



Minutes of the Ordinary Council Meeting

held at the Yalawanyi Ganya Council Chambers

30 June 2021 at 2.00pm

A handwritten signature in dark ink, appearing to read "Panuccio", is positioned above the printed name and title.

Adrian Panuccio
General Manager

TABLE OF CONTENTS

<u>ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS</u>	<u>1</u>
<u>PRAYER.....</u>	<u>2</u>
<u>APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE.....</u>	<u>2</u>
<u>CONFIRMATION OF MINUTES</u>	<u>2</u>
<u>DISCLOSURES OF INTERESTS</u>	<u>2</u>
<u>NOTICE OF MOTION</u>	<u>2</u>
NOTICE OF MOTION – THE BUCKETTS WAY & PACIFIC HIGHWAY INTERSECTION	2
<u>CONSIDERATION OF OFFICERS’ REPORTS:.....</u>	<u>3</u>
<u>GENERAL MANAGER</u>	<u>3</u>
1. MATTERS OUTSTANDING	3
<u>DIRECTOR LIVEABLE COMMUNITIES.....</u>	<u>3</u>
2. DEVELOPMENT APPLICATION 246/2021 – ALTERATIONS & ADDITIONS TO EXISTING LIBRARY – 222 MYALL WAY, TEA GARDENS.....	3
3. DEVELOPMENT APPLICATION 504/2020 – PRIMITIVE CAMPING GROUND - BULAHDELAH	4
4. PLANNING PROPOSAL – LAKE STREET FORSTER.....	5
5. DRAFT RURAL STRATEGY - BACKGROUND REPORTS.....	6
6. DRAFT CLIMATE CHANGE POLICY AND STRATEGY – REVIEW OF SUBMISSIONS.....	7
7. LOCAL HERITAGE FUND 2021-22	8
8. MIDCOAST ABORIGINAL ADVISORY GROUP	9
9. DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY – APRIL & MAY 2021	9
10. MATTERS CURRENTLY BEFORE THE LAND AND ENVIRONMENT COURT	10
11. COMMUNITY INCLUSION AND WELLBEING REFERENCE GROUP MEETING NOTES.....	10
12. HERITAGE REFERENCE GROUP MEETING NOTES	11
13. WASTE COLLECTION AND WASTE PROCESSING CONTRACTS	11
14. THE BIGHT CEMETERY, WINGHAM – UPDATE 5	13
<u>DIRECTOR INFRASTRUCTURE & ENGINEERING</u>	<u>15</u>
15. WATER AND WASTEWATER MONTHLY PERFORMANCE REPORT - MAY 2021	15
16. MONTHLY CAPITAL WORKS PROJECT STATUS REPORT	16
17. TENDER - RECONSTRUCTION OF THE LAKES WAY – SWEET PEA ROAD TO TEA TREE ROAD .	16
18. PROPOSED LAND EXCHANGE OFF ELLIOTS ROAD MINIMBAH	17
<u>DIRECTOR CORPORATE SERVICES</u>	<u>17</u>
19. DELIVERY PROGRAM (2018-2022) AND OPERATIONAL PLAN (2021-2022).....	17
20. INVESTMENTS REPORT – MAY 2021	18
21. 2021 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATIONS	18
22. DELEGATION OF EXPENDITURE OVER \$500,000 – JANUARY – MARCH 2021	19
23. DRAFT COUNCILLOR AND DESIGNATED PERSON DISCLOSURE OF INTERESTS POLICY.....	19
24. MAKING OF ORDINARY RATES FOR 2021-2022.....	20
25. MAKING OF ANNUAL AND OTHER CHARGES FOR 2021-2022	20
26. FORSTER CIVIC PRECINCT PROJECT	21
<u>CONFIDENTIAL REPORTS</u>	<u>22</u>
27. TRANSFER OF LAND IN PAYMENT OF RATES – COONAMBLE CRES, NORTH ARM COVE.....	22
<u>MATTERS OF URGENT BUSINESS</u>	<u>23</u>

Minutes of the Ordinary Meeting of the MidCoast Council held at the Yalawanyi Ganya Council Chambers, 2 Biripi Way, Taree South on 30 June 2021 commencing at 2:00pm.

