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## **PRESENT**

### **Members:**

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

### **Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Business and Performance (Keith Hentschke)  
Director Community, Planning and Environment (Melissa Watkins)  
Director Community Infrastructure (Robert Fish)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Officer (Tania Ellis)

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The meeting opened at 3.00pm

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## **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.

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## **02 REMOTE ATTENDANCE AT MEETING**

Nil

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## **03 LOCAL GOVERNMENT PRAYER**

Reverend Samuel Grittins from the Wauchope Presbyterian Church delivered the Local Government Prayer.

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#### **04 APOLOGIES**

Nil.

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

*RESOLVED: Slade/Sheppard*

That the Minutes of the Ordinary Council Meeting held on 16 February 2023 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 13.02 Lake Cathie Natural Resource Management Monthly Update. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

Councillor Intemann declared a Non-Pecuniary, Less than significant interest in Item 11.05 Draft Policy - Community Leasing and Licensing Policy-Post Public Exhibition. The reason being that Councillor Intemann is an ordinary member of Wauchope Community Arts Council, and has been for some years acted as the Returning Officer their Annual General Meeting. Councillor Intemann intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

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#### **07 MAYORAL MINUTES**

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## **07.01 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL**

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*RESOLVED: Pinson*

That Council:

1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 1 February 2023 to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.
2. Note that Councillor Sharon Griffiths is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
3. Note that Councillor Nik Lipovac is the Council's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
4. Delegate to the Chief Executive Officer's Performance Review Panel the process of performance management, including discussions about performance, reporting and performance reviews for the period ending 1 February 2023.

It is noted that Mayor Pinson called for nominations for the Councillor to be Council's representative on the Chief Executive Officer's Performance Review Panel.

Nominations were received from Councillor Nik Lipovac and Councillor Danielle Maltman.

An open vote was conducted and Councillor Lipovac received 4 votes with Councillor Maltman receiving 3 votes.

Councillor Lipovac was confirmed as the Council representative on the Chief Executive Officer's Performance Review Panel.

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

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## **07.02 RECOGNITION OF THE LATE ALLAN GORDON**

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*RESOLVED: Pinson*

That Council note the contribution to the local business community of the late Allan Gordon.

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

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**07.03 INDEPENDENT REPORT ON THE PORT MACQUARIE SOUTHERN  
BREAKWALL BY ANGUS GORDON**

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*MOVED: Pinson*

That Council:

1. Note the independent report on the Port Macquarie Southern Breakwall by Angus Gordon which was funded by members of "Save Our Breakwall".
2. Correspondence received from Mr Angus Gordon in response to Transport for NSW statement in relation to Development Application
3. Correspondence received from Mr Mark Hutchings, Executive Director NSW Maritime.

*AMENDMENT: Sheppard/Griffiths*

To defer this item to the April 2023 Ordinary Council meeting.

*CARRIED: 5/4*

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

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

*RESOLVED: Sheppard/Griffiths*

To defer this item to the April 2023 Ordinary Council meeting.

*CARRIED: 5/4*

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

Mayor Peta Pinson tabled documents titled:

- Letter to Mayor Peta Pinson from Transport for NSW regarding the Port Macquarie Southern Breakwall
- Email Between Damian King and Angus Gordon regarding Port Macquarie Southern Breakwall

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING**

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NIL

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

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*RESOLVED: Griffiths/Roberts*

That Items 10.01, 10.02, 10.04, 10.06, 10.07, 10.08 and 13.03 be considered as a block resolution.

*CARRIED: 9/0*

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

*RESOLVED: Griffiths/Roberts*

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

*CARRIED: 9/0*

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

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### **10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 FEBRUARY TO 2 MARCH 2023**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council note the Mayoral Discretionary Fund allocations for the period 2 February to 2 March 2023 inclusive.

