



Minutes of the Ordinary Council Meeting

**held at the Council Chambers
4 Breese Parade, Forster**

27 November 2019

A handwritten signature in dark ink, appearing to read "Panuccio", is written over a light blue rectangular background.

**Adrian Panuccio
General Manager**

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Minutes of the Ordinary Meeting of the MidCoast Council held at the Council Chambers, 4 Breese Parade, Forster on 27 November 2019 commencing at 2.31pm.

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

IN ATTENDANCE

General Manager - Adrian Panuccio
Director Liveable Communities - Paul De Szell
Director Corporate Services - Steve Embry
Director Infrastructure & Engineering Services - Robert Scott
Minute Taker - Corporate Support Officer – Lyn Hickey

The following document is the Minutes of the Ordinary meeting held on 27 November 2019.

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:

"The proceedings of this meeting will be recorded by Council to assist in ensuring the accuracy of the minutes of the meeting.

"Persons in the gallery are advised that under the Local Government Act, 1993 a person may not record the proceedings of a meeting of a Council or Committee WITHOUT the authority of the Council or Committee. Record includes tape, video camera and any electronic device capable of recording a speech.

"Local media outlets may be recording the proceedings of the meeting with permission for later broadcast.

"Members of the public addressing Council should refrain from divulging personal information about themselves or other individuals or making defamatory statements.

"It would also be appreciated if mobile phones could be switched off so as to not disrupt the meeting. Thank you."

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Mayor recognised the traditional custodians of the lands contained in the MidCoast Council area - being the Gathang speaking people and paid respect to their heritage and their elders - past and present.

PRAYER

The Mayor read the Local Government prayer.

APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE

Cr B Christensen is an apology and seeks a leave of absence from today's meeting.

378/19 RESOLUTION

(Moved Cr T Fowler/Seconded Cr L Roberts)

That Cr B Christensen's apology be noted and that leave of absence be granted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

CONFIRMATION OF MINUTES

379/19 RESOLUTION

(Moved Cr J McWilliams/Seconded Cr K Bell)

That the Minutes of the Ordinary Meeting of 23 October 2019, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DISCLOSURES OF INTERESTS

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr Kathryn Bell	Item 17 - Monthly Project Status Reports - October 2019	Pecuniary interest the nature of the interest being my company is providing a business service for one of the projects identified in the report. Our business contract commenced when MidCoast Water was an entity separate to MidCoast Council. Cr Bell left the meeting and took no part in discussions.
Cr David West	Item 24 – Renewal of Grazing Licence at Dawson River Sewerage Treatment Plant	Pecuniary interest, the nature of the interest being I am the current lessee of the subject site on which I graze cattle and derive revenue. Cr D West left the meeting and took no part in discussions.
Cr K Hutchinson	Item 10 – Tender – Construction of Stroud Showground – Multi Purpose Building	Non-Pecuniary Interest (Less than Significant) the nature of the interest being I sit on committees with the Director of OutKat Pty Limited. Cr Hutchinson left the meeting and took no part in discussions.

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr K Smith	Item 5 – Local Community Planning – Steering Groups	Non-Pecuniary Interest (Less than Significant) the nature of the interest being as I live in a small community I know most of the applicants and they are included in my social media world, it is a local plan in my local community. Cr Smith elected to remain in the Chambers and participate in discussions.

380/19 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That Items 2 and 3 be moved forward on the Agenda.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DIRECTOR LIVEABLE COMMUNITIES

2 DA 85/2012/D SUBSONIC MUSIC FESTIVAL - RIVERWOOD DOWNS, MONKERAI

Report Author Peta Stimson, Development Planner

File No. / ECM Index 85/2012/D

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Liveable Communities

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

It is recommended the application to modify development consent 85/2012/D for a music festival at Lots 32 and 33 DP 800610 be approved subject to the conditions contained in Annexure A.

(Moved Cr L Roberts/Seconded Cr T Fowler)

1. That this consent be not granted for this year.
2. That Council work with the applicant for additional information for future years.

An amendment was Moved Cr K Bell/Seconded Cr J McWilliams

That the application to modify development consent 85/2012/D for a music festival at Lots 32 and 33 DP 800610 be approved subject to the conditions contained in Annexure A.