Present: Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

IN ATTENDANCE

General Manager – Adrian Panuccio
Director Corporate Services – Steve Embry
Director Liveable Communities – Paul De Szell
Director Infrastructure & Engineering Services – Robert Scott
Minute Taker - Corporate Support Officer – Kristy Burns
Minute Taker – Corporate Support Officer – Lynette Hickey
Staff – Coordinator Governance – Kathy Duggan
Staff – Senior Technical Delivery Officers – Peter Cottam & Jimmy Tang
Staff – Manager Engagement, Communication & Education – Marcelle Boyling

The following document is the Minutes of the Ordinary meeting held on 30 June 2021.

These Minutes are subject to confirmation as to their accuracy at the next available meeting and therefore subject to change.

Please refer to the Minutes of the next available Ordinary meeting.

The Mayor, Cr David West, read aloud the following statement:

Welcome everyone. My name is David West and I am the Mayor of MidCoast Council.

Council will be observing current requirements relating to Social Distancing and Hygiene, particularly for those Councillors, Staff and public attending Yalawanyi Ganya Council Chambers.

Members of the public will be able to attend the meeting in person or view the meeting through a weblink accessed via Council's website.

The meeting is being livestreamed and/or recorded for on-demand viewing via council's website and a person's image and/or voice may be broadcast.

Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.

All speakers should refrain from making any defamatory comments or releasing any personal information about themselves or another individual without their consent.

Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.

The meeting must not be recorded, distributed or circulated by others without the prior written consent of the council in accordance with the council's code of meeting practice.

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Mayor read aloud the following statement:

I acknowledge the traditional custodians of the land on which we meet today, the Gathang-speaking people and pay my respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. I extend my respect to elders past and present, and to all future cultural-knowledge holders.

PRAYER

The Mayor read the Local Government prayer.

APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

167/2021 RESOLUTION

(Moved Cr D West/Seconded Cr K Bell)

That the Minutes of the Ordinary Meeting of 2 June 2021, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings except that in relation to Item 3 Event Sponsorship – Round One 2021 the last two words at point 2 need to be replaced with the words “bi-ennial basis”.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

DISCLOSURES OF INTERESTS

Nil.

NOTICE OF MOTION

NOTICE OF MOTION – THE BUCKETTS WAY & PACIFIC HIGHWAY INTERSECTION

Report Author Cr Karen Hutchinson

File No. / ECM Index Notices of Motion

Date of Meeting 30 June 2021

SUMMARY OF REPORT

Cr Hutchinson has given notice of her intention to move the motion as detailed below.

NOTICE OF MOTION

That:

MidCoast Council write to the Minister for Transport & Roads and the Minister for Regional Transport & Roads immediately to express concern in regard to the recent \$1.2m spent on the intersection of The Bucketts Way & the Pacific Highway (M1) and to reaffirm Council's previous representations for full upgrading of the intersection with an overpass.

168/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That MidCoast Council write to the Minister for Transport & Roads and the Minister for Regional Transport & Roads, the Member of Port Stephens and the Member of the Upper Hunter immediately, to express concern in regard to the recent \$1.2m spent on the intersection of The Bucketts Way & the Pacific Highway (M1) and to reaffirm Council's previous representations for full upgrading of the intersection with an overpass.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1. MATTERS OUTSTANDING

Report Author Adrian Panuccio, General Manager

File No. / ECM Index Governance/Council Meetings

Date of Meeting 30 June 2021

Authorising Director

RECOMMENDATION

That the report and Attachment A be noted.

169/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That the above recommendation be adopted subject to an amendment to item 309/20.2 noting that work is continuing.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

DIRECTOR LIVEABLE COMMUNITIES

2. DEVELOPMENT APPLICATION 246/2021 – ALTERATIONS & ADDITIONS TO EXISTING LIBRARY – 222 MYALL WAY, TEA GARDENS

Report Author Craig Wilkinson - Senior Development Planner

File No. / ECM Index DA-246/2021

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director of Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA-246/2021 for alterations & additions to the existing Tea Gardens Library on Lot 4, DP 10190763, 222 Myall Way, Tea Gardens be approved in accordance with the conditions of consent contained in Annexure A.

