Grant Program for Endorsement has been addressed previously within the meeting.

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## **12.02 RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND COMMITTEE - MARCH 2022**

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*BLOCK RESOLVED: Roberts/Slade*

That Council award the following scholarships under the Mayor's Sporting Fund:

- \$350 to Trelise Kirkby to support her attendance at the 2022 Australian Junior Basketball Championships in Ballarat from 10-17 April 2022.
- \$750 to Maddison Drewitt to support her attendance at the 2022 Australian National Hockey Championships in Cairns from 6-14 April 2022.
- \$500 to Lacey Costigan to support her attendance at the 2022 National Netball Championships in Hobart from 17-22 April 2022.
- \$350 to Tobias Toohey to support his attendance at the 2022 National Hockey Championships in Newcastle from 7-13 April 2022.
- \$350 to Hadyn Johnson to support his attendance at the 2022 Australian Youth Beach Volleyball Championships in Coolangatta from 28-31 March 2022.

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## **12.03 DRAFT COMMUNITY INCLUSION PLAN**

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*BLOCK RESOLVED: Roberts/Slade*

That Council:

1. Place the draft Community Inclusion Plan on exhibition for a period of not less than 28 days.

- 
2. Note that a further report will be tabled at the June 2022 Ordinary Council Meeting detailing the submissions received from the public during the exhibition period.

Item 12.04 Policy Review - Management of Public Spaces has been addressed previously within the meeting.

Item 12.05 Dunbogan Beach Recreational Enhancement Options has been addressed previously within the meeting.

Item 12.06 Notice of Motion - Affordable Housing has been addressed previously within the meeting.

Item 12.07 Rescission Motion - Notice of Motion - Road Network has been addressed previously within the meeting.

Item 12.08 Rescission Motion - Notice of Motion - Draft Infrastructure Strategy has been addressed previously within the meeting.

Item 12.09 Rescission Motion - Notice of Motion - Draft Regional Integrated Transport Strategy has been addressed previously within the meeting.

Item 13.01 Notice of Motion - Port Macquarie Works Depot has been addressed previously within the meeting.

Item 13.02 2022-2032 Economic Development Strategy has been addressed previously within the meeting.

Item 13.03 Major Events Grant Program - Round 2, 2022 has been addressed previously within the meeting.

Item 14.01 Notice of Motion - Bellbowrie Park, Port Macquarie has been addressed previously within the meeting.

Item 14.02 Planning Proposal - 2021 Administrative Review Of The Port Macquarie-Hastings Local Environmental Plan 2011 has been addressed previously within the meeting.

Item 14.03 Le Clos Planning Proposal, Owner: LCS Estates Pty Ltd, Applicant: Land Dynamics Australia has been addressed previously within the meeting.

Item 14.04 PP2017-11.1 Planning Proposal Assessment Report - Lot 1 DP1161722, The Chimneys, Homedale Road, Kew, Owner: Yevrah Super Pty Ltd, Applicant: Gem Planning Projects has been addressed previously within the meeting.

Item 14.05 Port Macquarie Aquatic Facility has been addressed previously within the meeting.

Item 14.06 Lake Cathie Natural Resource Management - Monthly Update Report has been addressed previously within the meeting.

Item 14.07 2021 Illaroo Road Community Values Survey Results has been addressed previously within the meeting.

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**14.08 PIPES AND FITTINGS PROCUREMENT EXEMPTION REPORT - OCEAN DRIVE DUPLICATION - ENABLING WORKS - TRANSIT HILL WATER TRUNKMAIN CUT IN**

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*BLOCK RESOLVED: Roberts/Slade*

That Council:

1. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders as it considers that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive tenderers for the reason of Council's specific specification requirements as outlined in this report.
2. Accept the quote provided by Reece Australia Pty Ltd t/a Viadux for up to \$385,035.46 (incl. GST) for the supply and delivery of necessary pipes and fittings for the Ocean Drive Duplication - Enabling Works - Transit Hill Water Trunkmain Cut In.