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Cr L Roberts

ABSENT. DID NOT VOTE - Cr B Christensen

The amendment was carried and became the motion.

381/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr J McWilliams) moved an amendment

That the application to modify development consent 85/2012/D for a music festival at Lots 32 and 33 DP 800610 be approved subject to the conditions contained in Annexure A.

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Cr L Roberts

ABSENT. DID NOT VOTE - Cr B Christensen

3 MODIFICATION DA 331-2017 - MCDONALDS FORSTER HOURS OF OPERATION

Report Author Robyn Shelley, Senior Assessment Planner

File No. / ECM Index DA 331/2017

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A.

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A with the following amendment.

Existing Condition 4 under DA 331/2017 to be amended to:

A specialist Security Service is to provide security on site between the hours of 11.00pm to 6.00am. One (1) security guard to be employed to provide static and mobile patrols of the premises in an attempt to reduce loitering, anti-social behaviour and crime opportunities in the vicinity of the premises.

An amendment was moved Cr P Epov/Seconded

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A.

The amendment lapsed for want of a seconder.

An amendment was moved Cr Roberts/Seconded
That this matter be deferred for appropriate conditions for the operation of a 24 hour drive thru and counter service

The amendment lapsed for want of a seconder.

Cr J McWilliams left the meeting at 3.24pm
Cr J McWilliams returned to the meeting at 3.26pm

An amendment was Moved Cr P Epov/Seconded

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A.

The amendment lapsed for want of a seconder.

An amendment was Moved Cr L Roberts/Seconded Cr T Fowler

1. That this matter be deferred with a review to conditions for 24 hour approval both drive thru and store front.
2. That the existing trial be extended until the determination of this DA

Cr J McWilliams left the meeting at 3.35pm
Cr J McWilliams returned to the meeting at 3.36pm

Cr K Smith left the meeting at 3.42pm
Cr K Smith returned to the meeting at 3.42pm

FOR VOTE - Cr L Roberts, Cr T Fowler

AGAINST VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr B Christensen

The amendment was lost.

Council then returned to the Motion Moved by Cr K Hutchinson/Seconded Cr D Keegan

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A with the following amendment.

Existing Condition 4 under DA 331/2017 to be amended to:

A specialist Security Service is to provide security on site between the hours of 11.00pm to 6.00am. One (1) security guard to be employed to provide static and mobile patrols of the premises in an attempt to reduce loitering, anti-social behaviour and crime opportunities in the vicinity of the premises.

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson

AGAINST VOTE - Cr L Roberts, Cr P Epov

ABSENT. DID NOT VOTE - Cr B Christensen

382/19 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the application to modify Development Consent 331/2017 relating to trading hours for the McDonald's Restaurant at 18-22 corner of The Lakes Way and Mark Street, Forster be approved subject to the conditions contained in Annexure A with the following amendment.

Existing Condition 4 under DA 331/2017 to be amended to:

A specialist Security Service is to provide security on site between the hours of 11.00pm to 6.00am. One (1) security guard to be employed to provide static and mobile patrols of the premises in an attempt to reduce loitering, anti-social behaviour and crime opportunities in the vicinity of the premises.

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

NOTICES OF MOTION

NoM 01: Notice of Motion Cr L Roberts

Cr K Hutchinson left the meeting at 3.55pm.

(Moved Cr L Roberts/Seconded Cr D Keegan)

That Council, when deciding upon naming parks, bridges and other places, preference appropriate local Aboriginal words.

An amendment was Moved Cr K Smith/Seconded Cr K Bell

That Council, when deciding upon naming parks, bridges and other places, consider appropriate local Aboriginal words.

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

The amendment was lost. Council then returned to the original notice of motion moved by Cr L Roberts/Seconded Cr D Keegan.

(Moved Cr L Roberts/Seconded Cr D Keegan)

That Council, when deciding upon naming parks, bridges and other places, preference appropriate local Aboriginal words where ever suitable.

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

383/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr D Keegan)

That Council, when deciding upon naming parks, bridges and other places, preference appropriate local Aboriginal words where ever suitable.