170/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

3. DEVELOPMENT APPLICATION 504/2020 – PRIMITIVE CAMPING GROUND - BULAHDELAH

Report Author Craig Wilkinson - Senior Development Planner

File No. / ECM Index DA-504/2020

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director of Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A.

Moved Cr L Roberts/Seconded Cr T Fowler

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

An amendment was moved by Cr K Smith/Seconded Cr K Hutchinson

That this matter be deferred to be dealt with at the 28 July 2021 Ordinary Council Meeting.

FOR VOTE - Cr B Christensen, Cr P Epov, Cr K Smith

AGAINST VOTE - Cr D West, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr L Roberts, Cr C Pontin

ABSENT. DID NOT VOTE – Nil

The motion was lost.

Council returned to the original motion sought by Cr L Roberts

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

171/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

FOR VOTE - Cr D West, Cr T Fowler, Cr B Christensen, Cr L Roberts, Cr C Pontin, Cr K Bell

AGAINST VOTE – Cr K Hutchinson, Cr P Epov, Cr K Smith

ABSENT. DID NOT VOTE – Nil

4. PLANNING PROPOSAL – LAKE STREET FORSTER

Report Author	Rebecca Underwood - Land Use Planner and All About Planning Pty Ltd
File No. / ECM Index	PP 03/02
Date of Meeting	30 June 2021
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That Council note the submissions received in response to the exhibition of the Draft Lake Street Planning Proposal as shown in Attachment C.
2. That the Draft Lake Street Planning Proposal be amended to exclude Lake Lane and that the applicant be advised that access to the subject site for any future development shall only be provided via Lake Street.
3. That Council adopt the Draft Lake Street Planning Proposal as shown in Attachment A with the above additional amendment to exclude Lake Lane.
4. That Council seek approval from the Secretary of the Department of Planning Industry and Environment that changes made to the Draft Lake Street Planning Proposal to address compliance with 9.1 Ministerial directions: 2.2 Coastal Protection, 2.6 Remediation of Contaminated Land, 3.4 Land Use and Transport and 4.1 Acid Sulfate Soils are satisfactory.
5. That Council formally request the NSW Department of Planning, Industry and Environment to make the amendments to give effect to the Draft Lake Street Planning Proposal.

172/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr C Pontin, Cr L Roberts

AGAINST VOTE – Cr T Fowler, Cr P Epov

ABSENT. DID NOT VOTE - Nil

5. DRAFT RURAL STRATEGY - BACKGROUND REPORTS

Report Author Alexandra Macvean - Senior Land Use Planner

File No. / ECM Index SPR02/02; Rural Strategy

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council note the “Background and Snapshot Reports” (provided in Attachments A-J), which will be available for review during the public exhibition of the Draft Rural Strategy.

173/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

6. DRAFT CLIMATE CHANGE POLICY AND STRATEGY – REVIEW OF SUBMISSIONS

Report Author Tanya Cross - Sustainability & Natural Assets Coordinator

File No. / ECM Index S0100-000251

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council adopts the draft Climate Change Policy (provided in Annexure A) and the draft Climate Change Strategy (provided in Attachment A) for MidCoast Council.