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

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*BLOCK RESOLVED: Griffiths/Roberts*

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

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### **10.04 MONTHLY BUDGET REVIEW - FEBRUARY 2023**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council:

1. Adopt the adjustments in the "February 2023 Adjustments" section of the Monthly Budget Review – February 2023 report and associated attachment.
2. Amend the 2022-2023 Operational Plan to include all budget adjustments approved in this report.

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#### **10.06 CLASSIFICATION OF COUNCIL LAND - MAIZE PARKWAY THURMSTER**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 70 DP 1274051 Maize Parkway Thrumster as operational land by placing on public exhibition for a minimum of 28 days with the proposed resolution, "It is intended to classify Lot 70 DP 1274051 Maize Parkway Thrumster as operational land".
2. Note that a further report will be tabled at a future Council meeting detailing any submissions received during the exhibition period.

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#### **10.07 T-21-51 SUPPLY OF URBAN AND CIVIL PIPES, FITTINGS, FIXTURES AND ASSOCIATED PRODUCTS AND SERVICES**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council:

1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services, for categories 3 - 11, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts in relation to the subject matter of the tender.
2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a superior outcome.
3. Note the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services for categories 3 - 11 following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services.

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**10.08 OVERSEAS TRAVEL APPROVAL FOR MR DANNY ROBERTS, WATER TREATMENT TECHNICAL OFFICER TO ATTEND THE 2023 OPERATORS TOUR OF NEW ZEALAND**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council approve the attendance of Mr Danny Roberts to the 2023 New Zealand Water Operations Group Annual Conference and study tour to be held during May 2023.

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**13.03 LONG TERM ENERGY STRATEGY - RENEWABLE ENERGY FEASIBILITY**

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*BLOCK RESOLVED: Griffiths/Roberts*

That Council note the report that provides an update on renewable energy projects feasibility and progress.

Item 10.01 Mayoral Discretionary Fund Allocations - 2 February to 2 March 2023, has been addressed previously within the meeting.

Item 10.02 Status of Reports From Council Resolutions, has been addressed previously within the meeting.

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**10.03 INVESTMENTS AND LOANS - FEBRUARY 2023**

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*RESOLVED: Roberts/Pinson*

That Council note the Investment and Loans Report for the month of February 2023.

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

Item 10.04 Monthly Budget Review - February, has been addressed previously within the meeting.

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## **10.05 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL**

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*RESOLVED: Lipovac/Intemann*

That Council:

1. Note the information provided relating to the Tendering Local Preference Policy.
2. Request that a report be presented to the March 2024 Council Meeting that details Council's commitment to supporting local business through their tendering and purchasing process from the previous 12 months.

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

Item 10.06 Classification of Council Land - Maize Parkway Thrumster, has been addressed previously within the meeting.

Item 10.07 T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services, has been addressed previously within the meeting.

Item 10.08 Overseas travel approval for Mr Danny Roberts, Water Treatment Technical Officer to attend the 2023 Operators Tour of New Zealand, has been addressed previously within the meeting.

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## **11.01 NOTICE OF MOTION OF ALTERATION - PORT MACQUARIE-HASTINGS SPORTING FUND MEETING DATE CHANGE REQUEST**

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*RESOLVED: Pinson/Sheppard*

That Council:

1. Adopt the updated Charter for the Port Macquarie Hastings Sporting Fund noting the change of committee name, membership and that section 5 Timetable of Meetings be amended to read "Meetings will be held monthly at a date and time as determined by the Committee except for December and January (unless required). A Meeting also may be held if required for a specific purpose."
2. Update Council's sporting fund grant and scholarship guidelines and website in accordance with the revised Charter.
3. Note the resignation of Mayor Peta Pinson as Councillor and Chairperson representative from the Port Macquarie-Hastings Sporting Fund Sub-Committee
4. Determine Councillor Lipovac, upon resignation as a community member of the committee, be the committee Chairperson, Councillor Intemann be the alternative committee Councillor Chairperson, to the Port Macquarie-Hastings Sporting Fund Sub-Committee.



