



## **Minutes of the Ordinary Council Meeting**

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

**6 February 2019**

A handwritten signature in black ink, which appears to read "Panuccio". The signature is written in a cursive style with a large, looping initial 'P'.

**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 6 February 2019 commencing at 2:00pm.

Present: Cr D West (Mayor), Cr K Smith, Cr B Christensen, Cr L Roberts, Cr D Keegan,  
Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler (later 2.24pm), Cr K Hutchinson, Cr P Epov

#### **IN ATTENDANCE**

General Manager - Adrian Panuccio  
Director Community Spaces & Services, Acting Director Planning & Natural Systems  
- Paul De Szell  
Director Corporate & Business Systems - Steve Embry  
Director Engineering & Infrastructure Services - Robert Scott  
Director Water Services - Brendan Guiney  
Minute Taker - Corporate Support Officer - Lyn Hickey

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The following document is the Minutes of the Ordinary meeting held on 6 February 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.

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The Mayor 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."

#### **Prime7 News, NBN News & ABC News Recording**

#### **1/19 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That Prime7 News, NBN News & ABC News be approved to record today's Council meeting.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr T Fowler

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## **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.

## **SPECIAL ACTIVITY IF REQUIRED**

Nil.

## **APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

## **CONFIRMATION OF MINUTES OF STRATEGIC COMMITTEE MEETING 12 DECEMBER 2018**

### **RECOMMENDATION**

That the Minutes of the Strategic Committee meeting of 12 December 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

## **2/19 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr D Keegan)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr T Fowler

## **CONFIRMATION OF MINUTES OF MEETING 19 DECEMBER 2018**

### **RECOMMENDATION**

That the Minutes of the Ordinary meeting of 19 December 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

## **3/19 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr B Christensen)

That the above recommendation be adopted.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr T Fowler

## MATTERS ARISING FROM MINUTES

Cr Smith referred to previous minutes re the Manning River Catchment being potentially inundated over the next four to six weeks.

The Acting Director Planning & Natural Systems provided a verbal comment in relation to this advising Farquar inlet didn't reach the flooding level and advice was sent to Councillors regarding this.

Cr David Keegan enquired of the permanent adoption of the Manning River Catchment minutes - what is Council's current practice. The Acting Director Planning & Natural Systems provided a verbal comment.

## DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr J McWilliams	Item 7 - 2 Biripi Way, Taree Office Relocation Investigations Update	Non-Pecuniary Interest (Less than Significant) the nature of the interest being her daughter has worked for Council for 18 years. Cr McWilliams has already declared this prior to attending community meetings. The nature of the interest is that there is no gain to either party. Cr McWilliams elected to remain in the Chambers and participate in discussions and voting.
Cr K Bell	Item 7 - 2 Biripi Way, Taree Office Relocation Investigations Update	Non-Pecuniary Interest (Less than Significant) the nature of the interest being my husband's daughter who does not live with us was recently employed by Council. Cr Bell elected to remain in the Chambers and participate in discussions as it will have no bearing on me making an impartial, informed decision.

## MAYORAL MINUTE(S)

Nil.

## NOTICE OF PUBLIC SPEAKERS SPEAKING TO ITEMS ON THE AGENDA

### 4/19 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr P Epov)

That members of the public who have received approval to address Council, be allowed to do so.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr T Fowler

## **Item 2 - 158/2019/DA - Telecommunication Facility - Old Bar Park, Old Bar**

- Adrian Bell (Metasite Pty Ltd) speaking as the applicant's representative in support of the recommendation

## **Item 4 - List of matters currently before the Court**

- Scott Pearse speaking in support of the recommendation
- Sandra Chan Speaking in support of the recommendation

### **5/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr C Pontin)

That the speaker be given an extension of time for another two minutes.