Moved Cr C Pontin/Seconded Cr L Roberts

That Council adopts the draft Climate Change Policy (provided in Annexure A) and the draft Climate Change Strategy (provided in Attachment A) for MidCoast Council, subject to the following changes to the table provided in the “Coverage of the Policy” section of the draft Climate Change Policy:

Position	Directorate	Responsibility
Mayor and Councillors	Council	To lead the community in their understanding of the impacts of climate change and the need to mitigate and adapt to climate change
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of the impacts of climate change and to ensure appropriate organisational strategies and decision-making frameworks are in place to respond to climate change
Directors	All Directorates	To communicate the policy and to ensure that staff have the frameworks and strategies necessary to implement and comply with this policy
Managers & Coordinators	All Directorates	To ensure that climate change is integrated into planning and decision-making and that staff adhere to the policy
All Council Staff	Council	To have an understanding of climate change and comply with this policy

174/2021 RESOLUTION

(Moved Cr C Pontin /Seconded Cr L Roberts)

That Council adopts the draft Climate Change Policy (provided in Annexure A) and the draft Climate Change Strategy (provided in Attachment A) for MidCoast Council, subject to the following changes to the table provided in the "Coverage of the Policy" section of the draft Climate Change Policy:

Position	Directorate	Responsibility
Mayor and Councillors	Council	To lead the community in their understanding of the impacts of climate change and the need to mitigate and adapt to climate change
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of the impacts of climate change and to ensure appropriate organisational strategies and decision-making frameworks are in place to respond to climate change
Directors	All Directorates	To communicate the policy and to ensure that staff have the frameworks and strategies necessary to implement and comply with this policy
Managers & Coordinators	All Directorates	To ensure that climate change is integrated into planning and decision-making and that staff adhere to the policy
All Council Staff	Council	To have an understanding of climate change and comply with this policy

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE – Cr B Christensen

ABSENT. DID NOT VOTE - Nil

7. LOCAL HERITAGE FUND 2021-22

Report Author Sue Calvin - Senior Land Use Planner

File No. / ECM Index LHF02/02

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the Local Heritage Fund for 2021-22 be allocated as shown in Annexure A.

175/2021 RESOLUTION

(Moved Cr K Bell/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

8. MIDCOAST ABORIGINAL ADVISORY GROUP

Report Author Paul De Szell – Director Liveable Communities
Date of Meeting 30 June 2021
Authorising Director Paul De Szell – Director Liveable Communities

RECOMMENDATION

That the establishment of a MidCoast Aboriginal Advisory Group be considered following the election of a new Council in September 2021.

176/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

9. DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY – APRIL & MAY 2021

Report Author Paul De Szell - Director Liveable Communities
File No. / ECM Index Development Consents Issued Under Delegated Authority
Date of Meeting 30 June 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the information be noted.

177/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

10. MATTERS CURRENTLY BEFORE THE LAND AND ENVIRONMENT COURT

Report Author Paul De Szell - Director Liveable Communities
File No. / ECM Index Land & Environment Court Appeals
Date of Meeting 30 June 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that the information be noted.

178/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

11. COMMUNITY INCLUSION AND WELLBEING REFERENCE GROUP MEETING NOTES

Report Author Lyndie Hepple – Coordinator Community Strengthening
File No. / ECM Index Committees / Working Groups
Date of Meeting 30 June 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the Community Inclusion and Wellbeing Reference Group meeting notes of 27 May 2021 (provided in Annexure A) be noted.

179/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

12. HERITAGE REFERENCE GROUP MEETING NOTES

Report Author	Sue Calvin - Senior Land Use Planner
File No. / ECM Index	HRG01/02
Date of Meeting	30 June 2021
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the Heritage Reference Group meeting notes of 13 April 2021 (provided in Annexure A) be noted.

180/2021 RESOLUTION

(Moved Cr K Bell/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

13. WASTE COLLECTION AND WASTE PROCESSING CONTRACTS

Report Author	Paul De Szell - Director Liveable Communities
Date of Meeting	30 June 2021
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council:

1. Extend the existing waste collection and waste (recyclables) processing contracts for a period of three years by varying Clause 2 of the contracts '*Contract Term*', and sub clauses 2.1 'Great Lakes Council, 2.2 Greater Taree City Council and 2.3 Gloucester Shire Council as they specifically relate to "Collection" Part A, and "Processing" Part B, under the current contract conditions.
 2. Acknowledges that there have been changes to the value of recycling materials due to the China Sword Policy and the introduction of the Container Deposit Scheme and will honour the existing 50/50 funding agreement for a period of three years or up until such times as a new collection and processing contract is tendered.
 3. Authorise execution of the contract(s) extension by the General Manager.
-

