



Minutes of the Ordinary Council Meeting

**held at the Council Chambers
2 Pulteney Street, Taree**

31 October 2018

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,
2 Pulteney Street, Taree on 31 October 2018 commencing at 2:00pm.

PRESENT:

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

IN ATTENDANCE

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

The following document is the Minutes of the Ordinary meeting held on 31 October 2018.

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.

2BOB Radio recorded the proceedings of the meeting for later broadcast.

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."

NBN TV Recording

298/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr P Epov)

That NBN TV 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 T Fowler, Cr K Hutchinson, Cr P Epov
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

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

299/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Bell)

Cr K Smith be granted leave of absence in November 2018

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

CONFIRMATION OF MINUTES OF MEETING 26 SEPTEMBER 2018

RECOMMENDATION

That the Minutes of the Ordinary meeting of 26 September 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

300/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr P Epov)

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 ARISING FROM MINUTES

Nil.

DECLARATION OF PECUNIARY OR CONFLICTS OF INTEREST (NATURE OF INTEREST TO BE DISCLOSED)

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr K Bell	Item 3 - 529/2018/DA - Demolition of Structures & Construction of Motel - Old Bar	Pecuniary interest, the nature of the interest being my company provides a business service to the applicant subject of this report.. Cr Bell left the meeting and took no part in discussions or voting.
Cr K Bell	Item 26 - Water Services Infrastructure Project Status Reports	Pecuniary interest, the nature of the interest being my company is providing a business service for one of the projects identified in this report. Our business contract commenced when MidCoast Water Services was an entity separate to MidCoast Council. Cr Bell left the meeting and took no part in discussions or voting.
Cr L Roberts	Item 4 - Bulahdelah Highway Service Centre Planning Proposal	Pecuniary interest is that I am neighbour to existing service centre on Pacific Highway. Cr Roberts left the meeting and took no part in discussions or voting.
Paul De Szell	Item 4 - Bulahdelah Highway Service Centre Planning Proposal	Non-Pecuniary Interest (Less than Significant) the nature of the interest being I have known the applicant's consultant who is speaking on the matter in a professional context for over 20 years. Paul De Szell elected to remain in the Chambers and participate in discussions.

MAYORAL MINUTE(S)

Nil.

PETITIONS

Petition 1 - Tea Gardens - Emergency Evacuation Procedure Myall Street/Settlers Way

The petition contains 678 signatories. The signatories are from the Tea Gardens area and express a need for a second egress point to Myall Street, apart from the current Settlers Way, to resolve existing traffic volume concerns and to assist with emergency evacuation procedures.

301/18 RESOLUTION

(Moved Cr J McWilliams/Seconded Cr T Fowler)

That the petition be received and referred to the appropriate Council Officers for response.

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

GENERAL MANAGER

1 APPOINTMENT OF INDEPENDENT MEMBERS TO AUDIT RISK AND IMPROVEMENT COMMITTEE OPEN

Report Author **Adrian Panuccio, General Manager**

302/18 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

1. That the three independent members identified in this report and the confidential attachments be appointed as the independent members of the Audit, Risk and Improvement Committee.
2. That Stephen Coates be appointed as Chairperson for a two-year term

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

2 MATTERS OUTSTANDING

Report Author **Adrian Panuccio, General Manager**

RECOMMENDATION

That the report and Annexure A be noted.

303/18 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

NOTICE OF PUBLIC SPEAKERS SPEAKING TO ITEMS ON THE AGENDA

304/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

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 T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

Item 3 - 529/2018/DA - Demolition of Structures and Construction of Motel - Old Bar

- Trevor Wisemantel - speaking in support of the recommendation
-

Cr K Bell having declared a pecuniary interest left the meeting.

Item 3 - 529/2018/DA - Demolition of Structures and Construction of Motel - Old Bar

- Anthony Jones - speaking in support of the recommendation
-

ACTING DIRECTOR PLANNING & NATURAL SYSTEMS

3 529/2018/DA - DEMOLITION OF STRUCTURES & CONSTRUCTION OF MOTEL - OLD BAR

Report Author Petula Bowden, Senior Town Planner

Cr K Bell having declared a pecuniary interest remained out of the meeting.

RECOMMENDATION

That Development Application 529/2018/DA for the Demolition of Residential Structures and the Construction of a new Motel on Lots 7,8,21 and 22 DP 21015 Sec 8, Waterman and Richardson Streets, Old Bar be approved subject to the conditions contained in Annexure A to this report.