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

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr T Fowler

## **Item 7 - 2 Biripi Way, Taree Office Relocation Investigations Update**

- Katrina Pearson Speaking in opposition to the recommendation

### **6/19 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr D Keegan)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

- John Rosenbaum Speaking in opposition to the recommendation

### **7/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr D Keegan)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

- Paul Van Drunen Speaking in opposition to the recommendation

### **8/19 RESOLUTION**

(Moved Cr C Pontin/Seconded Cr T Fowler)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

- David Poole speaking in opposition to the recommendation
- Mike Deignan speaking in opposition to the recommendation

### **9/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr J McWilliams)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

- Alan Tickle speaking in opposition to the recommendation

### **10/19 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr D Keegan)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

### **Item 12 - Petition**

- Katrina Pearson spoke in favour of the petition and tabled some late petitions to the General Manager

### **11/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr D Keegan)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil



**Item 13 - Notice of Motion 1 and Item 15 Notice of Motion 3**

The Mayor allowed the speaker to combine two separate questions to address

- Christine Stanton - Speaking in support of the Notice of Motion 1 and speaking in opposition to part of the Notice of Motion 3.

**Item 13 - Notice of Motion 1**

- Andrew Keir speaking in support of the Notice of Motion

**12/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr C Pontin)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

**Item 17 - Questions with Notice 2**

- Deb Cramp Speaking in opposition to the Questions with Notice, answers..

**13/19 RESOLUTION**

(Moved Cr T Fowler/Seconded Cr J McWilliams)

That the speaker be given an extension of time for another two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

**14/19 RESOLUTION**

(Moved by Cr L Roberts/Seconded Cr C Pontin)

That item 7 - 2 Biripi Way, Taree - Office Relocation Investigations Update be brought forward to the first item on the agenda.

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

AGAINST VOTE - Cr K Bell

ABSENT. DID NOT VOTE - Nil

## **DIRECTOR CORPORATE & BUSINESS SYSTEMS**

### **7 2 BIRIPI WAY, TAREE OFFICE RELOCATION INVESTIGATIONS UPDATE**

**Report Author** Steve Embry, Director Corporate & Business Systems

**File No. / ECM Index** Commercial Industrial Premises: Cnr Manning River Drive and Biripi Way

**Date of Meeting** 6 February 2019

**Authorising Director** Steve Embry, Director Corporate & Business Systems

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### **RECOMMENDATION**

That Council:

1. Note the contents of this report regarding the status of the Project including the outcomes of the community consultation arrangements concerning the draft financing strategy.
2. Approve and adopt the financing strategy for the Project.
3. Approve the Project to proceed to the next phase (Design and Construct Phase) with results of the procurement processes associated with that phase being reported back to Council. Prior to committing to any construction works, the outcomes of the detailed design and cost plan would be submitted to Council for its review and approval.
4. Note the LTFP Scenario for the Office Relocation Project and include this as an addendum to the LTFP.

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council

1. Note the report.
2. Commission a new Cost Benefit Analysis to assess the latest costs and benefits associated with the purchase and fitout of 2 Biripi Way for use as a single site administrative office for MidCoast Council compared to the campus model. The CBA should:
  - a) Use the latest relevant property valuations, and
  - b) Be based on the most recent financing strategy which proposes a mix of loan, cash from savings and cash from property sales, and
  - c) exclude all subjective savings associated with staff "culture change" and concentrate on actual realisable savings associated with the new work environment.
3. The CBA should be prepared by an independent third party expert.
4. The resulting report should be provided to Council in April.
5. Council should then identify the best use of the projected savings, if any, from the consolidation of office services for the benefit of the community.
6. If necessary pay for the new or revised CBA from the unused funds carried forward from 2017-18 allocated for Councillor training.

## **15/19 RESOLUTION**

(Moved by Cr Bell/Seconded Cr J McWilliams)

At 3.23pm Council move into Committee of the Whole to discuss Item 7.