Moved Cr L Roberts/Seconded Cr K Hutchinson

That Council:

1. Extend the existing waste collection and waste (recyclables) processing contracts for a period of three years by varying Clause 2 of the contracts 'Contract Term', and sub clauses 2.1 'Great Lakes Council, 2.2 Greater Taree City Council and 2.3 Gloucester Shire Council as they specifically relate to "Collection" Part A, and "Processing" Part B, under the current contract conditions.
2. Acknowledges that there have been changes to the value of recycling materials due to the China Sword Policy and the introduction of the Container Deposit Scheme and will honour the existing 50/50 funding agreement for a period of three years or up until such times as a new collection and processing contract is tendered.
3. Authorise execution of the contract(s) extension by the General Manager.
4. Proactively invite tenders for new waste collection and waste (recyclables) processing contracts from all suitable contractors within 14 months prior to the finalisation of the contract extension period.

181/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That Council:

1. Extend the existing waste collection and waste (recyclables) processing contracts for a period of three years by varying Clause 2 of the contracts 'Contract Term', and sub clauses 2.1 'Great Lakes Council, 2.2 Greater Taree City Council and 2.3 Gloucester Shire Council as they specifically relate to "Collection" Part A, and "Processing" Part B, under the current contract conditions.
2. Acknowledges that there have been changes to the value of recycling materials due to the China Sword Policy and the introduction of the Container Deposit Scheme and will honour the existing 50/50 funding agreement for a period of three years or up until such times as a new collection and processing contract is tendered.
3. Authorise execution of the contract(s) extension by the General Manager
5. Proactively invite tenders for new waste collection and waste (recyclables) processing contracts from all suitable contractors within 14 months prior to the finalisation of the contract extension period.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

14. THE BIGHT CEMETERY, WINGHAM – UPDATE 5

Report Author Paul De Szell - Director Liveable Communities

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That Council note the information provided in this report.
2. That Council staff correspond with and update all registered parties / affected families in relation to enacting the steps outlined in the table of actions within The Bight Cemetery Restoration Action Plan.

Moved Cr K Smith /Seconded Cr K Hutchinson

1. That Council apologises for the delay in carrying out restoration works at The Bight Cemetery.
2. That Council liaise with Cemeteries & Crematoria NSW in relation to The Bight Cemetery Restoration Action Plan.
3. That Council staff correspond with and update all registered parties/ affected families in relation to enacting the steps outlined in the table of actions within The Bight Cemetery Restoration Action Plan.
4. That Council continue to update the conservation management plan (CMP) as necessary as more information comes to light, noting that the CMP is a document that can be edited and updated when needed.
5. That Council notes the report.
6. That an updated report come back to Council no later than August 2021.

Amendment moved by Cr K Bell/Seconded Cr P Epov

1. That Council apologises for the delay in carrying out restoration works at The Bight Cemetery.
 2. That Council note the information provided in this report.
 3. That the General Manager immediately enacts Point 6 of Resolution 105/2020 of 25 March 2020 – “6. *As a parallel process, Council undertake the assessment of all impacted headstones as a separate task.*”
 4. That as a parallel process to sorting out internment rights, the General Manager immediately initiate a Request for Proposal process for the assessment of all impacted headstones by suitably qualified heritage and ordinary stonemasons as identified in Resolution 105/2020.
That the Requests for Proposal process specify the works as being:
 - a. The assessment of the damaged monuments and
 - b. The preparation of specifications and scopes of works for repair of individual headstones, including options for repair where these exist. Monuments graded as Moderate, High and Exceptional by the Conservation Management Plan (CMP) are assessed by a Heritage Stone Mason and those graded as Low or Neutral by an ordinary Stone Mason.
 5. That Council re-engage with the National Trust’s Cemeteries Advisor and consult with them on Request for Proposal and repair works as described in 3 above.
-