305/18 RESOLUTION

(Moved Cr K Hutchinson/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 J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr K Bell

Cr K Bell returned to the meeting.

PUBLIC ADDRESSES (CONT'D)

Item 4 - Bulahdelah Highway Service Centre Planning Proposal

Cr L Roberts having declared a pecuniary interest left the meeting

- Gavin Maberly-Smith (consultant for applicant) - speaking in support of the recommendation
-
-

ACTING DIRECTOR PLANNING & NATURAL SYSTEMS

4 BULAHDELAH HIGHWAY SERVICE CENTRE PLANNING PROPOSAL

Report Author **Richard Pamplin - Special Projects Coordinator**

RECOMMENDATION

That:

1. The Bulahdelah Highway Service Centre Planning Proposal (Attachment A) be revised in accordance with the recommendations from the Stage 1 Part B Planning Proposal Assessment (Attachment B).
2. The revised Bulahdelah Highway Service Centre Planning Proposal be forwarded to the NSW Department of Planning and Environment seeking a Gateway Determination to progress the Planning Proposal.
3. The Department be advised that Council does not wish to be *the local plan making authority* to make the draft Local Environmental Plan associated with the planning proposal.
4. Should a Gateway Determination be issued, that the additional studies be prepared, government agency consultation undertaken and the Planning Proposal be revised (to reflect the findings of the studies and results of agency consultation) and exhibited in accordance with the Determination.

306/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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 - Nil

ABSENT. DID NOT VOTE - Cr L Roberts

Cr Roberts returned to the meeting.

5 GAZETAL OF CERTIFIED SMITHS LAKE COASTAL ZONE MANAGEMENT PLAN

Report Author **Prue Tucker, Water Quality & Estuary Management Program Coordinator**

RECOMMENDATION

That:

1. Council adopt (make) the certified Smiths Lake Coastal Zone Management Plan August 2018 in Attachment A to this report.
2. Council forward the adopted Smiths Lake Coastal Zone Management Plan to Parliamentary Counsel for notification in the Government Gazette as per direction from NSW Minister for the Environment in Annexure A in this report.

307/18 RESOLUTION

(Moved Cr L Roberts/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

6 GAZETTAL OF CERTIFIED WALLIS LAKE ESTUARY & CATCHMENT MANAGEMENT PLAN

Report Author Prue Tucker, Water Quality & Estuary Management Program Coordinator

That:

1. Council adopt (make) the certified Wallis Lake Estuary and Catchment Management Plan August 2018 in Attachment A to this report.
2. Council forward the adopted Wallis Lake Estuary and Catchment Management Plan to Parliamentary Counsel for notification in the Government Gazette as per direction from NSW Minister for the Environment in Annexure A in this report.

308/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

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

7 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

Report Author Paul De Szell - Acting Director Planning & Natural Systems

RECOMMENDATION

That the content of the report be noted.

309/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr L Roberts)

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

8 LIST OF MATTERS CURRENTLY BEFORE THE COURT

Report Author Paul De Szell, Acting Director - Planning & Natural Systems

RECOMMENDATION

It is recommended that the information be noted.

310/18 RESOLUTION

(Moved Cr P Epov/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

9 DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY - SEPTEMBER 2018

Report Author Paul De Szell, Acting Director - Planning & Natural Systems

RECOMMENDATION

It is recommended that the information be noted.

311/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr J McWilliams)

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 ENGINEERING & INFRASTRUCTURE

10 CAPITAL WORKS REPORT - OCTOBER

Report Author Stuart Small, Team Leader Project Delivery

RECOMMENDATION

That Council note the information in this report.

312/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

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

11 PROVISION OF PRE-CAST CONCRETE SERVICES PANEL CONTRACT

Report Author **Stuart Small, Team Leader Project Delivery**

RECOMMENDATION

That Council:

1. Award the contract for Supply and Delivery of pre Cast Bridge Planks T151819MNC as a panel source supplier to MidCoast Council for the period 1 November 2018 to 30 September 2021, with the following companies:
 - Australian Precast Solutions Pty Limited
 - CPB Contractors Pty Limited
 - Holcim (Australia) Pty Ltd
 - Inquik Pty Ltd
 - Quickcell Technology Products Pty Ltd
 - Waeger Constructions Pty Ltd
2. Allow provision for a 24 month extension to 30 September 2023 based on satisfactory supplier performance.
3. Authorise Regional Procurement to enter into a deed of agreement on behalf of MidCoast Council for the operation of this contract.