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

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

ABSENT. DID NOT VOTE - Nil

## **16/19 RESOLUTION**

(Moved Cr K Smith/Seconded Cr K Hutchinson)

At 3.58pm Council move out of Committee of the Whole

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

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

ABSENT. DID NOT VOTE - Nil

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

That Council:

1. Commissions a project review of the Master's Office Centralisation Proposal including a new Cost Benefit Analysis. The review should:
  - a) Consider a range of viable alternatives for Council's future operations going forward into the 21<sup>st</sup> Century.
  - b) produce a cost benefit analysis for the viable options.
  - c) exclude all subjective savings associated with staff "culture change" and concentrate on actual realisable savings.
  - d) Ensure that all source data used in the Cost Benefit Analysis has been independently verified.
  - e) Consider a Financing Strategy based on submissions from Council staff.
  - f) Consider other applications for the Masters Warehouse.
2. Appoints the project reviewer/s (which could be a person, company or an academic institution) through a tender process.
3. The resulting analysis be provided to Council as soon as possible to assist it in its decision making.
4. Pay for the new or revised Cost Benefit Analysis from the unused funds carried forward from 2017-18 allocated for Councillor training, or other budget as appropriate.

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

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

ABSENT. DID NOT VOTE - Nil

The amendment moved by Cr P Epov was put to the vote and declared lost.

Council returned to the original motion moved by Cr C Pontin.

*Cr J McWilliams left the chamber at 4.31pm*

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council

1. Note the report.
2. Commission a new Cost Benefit Analysis to assess the latest costs and benefits associated with the purchase and fitout of 2 Biripi Way for use as a single site administrative office for MidCoast Council compared to the campus model. The CBA should:
  - a) Use the latest relevant property valuations, and
  - b) Be based on the most recent financing strategy which proposes a mix of loan, cash from savings and cash from property sales, and
  - c) exclude all subjective savings associated with staff "culture change" and concentrate on actual realisable savings associated with the new work environment.
3. The CBA should be prepared by an independent third party expert.
4. The resulting report should be provided to Council in April.
5. Council should then identify the best use of the projected savings, if any, from the consolidation of office services for the benefit of the community.
6. If necessary pay for the new or revised CBA from the unused funds carried forward from 2017-18 allocated for Councillor training.

An amendment was moved by Cr K Bell/Seconded Cr P Epov

That the wide ranging impacts on the community be explored with all stakeholders prior to recommendations being put back to Council regarding the future use of the Masters building.

*Cr J McWilliams returned to the chamber at 4.34pm.*

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

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

ABSENT. DID NOT VOTE - Nil

The amendment moved by Cr K Bell was put to the vote and declared lost.

Council returned to the original motion moved by Cr C Pontin.

(Moved by Cr L Roberts/Seconded K Hutchinson)

That the motion be now put.

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

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

ABSENT. DID NOT VOTE - Nil

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council

1. Note the report

2. Commission a new Cost Benefit Analysis to assess the latest costs and benefits associated with the purchase and fitout of 2 Biripi Way for use as a single site administrative office for MidCoast Council compared to the campus model. The CBA should:
  - a) Use the latest relevant property valuations, and
  - b) Be based on the most recent financing strategy which proposes a mix of loan, cash from savings and cash from property sales, and
  - c) exclude all subjective savings associated with staff "culture change" and concentrate on actual realisable savings associated with the new work environment.
3. The CBA should be prepared by an independent third party expert.
4. The resulting report should be provided to Council in April.
5. Council should then identify the best use of the projected savings, if any, from the consolidation of office services for the benefit of the community.
6. If necessary pay for the new or revised CBA from the unused funds carried forward from 2017-18 allocated for Councillor training.

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

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

ABSENT. DID NOT VOTE - Nil

## **17/19 RESOLUTION**

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council

1. Note the report
2. Commission a new Cost Benefit Analysis to assess the latest costs and benefits associated with the purchase and fitout of 2 Biripi Way for use as a single site administrative office for MidCoast Council compared to the campus model. The CBA should:
  - a) Use the latest relevant property valuations, and
  - b) Be based on the most recent financing strategy which proposes a mix of loan, cash from savings and cash from property sales, and
  - c) exclude all subjective savings associated with staff "culture change" and concentrate on actual realisable savings associated with the new work environment.
3. The CBA should be prepared by an independent third party expert.
4. The resulting report should be provided to Council in April.
5. Council should then identify the best use of the projected savings, if any, from the consolidation of office services for the benefit of the community.
6. If necessary pay for the new or revised CBA from the unused funds carried forward from 2017-18 allocated for Councillor training.