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

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#### **11.02 TUFFINS LANE SPORTING PRECINCT - COMMENCEMENT OF DESIGN WORKS**

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*MOVED: Griffiths/Edwards*

That Council:

1. Note the information provided in this report
2. Not include funding for the detailed design works to the value of \$200,000 in the draft 2023-2024 Operational Plan and budget.
3. Note that funding of the upgrade works for the Tuffins Lane Sporting Precinct at this time is likely to impact on the implementation of other planned sporting infrastructure upgrades and/or delivery of new facilities.
4. Note the ongoing use of the Tuffins Lane Sporting Precinct by sporting groups and that Works will be programmed and funded in accordance with the adopted revised Recreation Action Plan and future Operational Plan(s).

LOST: 4/5  
FOR: Edwards, Griffiths, Intemann and Sheppard  
AGAINST: Lipovac, Maltman, Pinson, Roberts and Slade

*RESOLVED: Sheppard/Pinson*

That Council:

1. Note the information provided in this report.
2. Consider including funding for the detailed design works to the value of \$200,000 in the draft 2023-2024 Operational Plan and budget.
3. Request the Chief Executive Officer to prepare a communications plan to all stakeholder user groups outlining the steps involved in the proposed drainage works, the estimated timeframe, estimated costs, known risks, and potential impacts on the delivery of other sporting infrastructure priorities.
4. Request that should Council determine to include the funding for the detailed design works to the value of \$200,000 in the draft 2023-2024 Operational Plan and budget that the communications plan in point three be implemented as part of the public exhibition of the draft Operational Plan, to facilitate informed community feedback on the proposal to progress drainage works.
5. That Council receive a further report in regards to the outcome of consultation on this matter, as part of the draft Operational Plan engagement report.

CARRIED: 8/1  
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and  
Slade  
AGAINST: Griffiths

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### **11.03 RECOMMENDED ITEMS FROM THE PORT MACQUARIE HASTINGS SPORTING FUND SUB-COMMITTEE**

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*RESOLVED: Roberts/Slade*

That Council note the 2 February 2023 recommendations of the Port Macquarie Hastings Sporting Fund Sub-Committee and:

1. Accept for payment expenses associated with the Bowls Day and that Council receive a post event report at the April 2023 Council meeting.
2. Accept the quote of \$300 from Oxley Signs for engraving of winners on the Sporting Fund Shield.
3. Approve expenditure of \$100 for purchase of a gift for past serving committee members Jo-Anne Boarder and Sue Reid.
4. Increase the Wayne Richards Sporting Scholarship from \$4,000 to \$5,000 per annum effective for the September 2023 application round.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **11.04 PORT MACQUARIE-HASTINGS SPORTS COUNCIL**

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*MOVED: Roberts/Slade*

That Council endorse the draft Terms of Reference for the Port Macquarie-Hastings Sports Council.

*AMENDMENT: Intemann/Sheppard*

That Council:

1. Note the report and the draft Terms of Reference proposed for the Port Macquarie-Hastings Sports Council
2. Request the Chief Executive Officer to schedule a Councillor Workshop to review the draft Terms of Reference
3. Receive a further report on the outcomes of the Councillor Workshop and the draft Terms of Reference to the May 2023 Ordinary Council Meeting.

*CARRIED: 5/4*

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

THE AMENDMENT WAS CARRIED AND THEN BECAME THE MOTION

*RESOLVED: Intemann/Sheppard*

That Council:

- 
1. Note the report and the draft Terms of Reference proposed for the Port Macquarie-Hastings Sports Council
  2. Request the Chief Executive Officer to schedule a Councillor Workshop to review the draft Terms of Reference
  3. Receive a further report on the outcomes of the Councillor Workshop and the draft Terms of Reference to the May 2023 Ordinary Council Meeting.