6. That Council commit to preparing the required Heritage Impact Assessments of the repair works as required by Guideline 10 of the CMP: *"A heritage impact assessment must precede any works to fabric graded as being of moderate, high or exceptional significance."*
7. That the CMP be finalised within the next 30 days in accordance with the 23 December 2020 email correspondence update to families from Council, stating: *"As a result of this resolution (Ordinary Meeting of Council 16 December 2020), the heritage consultants engaged by Council (Umwelt Pty Ltd) are now updating the CMP in line with the recommendations in the report. As soon as this work is completed the CMP will be placed on our website and we will be in touch with you to ensure you are aware the final version is available.'*
8. That the Restoration Action Plan V2, approved at Council's 16 December 2020 Ordinary Meeting be revised and tabled for discussion at the next Ordinary Council meeting. The revisions to include new timeframes for the following:
 - a. Resolution of the interment right issue,
 - b. The new timeframes for the monument assessment and preparation of scopes of work for individual monument repairs,
 - c. The preparation of heritage impact assessments, and
9. That Council immediately communicates with impacted families regarding the interment right holder issue and the requirements of the Cemeteries and Crematoria Act to which Cemeteries and Crematoria NSW alerted Council on 27 November 2020. Council detail to families:
 - a. which headstones at The Bight are impacted,
 - b. the process by which Council will establish interment right holders, and
 - c. the timeframe for resolution of this issue.
10. That Council upon receipt of the legal advice in relation to interment rights provide this advice to impacted families.

FOR VOTE – Cr P Epov, Cr K Bell

AGAINST VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr L Roberts

ABSENT. DID NOT VOTE – Nil

The amendment was lost.

Council returned to the motion by Cr K Smith/Seconded Cr K Hutchinson

1. That Council apologises for the delay in carrying out restoration works at The Bight Cemetery.
2. That Council liaise with Cemeteries & Crematoria NSW in relation to The Bight Cemetery Restoration Action Plan.
3. That Council staff correspond with and update all registered parties/ affected families in relation to enacting the steps outlined in the table of actions within The Bight Cemetery Restoration Action Plan.
4. That Council continue to update the conservation management plan (CMP) as necessary as more information comes to light, noting that the CMP is a document that can be edited and updated when needed.
5. That Council notes the report.
6. That an updated report come back to Council no later than August 2021.

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr L Roberts
AGAINST VOTE – Cr P Epov, Cr K Bell
ABSENT. DID NOT VOTE – Nil

The motion was carried.

182/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

1. That Council apologises for the delay in carrying out restoration works at The Bight Cemetery.
2. That Council liaise with Cemeteries & Crematoria NSW in relation to The Bight Cemetery Restoration Action Plan.
3. That Council staff correspond with and update all registered parties/ affected families in relation to enacting the steps outlined in the table of actions within The Bight Cemetery Restoration Action Plan.
4. That Council continue to update the conservation management plan (CMP) as necessary as more information comes to light, noting that the CMP is a document that can be edited and updated when needed.
5. That Council notes the report.
6. That an updated report come back to Council no later than August 2021.

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr L Roberts
AGAINST VOTE – Cr P Epov, Cr K Bell
ABSENT. DID NOT VOTE - Nil

DIRECTOR INFRASTRUCTURE & ENGINEERING

15. WATER AND WASTEWATER MONTHLY PERFORMANCE REPORT - MAY 2021

Report Author	Robert Scott, Director Infrastructure & Engineering Services
Date of Meeting	30 June 2021
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That the Water and Wastewater Monthly Performance Report for May 2021 be received and noted.