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

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

ABSENT. DID NOT VOTE - Nil

## **18/19 RESOLUTION**

(Moved Cr P Epov/Seconded Cr K Keegan)

That the order of the Agenda be changed to allow Items 13 and 14 to be moved forward on the Agenda, Notices of Motions, as they relate to Masters Warehouse Office Centralisation.

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 - Cr B Christensen

ABSENT. DID NOT VOTE - Nil

### **NOTICES OF MOTION**

#### **13 NOTICE OF MOTION 1**

**Councillors** Cr Kathryn Bell, Cr Peter Epov and Cr Jan McWilliams

**File No. / ECM Index** Notices of Motion

**Date of Meeting** 6 February 2019

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#### **NOTICE OF MOTION**

That in the interests of public confidence and as required under the Local Government Act 1993, Sections 8, 8A, 8B and 8C - see "Annexure A" (in particular, relating to sound financial management); that Council immediately writes to the Minister for Local Government and requests the appointment of an independent person to review the Office Centralisation Proposal and to conduct public consultation as necessary.

## **19/19 RESOLUTION**

(Moved Cr K Bell/Seconded Cr D Keegan)

That in the interests of public confidence and as required under the Local Government Act 1993, Sections 8, 8A, 8B and 8C - see "Annexure A" (in particular, relating to sound financial management); that Council immediately writes to the Minister for Local Government and requests the appointment of an independent person to review the Office Centralisation Proposal and to conduct public consultation as necessary.

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

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

ABSENT. DID NOT VOTE - Nil

The Notice of Motion was lost.

#### **14 NOTICE OF MOTION 2**

**Councillor** Cr Peter Epov, Cr Kathryn Bell and Cr Jan McWilliams

**File No. / ECM Index** Notices of Motion

**Date of Meeting** 6 February 2019

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## **NOTICE OF MOTION**

That MidCoast Council suspends all work including the making of any decisions regarding the Office Centralisation Proposal to the Masters Warehouse, until after the NSW State Elections have been finalised.

(Moved Cr P Epov/Seconded Cr J McWilliams)

That MidCoast Council suspends all work pertaining to the office centralisation proposal to the Masters Warehouse until after the NSW State Elections have been finalised.

(Moved Cr Bell/Seconded Cr K Hutchinson)

That the motion be now put.

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

AGAINST VOTE - Cr D Keegan

ABSENT. DID NOT VOTE - Nil

The motion to put the motion was carried.

*Cr D Keegan left the chamber at 5.12pm*

Council returned to the original Notice of Motion

That MidCoast Council suspends all work including the making of any decisions regarding the Office Centralisation Proposal to the Masters Warehouse, until after the NSW State Elections have been finalised.

*Cr C Pontin left the meeting at 5.16pm*

FOR VOTE - Cr K Bell, Cr J McWilliams, Cr P Epov

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

ABSENT. DID NOT VOTE - Cr D Keegan, Cr C Pontin

The Notice of Motion was lost

## **20/19 RESOLUTION**

The Notice of Motion was lost.

FOR VOTE - Cr K Bell, Cr J McWilliams, Cr P Epov

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

ABSENT. DID NOT VOTE - Cr D Keegan, Cr C Pontin

*That Council briefly adjourned At 5.18pm*

*Council reconvened at 5.34pm*

*Cr D Keegan and Cr C Pontin returned to the chamber.*

## **GENERAL MANAGER**

### **1 MATTERS OUTSTANDING**

**Report Author** Adrian Panuccio, General Manager  
**File No. / ECM Index** Governance/Council Meetings  
**Date of Meeting** 6 February 2019

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#### **RECOMMENDATION**

That the report and Annexure A be noted.