*CARRIED: 5/4*

*FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

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#### **11.05 DRAFT POLICY - COMMUNITY LEASING AND LICENSING POLICY - POST PUBLIC EXHIBITION**

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Councillor Intemann declared a Non-Pecuniary, Less than significant interest in Item 11.05 Draft Policy - Community Leasing and Licensing Policy-Post Public Exhibition. The reason being that Councillor Intemann is an ordinary member of Wauchope Community Arts Council, and has been for some years acted as the Returning Officer their Annual General Meeting. Councillor Intemann remained in the meeting, participated and voted in the matter as this perceived conflict will not influence her decision making in the matter.

*RESOLVED: Intemann/Sheppard*

That Council:

1. Note the submissions received during the public exhibition period and thank those who made submissions for their input and advise them of the outcome of Council's consideration of this matter
2. Adopt the Community Leasing and Licensing Policy

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **12.01 NOTICE OF MOTION - RATE FREEZE 2023-2024**

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*MOTION: Roberts/Pinson*

That Council:

1. Request the Chief Executive Officer prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2023-2024 financial year that freezes the Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate, at the 2022-2023 level.

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2. Request the Chief Executive Officer model the impact of freezing Ordinary and Special Rates at the 2022-2023 levels for the period 1 July 2023 to 30 June 2025 inclusive and that a report is returned to the April 2023 Ordinary Council meeting that addresses how the financial impact of the rate freeze might be mitigated.

LOST: 4/5

FOR: Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard

RESOLVED: Sheppard/Griffiths

That Council:

1. Request the Chief Executive Officer to prepare, as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2023- 2024 financial year that incorporates the NSW rate peg increase for the Ordinary and Special Rates, excluding the TCMP component of the Port Macquarie CBD Business Rate.
2. Note the following:
  - (a) The impact on Council rate income from a one-year rate freeze in the 23/24 financial year would be a reduction of approximately \$2.6m less revenue from ordinary rates during that year, with a cumulative impact across 10 years of approximately \$32m.
  - (b) That approximately 69% of Council's operational costs supporting core operations of Council are fixed and cannot readily be reduced without reducing services and staffing. As a result, potential operational impacts of a rate freeze would need to consider the following areas:
    - Parks and Gardens, including sporting fields: Selective reductions in level of maintenance and frequency;
    - Transport: Selective reductions in operational maintenance, drainage works, road resealing, bridge investigation and preventative maintenance, leading to potential safety issues and degradation of assets;
    - General works: Revenue funded projects would need to be re-prioritised, with delivery timeframes potentially slowed down or deferred.
  - (c) That Council is directly addressing Long Term Financial Sustainability by undertaking a General Fund Improvement Plan with a 3-5 year horizon for implementation, which could be accelerated with additional resource allocation.
  - (d) That the benefit of a one-year rate freeze on residential rate payers would equate to a rate reduction of approximately \$60 for the year, on average depending on land valuation.

CARRIED: 5/4

FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

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## PROCEDURAL MOTION

*RESOLVED: Sheppard/Griffiths*

That the Council meeting be adjourned for 10 minutes

*CARRIED: 7/2*

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

*AGAINST: Maltman and Roberts*

The Ordinary Council Meeting adjourned at 5.40pm.

The Ordinary Council Meeting resumed at 5.56pm.

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### 13.01 NOTICE OF MOTION - NSW FORESTRY CORPORATION AND NATIONAL PARKS AND WILDLIFE - CEASE LOGGING

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*MOTION: Edwards/Griffiths*

That Council:

1. Advocate to the NSW Forestry Corporation and National Parks and Wildlife Service to permanently cease all logging in Compartments 41 and 43 of the Bulga State Forest within the upper catchment of the Hastings River, and add the compartments to the Biriwal Bulga National Park.
2. Advocate to the NSW Government to develop a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable hardwood plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector and ensure a reliable supply of high value native hardwood timber products into the future by;

Writing to the relevant State Members:

- 1) Member for Myall Lakes
- 2) Member for Port Macquarie
- 3) Member for Oxley

Writing to the Ministers and Shadow Ministers:

- 1) Minister for Energy,
  - 2) Minister for Finance and Employee Relations,
  - 3) Minister for Agriculture,
  - 4) Minister for Environment and Heritage and
  - 5) Minister for Natural Resources.
3. Notes the resolution of item 10.1 at the 8 February 2023 MidCoast Council Ordinary Council Meeting, as the minutes of that meeting recorded, provided in the attachments

## PROCEDURAL MOTION:

*MOTION: Sheppard/Edwards*

A Motion of Dissent was moved on the chairperson's ruling of a Point of Order

*LOST: 3/6*

*FOR: Edwards, Griffiths and Sheppard*

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

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THE MOTION ON BEING PUT WAS LOST

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

Councillor Edwards tabled her speaking notes with respect to this item.

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**13.02 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY  
UPDATE REPORT**

Councillor Maltman declared a Non-Pecuniary, Less than Significant interest in Item 13.02 Lake Cathie Natural Resource Management Monthly Update. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict will not influence her decision making in the matter.

*RESOLVED: Roberts/Maltman*

That Council note the progress of natural resource management projects/initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and progression of the Coastal Management Program.

CARRIED: 9/0

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

AGAINST: Nil

Item 13.03, Long Term Energy Strategy - Renewable Energy Feasibility has been addressed previously within the meeting.

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**13.04 PP2022-2.1 PLANNING PROPOSAL ASSESSMENT REPORT -  
PROPOSED CATHOLIC HIGH SCHOOL - LOT 6 DP 594793, LOTS 6  
AND 7 DP 594792, 1175 AND 1191 OCEAN DRIVE BONNY HILLS  
OWNER: TRUSTEES OF THE ROMAN CATHOLIC CHURCH DIOCESE  
OF LISMORE  
APPLICANT: KING AND CAMPBELL**

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*RESOLVED: Edwards/Griffiths*

That Council:

1. Note the negotiations between Council staff and the Proponent and landowners to achieve a supportable development outcome on Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills.
2. Agree to accede to the proponents request to provide additional information to support a draft Planning Proposal.

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3. Note that a further report will be tabled at a meeting of Council later in 2023, addressing the additional information submitted by the Proponent and determining whether Council will prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills, to rezone the subject land from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation to enable an educational establishment.

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

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**13.05 PP2020-3.1 - PLANNING PROPOSAL ASSESSMENT REPORT -  
PROPOSED HEALTH AND EDUCATION PRECINCT - 8 HIGHFIELDS  
CIRCUIT, 3 AND 5 KULAI PLACE AND 9 AND 11 KINGFISHER ROAD  
PORT MACQUARIE  
OWNER: HIGHFIELDS DEVELOPMENT PTY LTD  
APPLICANT: SHELLSHEAR YOUNG PTY LTD**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Note that the land owner has now withdrawn the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone Lot 180 DP 1197447, Lot 37 DP 1191701, and Lots 1, 2, 7 and 8 DP 262597, 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road Port Macquarie from R1 General Residential and R2 Low Density Residential to B4 Mixed Use and increase the height of buildings and floor space ratio provisions.
2. Acknowledge that the subject land is identified as part of the wider Health and Education Precinct (HEP) within the North Coast Regional Plan 2041 and the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 and invite the Proponent/owners to submit a new Planning Proposal application, which addresses the matters raised in this report, at a time when the sewer servicing issues have been resolved for the area and details of the Oxley Highway / John Oxley Drive / Wrights Road intersection upgrades have been determined by Transport for NSW.