183/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler,
Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

16. MONTHLY CAPITAL WORKS PROJECT STATUS REPORT

Report Author Lorna Barber, Project Officer
Stuart Small, Team Leader Project Delivery
Date of Meeting 30 June 2021
Authorising Director Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

1. That the Monthly Project Status Report be received and noted.
2. That the "Ready to Initiate" Gateway Reports are endorsed, and the current baseline budget and milestones are adjusted to reflect the planned budget and milestones at:
 - Various sites - Solar Systems
 - Various sites - Bulk Flow Meters
 - Forster Sewer Treatment Plant - EAT 1 & 4 Blowers

184/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

17. TENDER - RECONSTRUCTION OF THE LAKES WAY – SWEET PEA ROAD TO TEA TREE ROAD

Report Author Steve Glendenning, Project Manager
File No. / ECM Index Summaries of Tenders, 2020-2021/07
Date of Meeting 30 June 2021
Authorising Director Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

1. Award the contract for 2020-2021/07 - Reconstruction of The Lakes Way, Forster to Ditchfield Contracting Pty Ltd; and
2. Authorise execution of the contract by the General Manager.

185/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

18. PROPOSED LAND EXCHANGE OFF ELLIOTS ROAD MINIMBAH

Report Author Robert Scott, Director Infrastructure & Engineering Services
Date of Meeting 30 June 2021
Authorising Director Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

It is recommended that:

1. The land swap proceeds as proposed.
2. The General Manager be delegated to sign and execute the necessary documentation to allow completion of the land swap including consolidation of the former crown road (Lot 2, DP1151386) with the adjacent lot (Lot 174, DP 753212) and the adjustment of the common boundary between Lot 1 DP629654 and Lot 2682, DP1216141.

186/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

Moved Cr K Smith/Seconded Cr C Pontin

At 4:16pm, the meeting be adjourned for a short period.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

The meeting recommenced at 4:23pm.

DIRECTOR CORPORATE SERVICES

19. DELIVERY PROGRAM (2018-2022) AND OPERATIONAL PLAN (2021-2022)

Report Author Jennifer Trotter, Integrated Planning and Reporting Officer
File No. / ECM Index MidCoast Council Operational Plan 2021-22
Date of Meeting 30 June 2021
Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

1. That Council adopt the draft 2018-2022 Delivery Program and 2021-2022 Operational Plan and the draft 2021-2022 Fees and Charges Schedule incorporating the proposed changes and recommendations as presented in the report.
2. That the updated LTFP as circulated be noted.

187/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

1. That Council adopt the draft 2018-2022 Delivery Program and 2021-2022 Operational Plan and the draft 2021-2022 Fees and Charges Schedule incorporating the proposed changes and recommendations as presented in the report.
2. That Council note the updated LTFP will be presented to Council at the July Ordinary Council Meeting.

FOR VOTE - Cr D West, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr L Roberts

AGAINST VOTE – Cr P Epov, Cr K Smith, Cr K Bell

ABSENT. DID NOT VOTE - Nil

20. INVESTMENTS REPORT – MAY 2021

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That the report be received and noted.

188/2021 RESOLUTION

(Moved Cr P Epov/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

21. 2021 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATIONS

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance – Councillors – Allowances and Mayoral Allowance

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That Council accepts the NSW Government's Local Government Remuneration Tribunal's determination with respect to the Mayoral allowance and Councillor fees payable from 1 July 2021, and applies the maximum fee for a non-metropolitan, general purpose council for a Regional Centre.

189/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE – Cr K Smith

ABSENT. DID NOT VOTE - Nil

22. DELEGATION OF EXPENDITURE OVER \$500,000 – JANUARY – MARCH 2021

Report Author Steve Embry, Director Corporate Services

File No./ECM Index Finance/Contracts

Date of Meeting 30 June 2021

RECOMMENDATION

That the report be noted.

190/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

23. DRAFT COUNCILLOR AND DESIGNATED PERSON DISCLOSURE OF INTERESTS POLICY

Report Author Natalie Lyons, Governance Officer

File No. / ECM Index Governance / Policy

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That Council adopt the draft Councillor and Designated Person Disclosure of Interests Policy (Annexure A).

191/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

24. MAKING OF ORDINARY RATES FOR 2021-2022

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index MidCoast Council Operational Plan 2021-2022

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That all recommendations detailed in this report, relating to the making of Ordinary Rates for the 2021-2022 rating year, together with the ancillary items, be adopted.