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**14.09 T-21-13 WATER & SEWER CLIENT SIDE ENGINEERING SUPPORT SERVICES AND T-21-14 WATER & SEWER DESIGN SERVICES PANEL ARRANGEMENT POST CONTRACT AWARD UPDATE**

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*BLOCK RESOLVED: Roberts/Slade*

That Council note the information contained in this report.

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**14.10 CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL - GILLMAN WAY, THURMSTER**

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*BLOCK RESOLVED: Roberts/Slade*

That Council classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thurmster, as Operational Land.

Item 14.11 Tacking Point Surf Life Saving Club External Sewer Upgrade Works has been addressed previously within the meeting.

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**CONFIDENTIAL SESSION**

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*RESOLVED: Roberts/Slade*

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 16.01 Independent Chairperson for the Audit, Risk and Improvement Committee

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 16.02 Contract Matter

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, confer a commercial advantage on a competitor of the Council.

Item 16.03 Supply and Delivery Water Treatment Chemicals

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, confer a commercial advantage on a competitor of the Council.

Item 16.04 Chief Executive Officer's Performance Review

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**16.01 INDEPENDENT CHAIRPERSON FOR THE AUDIT, RISK  
AND IMPROVEMENT COMMITTEE**

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**MOTION**

*RESOLVED: Roberts/Sheppard*

That Council:

1. Appoint Mr Stephen Coates as the independent chairperson of the Audit, Risk and Improvement Committee for a four (4) year term.
2. Maintain the confidentiality of the documents and considerations in respect of this item.

*CARRIED: 8/0*

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

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## **16.02 CONTRACT MATTER**

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### **MOTION**

*MOVED: Roberts/Slade*

That Council:

1. Undertake a Councillor workshop on the relevant matter
2. Through the Chief Executive Officer, provide a Report to the June 2022 Council meeting regarding this matter.

### **AMENDMENT**

*MOVED: Sheppard / Intemann*

That Council:

1. Adopt the recommendation of the staff report
2. Undertake a Councillor workshop on this matter

### **PROCEDURAL MOTION**

*RESOLVED: Roberts/Maltman*

That the amendment be put.

*CARRIED: 8/0*

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

*AGAINST: Nil*

### **THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**

*LOST: 1/7*

*FOR: Sheppard*

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

### **THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Roberts/Slade*

That Council:

1. Undertake a Councillor workshop on the relevant matter
2. Through the Chief Executive Officer, provide a Report to the June 2022 Council meeting regarding this matter.

*CARRIED: 7/1*

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

*AGAINST: Sheppard*



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### **16.03 SUPPLY AND DELIVERY WATER TREATMENT CHEMICALS**

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*RESOLVED: Roberts/Lipovac*

That Council:

1. Resolve, that in accordance with s.55(3)(i) of the Local Government Act 1993, due to the extenuating circumstances being the obligations to supply water for public use that complies with the relevant standards, resolved not to call open tenders for the supply and delivery of water treatment chemicals for a period until new contractual arrangements can be put in place.
2. Maintain the confidentiality of the documents and consideration in respect this report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **16.04 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW**

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*RESOLVED: Pinson/Roberts*

That Council:

1. Endorse the Chief Executive Officer's Performance Review Committee's assessment of the Chief Executive Officer's annual performance as 'Significant Strength' across all agreed KPI's for the previous review period.
2. Agree to provide the Chief Executive Officer an additional two weeks' annual leave in lieu of any performance-based increase as per clause 8 of the CEO's contract of employment.
3. Draft a new Chief Executive Officer performance agreement as soon as possible for the new review period 2022-2023.
4. Undertake the next performance review of the Chief Executive Officer in March 2023.

*CARRIED: 7/1*

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

*AGAINST: Intemann*

*MOVED: Roberts/Maltman*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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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 6:41pm.

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Peta Pinson  
Mayor