FOR VOTE - Cr D West, Cr K Smith, Cr L Roberts, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr T Fowler, Cr P Epov

AGAINST VOTE - Cr K Bell

ABSENT. DID NOT VOTE - Cr B Christensen, Cr K Hutchinson

NoM 02: Notice of Motion Cr L Roberts

384/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr D Keegan)

That Council acknowledges the great work of the Rural Fire Service and Community in response to recent bushfires in our LGA, and that Council asks Rural Fire Service Superintendent Cam Baker to address Council in an appropriate meeting/workshop on the roles and relationship between Council and Rural Fire Service, and the preparedness for future bushfire incidents in our Local Government Area.

Cr T Fowler left the meeting at 4.05pm

Cr T Fowler returned to the meeting at 4.06pm

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr K Hutchinson

Cr K Hutchinson returned to the meeting at 4.15pm

NoM 03: Notice of Motion Cr K Bell

That the following provision be amended to the policy for concealed leaks;

1. Residential properties affected by a declared emergency situation are also eligible for a reduction in water charges under this policy for water use that was reasonably necessary to defend property or where damage to an internal water service (above or below ground) occurred, provided that non-metallic components (i.e. polyethylene) were not involved.

385/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr P Epov)

1. That the following provision be added as Item 11 to the policy for concealed leaks;
 11. Residential properties affected by a declared emergency situation are also eligible for a reduction in water charges under this policy for water use that was reasonably necessary to defend property or where damage to an internal water service (above or below ground) occurred, provided that non-metallic components (i.e. polyethylene) were not involved.
2. That Council waive the green waste fee until 24 December 2019.

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

NoM 04: Notice of Motion Cr K Bell

386/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr D West)

That Council provide the Manning Entertainment Centre to Stacey Lee's Centre Stage production; Perfectly Imperfect (now booked for 1 December) for the fees Council quoted in the initial booking agreement for 16 November that was postponed due to bush fire emergencies.

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

387/19 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council resolve items on the agenda by exception in accordance with Clause 13 of Council's Code of Meeting Practice.

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

388/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That Council adopt the recommendation for items 1, 7, 8, 9, 11, 13, 14, 15, 16, 18, 19 and 25 and amend the order of business in accordance with Clause 13 of Council's Code of Meeting Practice.

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

CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1 OUTSTANDING MATTERS

Report Author Adrian Panuccio, General Manager
File No. / ECM Index Governance/Council Meetings
Date of Meeting 27 November 2019
Authorising Director

RECOMMENDATION

That the report and Attachment A be noted.

389/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

DIRECTOR LIVEABLE COMMUNITIES

7 DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY - OCTOBER 2019

Report Author Paul De Szell, Director Liveable Communities
File No. / ECM Index Development Consents Issued Under Delegated Authority
Date of Meeting 27 November 2019
Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

It is recommended that the information be noted.

390/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

8 LIST OF MATTERS CURRENTLY BEFORE THE COURT

Report Author Paul De Szell - Director Liveable Communities

File No. / ECM Index Land & Environment Court Appeals

Date of Meeting 27 November 2019

Authorising Director Paul De Szell - Director Liveable Communities

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

It is recommended that the information be noted.

391/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

9 WALLIS & SMITHS LAKE COAST & ESTUARY COMMITTEE MINUTES - 29 MAY 2019

Report Author Prue Tucker, Water Quality & Estuary Coordinator

File No. / ECM Index NS-EST-W/L-S/L; Estuary, Coast Management Smiths & Wallis

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

That the Minutes of the Wallis & Smiths Lake Coast & Estuary Management Committee meeting held on 29 May 2019 be noted.

392/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

11 LOCAL STRATEGIC PLANNING STATEMENTS

Report Author Sue Calvin, Acting Manager Strategic Planning
File No. / ECM Index S1847/01
Date of Meeting 27 November 2019
Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

That:

1. The Department of Planning, Industry and Environment be notified that the MidCoast Local Strategic Planning Statement cannot be completed until 30 June 2021, given the extensive strategic work being undertaken to develop a planning framework for MidCoast Council.
2. High priority planning proposals be specifically resourced to ensure completion by June 2020.
3. That applicants of user-pays planning proposals (medium priority) be informed of the potential delay.