192/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr B Christensen

AGAINST VOTE – Cr P Epov

ABSENT. DID NOT VOTE - Nil

25. MAKING OF ANNUAL AND OTHER CHARGES FOR 2021-2022

Report Author Lee Howard, Revenue Coordinator

File No. - ECM Index MidCoast Council Operational Plan 2021-2022

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That the recommendations detailed in this report in relation to Annual Waste Management Charges, Domestic Waste Management Charges, Stormwater Management Charges, On-site Sewage Management Fees-Charges and Water and Sewerage Charges for the 2021-2022 rating year be adopted.

193/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr B Christensen)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr L Roberts

AGAINST VOTE - Cr K Smith, Cr P Epov, Cr K Bell

ABSENT. DID NOT VOTE - Nil

26. FORSTER CIVIC PRECINCT PROJECT

Report Author Steve Embry, Director Corporate Services

File No. / ECM Index Council Meeting

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

1. That Council agree to vary the Development Agreement with Enyoc in relation to the Forster Civic Precinct as set out in the Report subject to Enyoc receiving Development Consent to modify DA-521/2017, 34 - 36 West Street Forster and providing satisfactory evidence of unconditional finance approval.
2. That the General Manager be authorised to execute all documents necessary to vary the Development Agreement, and to implement the transactions set out in the amended Development Agreement.

Moved Cr C Pontin/Seconded Cr P Epov

That Council defer the decision pending consideration by Council's independent Audit, Risk and Improvement Committee.

Cr Fowler left the meeting at 5:25pm

Cr Fowler returned to the meeting at 5:26pm

FOR VOTE - Cr K Smith, Cr K Bell, Cr C Pontin, Cr P Epov

AGAINST VOTE – Cr T Fowler, Cr L Roberts, Cr K Hutchinson, Cr B Christensen, Cr D West

ABSENT. DID NOT VOTE – Nil

The motion was lost.

Council returned to the original recommendation.

Moved Cr L Roberts/Seconded Cr B Christensen

1. That Council agree to vary the Development Agreement with Enyoc in relation to the Forster Civic Precinct as set out in the Report subject to Enyoc receiving Development Consent to modify DA-521/2017, 34 - 36 West Street Forster and providing satisfactory evidence of unconditional finance approval.

2. That the General Manager be authorised to execute all documents necessary to vary the Development Agreement, and to implement the transactions set out in the amended Development Agreement.

Cr Fowler left the meeting at 5:51pm

Cr Fowler returned to the meeting at 5:53pm

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr L Roberts

AGAINST VOTE – Cr P Epov, Cr K Bell, Cr C Pontin

ABSENT. DID NOT VOTE – Nil

194/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr B Christensen)

1. That Council agree to vary the Development Agreement with Enyoc in relation to the Forster Civic Precinct as set out in the Report subject to Enyoc receiving Development Consent to modify DA-521/2017, 34 - 36 West Street Forster and providing satisfactory evidence of unconditional finance approval.
2. That the General Manager be authorised to execute all documents necessary to vary the Development Agreement, and to implement the transactions set out in the amended Development Agreement.

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr L Roberts

AGAINST VOTE – Cr P Epov, Cr K Bell, Cr C Pontin

ABSENT. DID NOT VOTE – Nil

CONFIDENTIAL REPORTS

27. TRANSFER OF LAND IN PAYMENT OF RATES – COONAMBLE CRES, NORTH ARM COVE

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 30 June 2021

Authorising Director Steve Embry, Director Corporate Services

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (b) the personal hardship of any resident or ratepayer

RECOMMENDATION

1. That Council accept the transfer of Lot 2040 DP 12276, Coonamble Crescent, North Arm Cove in payment of outstanding rates and meet transfer costs.

2. That Council authorise the General Manager to sign all documents associated with the conveyancing transaction, including a client authorisation form to Local Government Legal to effect the transaction.
3. That the property be classified as operational land.

195/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Smith)

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

MATTERS OF URGENT BUSINESS

Nil

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 30 June 2021.

There being no further business, the meeting closed at 6:10pm.

CHAIRPERSON
Mayor David West