#### **21/19 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **ACTING DIRECTOR PLANNING & NATURAL SYSTEMS**

### **2 158/2019/DA - TELECOMMUNICATION FACILITY - OLD BAR PARK, OLD BAR**

**Report Author** Petula Bowden, Senior Town Planner  
**File No.** 158/2019/DA  
**Date of Meeting** 6 February 2019  
**Authorising Director** Paul De Szell - Acting Director Planning & Natural Systems

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#### **RECOMMENDATION**

That Development Application 158/2019/DA for the construction of a Telecommunication Facility on Lot 136, DP 1160943. Old Bar Road, Old Bar be approved subject to the conditions contained in Annexure A to this report.

#### **22/19 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the matter be deferred for the following information:

- Maps identifying the proximity of the proposed tower to the pre school, nearby residential development and also the sporting field
- Details in relation to the federal Governments position on National Security in relation to telecommunications.

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

AGAINST VOTE - Cr J McWilliams, Cr P Epov

ABSENT. DID NOT VOTE - Nil

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### **3 DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY - DECEMBER 2018**

**Report Author** Paul De Szell - Acting Director - Planning & Natural Systems  
**File No. / ECM Index** Development Consents Issued Under Delegated Authority  
**Date of Meeting** 6 February 2019  
**Authorising Director** Paul De Szell - Acting Director Planning & Natural Systems

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#### **RECOMMENDATION**

It is recommended that the information be noted.

#### **23/19 RESOLUTION**

(Moved Cr K Smith/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

### **4 LIST OF MATTERS CURRENTLY BEFORE THE COURT**

**Report Author** Paul De Szell, Acting Director - Planning & Natural Systems  
**File No. / ECM Index** Land & Environment Court Appeals  
**Date of Meeting** 6 February 2019  
**Authorising Director** Paul De Szell, Acting Director Planning & Natural Systems

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#### **RECOMMENDATION**

It is recommended that the information be noted.

#### **24/19 RESOLUTION**

(Moved Cr K Bell/Seconded Cr J McWilliams)

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **DIRECTOR ENGINEERING & INFRASTRUCTURE**

### **5 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 4 DECEMBER 2018**

**Report Author**                      **Guru Arumugam – Traffic Engineer**

**File No. / ECM Index Traffic Committee Agendas**

**Date of Meeting**              **6 February 2019**

**Authorising Director** **Robert Scott - Director Engineering & Infrastructure**

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#### **RECOMMENDATION**

It is recommended that the Minutes of the Local Traffic Committee meeting held on 4 December 2018 be noted and that Council endorse the recommendations made at the meeting.

(Moved Cr J McWilliams/Seconded Cr L Roberts)

That the Minutes be noted and that Council endorse the recommendations except for Item 11 which is to be deferred to the next Traffic Committee Meeting for further investigation.

FOR VOTE - Cr D West, Cr K Smith, Cr L Roberts, Cr C Pontin, Cr J McWilliams

AGAINST VOTE - Cr B Christensen, Cr D Keegan, Cr K Bell, Cr T Fowler, Cr K Hutchinson,  
Cr P Epov

ABSENT. DID NOT VOTE - Nil

The motion was put to the vote and declared lost.

(Moved Cr L Roberts/Seconded Cr C Pontin)

That the original recommendation be adopted.

FOR VOTE - Cr D West, Cr B Christensen, 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 - Cr K Smith

ABSENT. DID NOT VOTE - Nil

#### **25/19 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr C Pontin)

It is recommended that the Minutes of the Local Traffic Committee meeting held on 4 December 2018 be noted and that Council endorse the recommendations made at the meeting.