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



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**13.06 DA2022 - 821.1 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 30, DP 18159, NO. 977 OCEAN DRIVE, BONNY HILLS**

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*RESOLVED: Intemann/Griffiths*

That DA2022 - 821.1 for alterations and additions to dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 30, DP 18159, No. 977 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.07 INTEGRATED TRANSPORT PLAN UPDATE**

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*RESOLVED: Intemann/Roberts*

That Council note the information provided in the Integrated Transport Plan update.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.08 ANNUAL WATER QUALITY REPORT 2021 - 2022**

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*RESOLVED: Sheppard/Roberts*

That Council note the information contained within this report regarding the quality performance of drinking and recycled water supplied to the community.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **13.09 STATUS OF STORMWATER DRAINAGE SYSTEM SERVICING ILLAROO ROAD, LAKE CATHIE AND SURROUNDS**

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*MOTION: Pinson/Maltman*

That Council:

1. Note the identified stormwater issues in the immediate areas surrounding Illaroo Road, Lake Cathie, including but not limited to Aqua Crescent and Kywong Street.
2. Note that these locations have been registered on the Stormwater Risk Register for the Local Government Area.
3. Receive a further report by September 2023 with a high level estimated cost to address each of the identified hotspot locations and additional advice on the rating of hazards that exist at these locations.

*AMENDMENT: Sheppard/Edwards*

That Council

1. Note the identified stormwater issues in the immediate areas surrounding Illaroo Road, Lake Cathie, including but not limited to Aqua Crescent and Kywong Street.
2. Note that these locations have been registered on the Stormwater Risk Register for the Local Government Area.

*CARRIED: 5/4*

*FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

THE AMENDMENT BECAME THE MOTION

*RESOLVED: Sheppard/Edwards*

That Council:

1. Note the identified stormwater issues in the immediate areas surrounding Illaroo Road, Lake Cathie, including but not limited to Aqua Crescent and Kywong Street.
2. Note that these locations have been registered on the Stormwater Risk Register for the Local Government Area.

*CARRIED: 6/3*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Pinson and Sheppard*

*AGAINST: Maltman, Roberts and Slade*

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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 14.01 T-22-60 Part B: Settlement Shores Canal Maintenance  
Dredging

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

Item 14.02 T-22-88 Fixing Country Bridges - 5 major Bridges - Contractor Works Package

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

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

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

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**14.01 T-22-60 PART B: SETTLEMENT SHORES CANAL  
MAINTENANCE DREDGING**

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*RESOLVED: Pinson/Roberts*

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for T-22-60 Part B: Settlement Shores Estate Canal Maintenance Dredging.
2. In accordance with section 178(3)(e), enter into negotiations with the Contractor recognised by Council, or any other person whether or not they submitted a tender to T-22-60 Part B Settlement Shores Canal Maintenance Dredging, with a view to entering into a contract in relation to the subject matter of the tender.
3. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that: the evaluation panel considers that the Contractor recognised by Council has the demonstrated experience, capacity and capability to meet the requirements of the Request for Tender; inviting fresh tenders likely will not achieve a superior outcome; and inviting fresh tenders will unduly delay the project.
4. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-22-60 Part B: Settlement Shores Estate Canal Dredging Maintenance following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
5. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-22-60 Part B: Settlement Shores Estate Canal Dredging Maintenance.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **14.02 T-22-88 FIXING COUNTRY BRIDGES - 5 MAJOR BRIDGES - CONTRACTOR WORKS PACKAGE**

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*RESOLVED: Lipovac/Griffiths*

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for T-22-88 Fixing Country Bridges - 5 Major Bridges - Contractor Works Package.
2. In accordance with section 178(3)(e), enter into negotiations with the Contractor recognised by Council, or any other person whether or not they submitted a tender to T-22-88 Fixing Country Bridges - 5 Major Bridges - Contractor Works Package, with a view to entering into a contract in relation to the subject matter of the tender.
3. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that: the evaluation panel considers that the Contractor recognised by Council has the demonstrated experience, capacity and capability to meet the requirements of the Request for Tender; inviting fresh tenders likely will not achieve a superior outcome; and, inviting fresh tenders will delay the project beyond the grant funding deadline.
4. Note the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender for T-22-88 Fixing Country Bridges - 5 Major Bridges - Contractor Works Package, following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
5. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-22-88 Fixing Country Bridges - 5 Major Bridges - Contractor Works Package.

*RESOLVED: Lipovac/Edwards*

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*

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 7.17pm.

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Peta Pinson  
Mayor