393/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DIRECTOR INFRASTRUCTURE & ENGINEERING

13 TENDER FOR CONSTRUCTION OF WARDS RIVER AND RELTONS BRIDGES

Report Author Matthew Lee, Senior Project Manager
File No. / ECM Index Summaries of Tenders; Contract 2019/20-07 – Wards River and Reltons Bridges
Date of Meeting 27 November 2019
Authorising Director Robert Scott, Director Infrastructure & Engineering Services
'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

1. Reject all tenders.
 2. Enter into negotiation with the preferred tenderer, Talis Civil Pty Ltd for the reconstruction of Wards River and Reltons Bridges; and
 3. Authorise execution of the contract by the General Manager.
-

394/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

14 TENDER FOR RECONSTRUCTION OF GLOUCESTER ROAD KILLAWARRA

Report Author Matthew Lee, Senior Project Manager

File No. / ECM Index Summaries of Tenders; Contract 2019/20-08 – Gloucester Road, Killawarra Reconstruction

Date of Meeting 27 November 2019

Authorising Director Robert Scott, Director Infrastructure & Engineering Services

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

1. Award the contract for the reconstruction of Gloucester Road, Killawarra to Durack Civil Pty Ltd subject to a final check of insurance compliance by Council's insurer and compliance with Council's Conditions of Contract; and
2. Authorise execution of the contract by the General Manager.

395/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

15 PROPOSED PARTIAL PUBLIC ROAD CLOSURE RIVER ROAD BOORAL

Report Author Rob Langdon, Senior Surveyor

File No. / ECM Index RD34966/03

Date of Meeting 27 November 2019

Authorising Director Robert Scott, Director Engineering & Infrastructure

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

1. That Council approve the closure of the Council Public road shaded red in Attachment A, and
 2. Council sell the closed road to the applicant at market value.
-

396/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

16 WATER AND WASTEWATER MONTHLY PERFORMANCE REPORT - OCTOBER 2019

Report Author Robert Scott, Director Infrastructure & Engineering Services

File No. / ECM Index A684543

Date of Meeting 27 November 2019

Authorising Director Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That the Water and Wastewater Monthly Performance Report for October 2019 be received and noted.

397/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DIRECTOR CORPORATE SERVICES

18 SUSPENSION OF ALCOHOL FREE ZONE - TASTEFEST ON THE MANNING 2020

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Alcohol Free Zones

Date of Meeting 27 November 2019

Authorising Director Steve Embry, Director Corporate Services

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

That Council grant approval for the temporary suspension of the Alcohol Free Zone in Queen Elizabeth Park between Pulteney Street and Macquarie Street from Friday 10th January 2020 at 5pm to Saturday 11th January 2020 at 10.30pm.

398/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

19 INVESTMENTS REPORT - OCTOBER 2019

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 27 November 2019

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That the report be received and noted.

399/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

25 TRANSFER OF LAND IN PAYMENT OF RATES - EUROKA AVENUE, NORTH ARM COVE CONFIDENTIAL

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 27 November 2019

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
-

400/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

RECOMMENDATION

1. That Council accept the transfer of Lot 2983 DP 12276, Euroka Avenue, 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.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DIRECTOR LIVEABLE COMMUNITIES

4 COMMUNITY PARTICIPATION PLAN

Report Author Marcelle Boyling, Communications & Engagement Coordinator

File No. / ECM Index Community Relations

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

That the draft Community Participation Plan provided in Attachment A to this report be formally adopted.

401/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr C Pontin)

That the above recommendation be adopted with the addition of:

On page 9 of the plan, point 3, dot point 3, add the words "or items in heritage conservation areas" as below:

3. Unless assessed as likely to detrimentally affect the amenity of persons on adjoining and neighbouring land, the following development will not be notified:
 - Demolition of buildings (except heritage items *or items in heritage conservation areas*)

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

5 LOCAL COMMUNITY PLANNING - STEERING GROUPS

Report Author Marcelle Boyling - Communications & Engagement Coordinator

File No. / ECM Index MidCoast Council Community Local Planning

Date of Meeting 27 November 2019

Authorising Director Paul De Szell - Director Liveable Communities

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

RECOMMENDATION

That Council:

1. Adopt the recommended membership to the Gloucester Community Planning Steering Group as noted in confidential Attachment A.
2. Convene a panel to select membership for the Wingham Community Planning Steering Group as recommended in confidential Attachment A.