FOR VOTE - Cr D West, Cr B Christensen, 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 - Cr K Smith

## **DIRECTOR COMMUNITY SPACES & SERVICES**

### **6 STRONGER COMMUNITIES FUND FINAL PROJECT STATUS REPORT**

**Report Author** Lyndie Hepple, Coordinator Community Strengthening

**File No. / ECM Index** Stronger Communities Funding

**Date of Meeting** 6 February 2018

**Authorising Director** Paul De Szell, Director Community Spaces & Services

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#### **RECOMMENDATION**

That the information in this report be noted.

#### **26/19 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **DIRECTOR CORPORATE & BUSINESS SYTEMS**

### **8 LOAN BORROWINGS 2018-19 - MIDCOAST COUNCIL**

**Report Author** Colin McKillop-Davies, Financial Accountant

**File No. / ECM Index** 2018-19 Loan Borrowings

**Date of Meeting** 6 February 2019

**Authorising Director** Steve Embry, Director Corporate & Business Systems

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#### **RECOMMENDATION**

1. That this initial information be noted and following the tabling of actual offers that Council accept the most advantageous offer.
2. That the Common Seal of Council be affixed to the necessary loan documentation if required.

#### **27/19 RESOLUTION**

(Moved Cr D Keegan/Seconded Cr C Pontin)

1. It is recommended that Council accept the offer received from the Commonwealth Bank of Australia (subject to any change in the rate) and that the General Manager be authorised to sign all documents associated with the loan.
2. That the Common Seal of Council be affixed to the necessary loan documentation if required.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

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## **9 ATTENDANCE AT LGNSW TOURISM CONFERENCE 2019**

**Report Author** Rob Griffiths, Manager Governance  
**File No. / ECM Index** Councillors/ Conferences  
**Date of Meeting** 6 February 2019  
**Authorising Director** Steve Embry, Director Corporate & Business Systems

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### **RECOMMENDATION**

Determine the number of and names of Councillors approved to attend the Conference.

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the Councillors on the Barrington Coast Destination Management Group and any other Councillor who wants to attend be allowed to do so.

An amendment was moved by Cr Keegan/Seconded Cr J McWilliams

That one Councillor on the Barrington Coast Destination Management Group attend.

FOR VOTE - Cr D Keegan, Cr C Pontin

AGAINST VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr L Roberts, Cr K Bell,  
Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Nil

The amendment was put to the vote and declared lost.

A further amendment was Moved Cr K Smith/Seconded Cr D Keegan

That the two councillors on the Barrington Coast Destination Management Group attend the conference

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

The amendment was carried and became the motion.

*Cr C Pontin left the chamber at 6.11pm*

*Cr C Pontin returned to the chamber at 6.12pm*

### **28/19 RESOLUTION**

Moved Cr K Smith/Cr D Keegan

That the two councillors on the Barrington Coast Destination Management Group attend the conference

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **10 INVESTMENTS REPORT - DECEMBER 2018**

**Report Author** Phil Brennan, Manager Finance  
**File No. / ECM Index** Investments - Monthly Reports  
**Date of Meeting** 6 February 2019  
**Authorising Director** Steve Embry, Director Corporate & Business Systems

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### **RECOMMENDATION**

That the report be received and noted.

### **29/19 RESOLUTION**

(Moved Cr K Smith/Seconded Cr B Christensen)

That above recommendation be adopted and the matter be listed for discussion at a future workshop.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **DIRECTOR WATER SERVICES**

### **11 PROVISION OF CCTV SERVICES AND MAINTENANCE FOR SEWER MAINS**

**Report Author** Rhett Tubbs, Project Engineer Water Services  
**File No. / ECM Index** B560357  
**Date of Meeting** 6 February 2019  
**Authorising Director** Brendan Guiney, Director Water Services

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### **RECOMMENDATION**

That council approve to award Contract 02/2018 to the following panel in no order of preference;

- Aqua Assets
- Fenech Group
- JR Richards & Sons
- Rico Enterprises T/A Solo Resource Recovery
- Toxfree Australia

to the value of between \$270,000 and \$480,000 per year to provide CCTV services and maintenance for sewer mains in the MidCoast Council Area.