402/19 RESOLUTION

(Moved Cr C Pontin/Seconded Cr D Keegan)

1. Adopt the recommended membership to the Gloucester Community Planning Steering Group as noted in confidential Attachment A.
2. Council convene a panel to determine membership for the Wingham Community Planning Steering Group including Cr T Fowler, Cr K Smith and Cr K Hutchinson as recommended in confidential Attachment A.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

6 COMPANION ANIMALS POUND

Report Author Bruce Moore, Manager Development Assessment

File No. / ECM Index S1819

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

That the report be noted.

Cr T Fowler left the meeting at 4.34pm

Cr T Fowler returned to the meeting at 4.36pm

Cr D Keegan left the meeting at 4.34pm

Cr D Keegan returned to the meeting at 4.37pm

403/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr D Keegan)

1. That Council publish pound daily temperature records where available.
2. That a report addressing volunteer helpers at Council pounds come to Council once the ranger review is complete.
3. That the option of a new pound or refurbished pound facilities be considered at the next budget round.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

10 TENDER - CONSTRUCTION OF STROUD SHOWGROUND - MULTI PURPOSE BUILDING

Report Author **David Morse, Project Manager**

File No. / ECM Index **Summaries of Tenders; 2018-19/17 TEN-STR-SG-MPB-19A**

Date of Meeting **27 November 2019**

Authorising Director **Paul De Szell, Director Liveable Communities**

'Report originally prepared for the cancelled Council Meeting of 13 November 2019'

Cr K Hutchinson having declared a pecuniary interest, left the meeting at 4.41pm

RECOMMENDATION

That Council:

1. Award the contract for the construction of a multi-purpose building at Stroud Showground to OutKat Pty Ltd subject to:
 - i. Successful negotiations with the preferred tenderer regarding:
 - a. their proposed construction schedule, and
 - b. confirmation that evidence of professional indemnity insurance held by relevant (engineers and designers (for example)) subcontractors to work on the project will be provided to Council as those subcontractors are engaged and before they begin delivering services.
 - ii. a final check of insurance compliance by Council's insurer.
2. Approve an allocation from the Duralie Coal Mine fund in the amount of \$550,000
3. Authorise execution of the contract by the General Manager.

404/19 RESOLUTION

(Moved Cr C Pontin/Seconded Cr L Roberts)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr K Hutchinson

Cr K Hutchinson returned to the meeting at 4.42pm

12 BIGHT CEMETERY, WINGHAM - UPDATE 2

Report Author Paul De Szell, Director Liveable Communities

File No. / ECM Index Cemeteries General

Date of Meeting 27 November 2019

Authorising Director Paul De Szell, Director Liveable Communities

RECOMMENDATION

1. That the information provided in this report be noted; and
2. That Council liaise with "The Blight of the Bight" community group and affected families prior to the formal adoption of the Draft "The Bight Cemetery Restoration Action Plan".

405/19 RESOLUTION

(Moved Cr K Bell/Seconded Cr P Epov)

1. That the information provided in this report be noted.
2. That Council liaise with "The Blight of the Bight", community group, National Trust, Heritage Advisor and affected families prior to the formal adoption of the Draft "The Bight Cemetery Restoration Action Plan".
3. That information provided by Council in response to GIPA Application 20/20 be provided to Councillors via email by the next Council Meeting.
4. Council liaises with the families over the appointment of the stonemasons

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

DIRECTOR INFRASTRUCTURE & ENGINEERING

17 MONTHLY PROJECT STATUS REPORTS - OCTOBER 2019

Report Author Lorna Barber, Project Officer
Stuart Small, Team Leader Project Delivery
File No / ECM Index Water General
Date of Meeting 27 November 2019
Authorising Director Robert Scott, Director Infrastructure & Engineering Services

Cr K Bell, having declared a pecuniary interest, left the meeting at 4.58pm

RECOMMENDATION

1. That the Monthly Project Status Reports for October 2019 be received and noted
2. That the existing baseline milestones be adjusted to reflect the current planned milestones for the Switchboard renewals program.