### **30/19 RESOLUTION**

(Moved Cr K Bell/Seconded Cr D Keegan)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

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## PETITIONS

### 12 PETITION

**File No. / ECM Index**    **Petitions**

**Date of Meeting**            **6 February 2019**

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## RECOMENDATION

That the petition be received.

### **31/19 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr D Keegan)

1. That the petition be received with additional signatories totalling 2180 signatories
2. That Council provide a report on how we address petitions in the future

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## 15 NOTICE OF MOTION 3

**Councillor**                    **Cr Claire Pontin**

**File No. / ECM Index**    **Notices of Motion**

**Date of Meeting**            **6 February 2019**

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## NOTICE OF MOTION

That Council:

1. Take action to commission a new Cost Benefit Analysis (or update the existing study) to assess the latest costs and benefits associated with the purchase and fitout of 2 Biripi Way for use as a single site administrative office for MidCoast Council. The Cost Benefit Analysis should:
  - a. use the latest relevant property valuations, and
  - b. be based on the most recent financing strategy which proposes a mix of loan, cash from savings and cash from property sales, and
  - c. exclude all subjective savings associated with staff "culture change" and concentrate on actual realizable savings associated with the new work environment.
2. The resulting analysis be provided to Council as soon as possible to assist it in its decision making.
3. Identify the best use of the projected savings expected from the consolidation of office services for the benefit of the community.
4. Pay for the new or revised Cost Benefit Analysis from the unused funds carried forward from 2017-18 allocated for Councillor training, or other budget as appropriate.

**Councillor C Pontin officially withdrew the above Notice of Motion.**

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## **QUESTIONS WITH NOTICE**

### **16 QUESTIONS WITH NOTICE 1 - CR P EPOV**

**File No. / ECM Index** MidCoast Council - Questions with Notice

**Date of Meeting** 6 February 2019

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#### **32/19 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the information be received.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

### **17 QUESTIONS WITH NOTICE 2 - CR K BELL**

**Report Author** Councillor K Bell

**File No. / ECM Index** MidCoast Council - Questions with Notice

**Date of Meeting** 6 February 2019

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#### **33/19 RESOLUTION**

(Moved Cr T Fowler/Seconded Cr C Pontin)

That the information be received.

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

AGAINST VOTE - Cr K Bell

ABSENT. DID NOT VOTE - Nil

## **CONFIDENTIAL MATTERS**

Council agreed that they not move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the item listed in the report.

### **18 DESIGN & CONSTRUCTION OF SKATE PARK FACILITY AT MOUNTAIN PARK, SCOTT STREET, BULAHDELAH CONFIDENTIAL**

**Report Author** Brock Simpson - Recreation Officer

**File No. / ECM Index** Tender No. 2018-19/03 TEN-PRS-SKA-BUL-18A Design

**Date of Meeting** 6 February 2019

**Authorising Director** Paul De Szell, Director Community Spaces & Services

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## **REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((d)(i) 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:  
(i) Prejudice the commercial position of the person who supplied it”.*

## **RECOMMENDATION**

That MidCoast Council award a contract for the skate park facility at Mountain Park Bulahdelah to DYNAMI PTY LTD TRADING AS TRINITY SKATEPARKS, subject to:

- (a) Successful negotiations with preferred tenderer regarding their compliance with the Contract; and
- (b) A final check of insurance compliance by Council's insurer.

## **34/19 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

## **MATTERS OF URGENT BUSINESS**

## **35/19 RESOLUTION**

(Moved Cr D Keegan/Seconded Cr C Pontin)

That Council consider the matter of the animal pound as urgent business.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil

The Mayor declared the matter as urgent.

That a report be provided on the pound and options for how Council can work with community groups to enable properly trained volunteers to work with animals in extreme heat conditions.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, 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 - Nil



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This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 6 February 2019.

There being no further business, the meeting closed at 6.29pm.

.....  
**CHAIRPERSON**  
**Cr David West**