406/19 RESOLUTION

(Moved Cr C Pontin/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr K Bell

Cr K Bell returned to the meeting at 4.59pm

DIRECTOR CORPORATE SERVICES

20 COUNCIL MEETING SCHEDULE FOR 2020

Report Author Rob Griffiths, Manager Governance
File No. / ECM Index Council Meetings General
Date of Meeting 27 November 2019
Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That the Meeting Schedule for 2020 contained in Annexure A be adopted.

(Moved Cr K Smith/Seconded Cr T Fowler)

That the proposed Council meeting of 11 March 2020 be held at the Gloucester Chambers.

An amendment was Moved Cr K Bell/Seconded Cr C Pontin

That the Meeting Schedule for 2020 contained in Annexure A be adopted.

FOR VOTE - Cr D West, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr P Epov

AGAINST VOTE - Cr K Smith, Cr L Roberts, Cr T Fowler, Cr K Hutchinson

ABSENT. DID NOT VOTE - Cr B Christensen

The amendment is carried and became the motion.

407/19 RESOLUTION

(Moved Cr K Bell/seconded Cr C Pontin)

That the Meeting Schedule for 2020 contained in Annexure A be adopted.

FOR VOTE - Cr D West, Cr L Roberts, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr P Epov

AGAINST VOTE - Cr K Smith, Cr K Hutchinson

ABSENT. DID NOT VOTE - Cr B Christensen

21 MIDCOAST COUNCIL ANNUAL REPORT 2018-19

Report Author Donna Hudson, Governance Liaison & Projects Coordinator

File No. / ECM Index Publications – Annual Report

Date of Meeting 27 November 2019

Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That the MidCoast Council Annual Report for the period 1 July 2018 – 30 June 2019 be received and noted.

408/19 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the above recommendation be adopted with the following minor adjustments:

The report was moved with the following minor adjustments:

- Insert an M on page 5 to read \$66.8M spent on improving roads and bridges
- Page 5 of the statutory reporting section combine accommodation with conferences and seminars to more accurately reflect the spend
- Page 5 of the statutory reporting section update to include Australian Institute of Company Directors (AICD) training has been offered to Councillors with the schedule to be confirmed
- Page 7 of the statutory reporting section update to include Duralie Coal Fund – community donations

FOR VOTE - Cr D West, Cr K Smith, Cr L Roberts, Cr D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson

AGAINST VOTE - Cr P Epov

ABSENT. DID NOT VOTE - Cr B Christensen

22 EXPRESION OF INTEREST FOR THE HEAD CONTRACTOR TENDER FOR THE CONVERSION AND OFFICE FITOUT OF 2 BIRIPI WAY, TAREE SOUTH

Report Author Alex Scollen, Program Manager
File No. / ECM Index EOI No 2019-2020/12
Date of Meeting 27 November 2019
Authorising Director Steve Embry, Director Corporate Services

RECOMMENDATION

That Council;

- (i) endorse the shortlisting of the following Respondents;
 - Schiavello Constructions NSW Pty Ltd
 - North Construction Building Pty Ltd
 - AW Edwards Pty Ltd
 - Built
- (ii) allow the project to proceed to select tender with the shortlisted Respondents for the construction of Council's new office.

(Moved Cr Fowler/Seconded Cr C Pontin)

That the above recommendation be adopted.

An amendment was Moved Cr P Epov/Seconded Cr K Bell

That this matter be deferred for a period of 6 months until after Council reviews its financial statements for the previous year 2018/19 and Council is in a position to understand the consequence of additional expenditure that may be incurred as a result of bush fires and any water supply issues as a result of Level 4 water restrictions

Cr T Fowler left the meeting at 5.14pm

Cr K Hutchinson left the meeting at 5.16pm

Cr T Fowler returned to the meeting at 5.18pm

Cr K Hutchinson returned to the meeting at 5.18pm

Cr K Smith left the meeting at 5.27pm

Cr K Smith returned to the meeting at 5.30pm

FOR VOTE - Cr K Bell, Cr D Keegan, Cr P Epov

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

ABSENT. DID NOT VOTE - Cr B Christensen

The amendment was lost and Council then returned to the original motion moved Cr T Fowler/Seconded Cr C Pontin.

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

AGAINST VOTE - Cr D Keegan, Cr K Bell, Cr P Epov, Cr J McWilliams,

ABSENT. DID NOT VOTE - Cr B Christensen

The original motion is carried.

409/19 RESOLUTION

(Moved Cr Fowler/Seconded Cr C Pontin)

That Council;

- (i) endorse the shortlisting of the following Respondents;
 - Schiavello Constructions NSW Pty Ltd
 - North Construction Building Pty Ltd
 - AW Edwards Pty Ltd
 - Built
- (ii) allow the project to proceed to select tender with the shortlisted Respondents for the construction of Council's new office.

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

AGAINST VOTE - Cr D Keegan, Cr K Bell, Cr P Epov, Cr J McWilliams,

ABSENT. DID NOT VOTE - Cr B Christensen

23 OLG DISCUSSION PAPER - NEW INTERNAL AUDIT AND RISK MANAGEMENT FRAMEWORK

Report Author	Rob Griffiths, Manager Governance
File No. / ECM Index	ARIC, Internal Audit, Risk Management
Date of Meeting	27 November 2019
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That Council note the report.

Moved Cr L Roberts/Seconded Cr T Fowler

1. That the report be noted
2. That Council makes a submission on the paper that Councillors with proper and appropriate qualifications acceptable to the State Government ought to be on the Audit Risk Improvement Committee.

Withdrawn by Cr. L Roberts.

410/19 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Bell)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen

24 RENEWAL OF GRAZING LICENCE AT DAWSON RIVER SEWERAGE TREATMENT PLANT

Report Author **Leonie Cooke, Senior Property Officer**
File No. / ECM Index **Council Properties, Leasing General; AD-LIC-GR-WEST**
Date of Meeting **27 November 2019**
Authorising Director **Steve Embry, Director Corporate & Business Systems**

Cr D West, Mayor, having declared a pecuniary interest, vacated the Chair and left the meeting at 5.42pm.

Deputy Mayor, Cr C Pontin, took the Chair for the duration of this item.

RECOMMENDATION

That Council grant a Licence for a period of three (3) years commencing on 1 January 2020 to the Licensee in accordance with the details set out in this Report.

Cr D Keegan left the meeting at 5:43pm and did not return.

411/19 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr K Smith, Cr L Roberts, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson

AGAINST VOTE - Cr P Epov

ABSENT. DID NOT VOTE - Cr D West, Cr B Christensen, Cr D Keegan

Cr D West returned to the meeting and resumed the Chair at 5.44pm

CLOSED COUNCIL:

412/19 RESOLUTION

(Moved Cr K Smith/Seconded Cr J McWilliams)

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (5.46pm)

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr D Keegan

413/19 RESOLUTION

(Moved Cr K Smith/Seconded Cr C Pontin)

That the public be removed from the gallery for the duration of Closed Council.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr D Keegan

Upon resuming into Open Council at 5.52pm the Chairperson reported that the following resolution had been passed.

LATE REPORT - MANNING WATER SUPPLY SCHEME EMERGENCY WORKS

Report Author Mitchell Stace, Acting Capital Works Manager

File No. / ECM Index A687553

Date of Meeting 27 November 2019

Authorising Director Robert Scott, Director Infrastructure & Engineering Services

Cr D Keegan had previously left the meeting

REASON FOR CONFIDENTIALITY

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

(d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

414/19 RESOLUTION

(Moved Cr C Pontin/Seconded Cr T Fowler)

That Council:

1. Approves the engagement of a specialist water drilling contractor without the need to go to open tender as per Section 55(3)(i) of Local Government Act based on:
 - a) The urgency and emergency circumstances facing the water supply scheme
 - b) A better result is not likely to be achieved from tendering due to the limited availability of suitable contractors
2. Authorise the General Manager to engage Water Resources Drilling Pty Ltd to undertake the emergency works for construction of eight (8) additional water extraction bores at Nabiac Borefield

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr B Christensen, Cr D Keegan

MATTERS OF URGENT BUSINESS

Nil.

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 27 November 2019.

There being no further business, the meeting closed at 5.58pm.

CHAIRPERSON
Mayor David West