313/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Smith)

That the recommendation be adopted as per the confidential report.

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 COMMUNITY SPACES & SERVICES

12 EVENTS EQUIPMENT

Report Author **Robyn Brennan, Economic Development Coordinator**

RECOMMENDATION

That Council implement the following measures to assist with the attraction and support of events that capitalise on the strengths of the MidCoast region in order to create a vibrant and connected community:-

1. Purchase dedicated events equipment from existing budget allocations to be housed at a single site controlled by events staff and create an appropriate hire/booking procedure.
2. Purchase a dedicated storage facility from existing budget allocations to be located at a single site for easy access by events staff.

3. Advertise for the required period in accordance with the Local Government Act, the following proposed fees for the hire of event equipment-

<i>Hire Rate - up to 1 week</i>	
Barrier Boards	\$ 7.80
Barrier Board Legs (set)	\$ 5.96
Road Closed Sign	\$ 21.00
Road Closed Ahead Sign	\$ 21.00
Reduce Speed Sign	\$ 21.00
Sign base	\$ 11.60
Traffic Cones large	\$ 3.50
Traffic Bollards	\$ 5.30
Tag Line (25m Roll)	\$ 3.20
Hi-Vis vests (day/night)	\$ 2.00
Event in Progress Sign	\$ 9.90
Cyclist on Road Sign	\$ 9.90
Damage Bond - Community Organisation	\$ 500.00
damage Bond - Commercial Organisation	\$ 1,000.00

4. Subject to there being no public submissions, that the proposed fees be adopted and implemented.

314/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That the matter be deferred to a Councillor Workshop with a report to come back to the Ordinary Meeting in November with costings.

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

13 DRAFT MARKET POLICY

Report Author **Robyn Brennan, Economic Development Coordinator**

RECOMMENDATION

That the draft Market Policy be placed on public exhibition for a period of 28 days.

315/18 RESOLUTION

(Moved Cr D Keegan/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 T Fowler, Cr K Hutchinson

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

ABSENT. DID NOT VOTE - Nil

PUBLIC SPEAKERS (CONT'D)

Cr Hutchinson left the meeting 2.43pm.

Cr Hutchinson returned to the meeting at 2.46pm

Item 14 - 2 Biripi Way Taree Office Relocation Investigations Update

- Edward Harvey - speaking in opposition to the recommendation

316/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr K Smith)

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 D Keegan, Cr C Pontin, Cr K Bell, Cr J McWilliams, Cr P Epov

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

ABSENT. DID NOT VOTE - Nil

DIRECTOR CORPORATE & BUSINESS SYSTEMS

14 2 BIRIPI WAY TAREE OFFICE RELOCATION INVESTIGATIONS UPDATE

Report Author Steve Embry, Director Corporate and Business Systems

RECOMMENDATION

That Council:

1. Note the contents of this report regarding the status of the Initiation Phase of the project.
2. Approve the draft financing strategy noting that a peer review of the strategy is being undertaken.
3. Approve the draft community engagement strategy, and the implementation of that strategy over a six-week consultation period.
4. Require that outcomes from the peer review of the financing strategy and community engagement be reported back to Council at a subsequent meeting for consideration prior to proceeding to the next phase in the Project (Design Phase).

(Moved Cr T Fowler/Seconded Cr L Roberts)

That Council:

1. Note the contents of this report regarding the status of the Initiation Phase of the project.
2. Approve that the draft financing strategy for exhibition and consultation noting that a peer review is being undertaken.
3. Approve the draft community engagement strategy, and the implementation of that strategy over a six-week consultation period.
4. Require that outcomes from the peer review of the financing strategy and community engagement be reported back to Council at a subsequent meeting for consideration prior to proceeding to the next phase in the Project (Design Phase).
5. Seeks grant funding from State and Federal Government towards this landmark project.

An amendment was moved Cr D Keegan/Seconded Cr P Epov

That the draft financing strategy be deferred until completion of the peer review of that strategy is completed and discussed at a council workshop.

Cr L Roberts moved that the amendment be now put

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

The procedural motion was carried.

The Mayor then put the amendment to Council for voting.

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

The amendment was lost.

Cr P Epov moved an amendment/Seconded Cr J McWilliams

That Council:

1. Note the contents of this report regarding the status of the Initiation Phase of the project.
2. Approve that the draft financing strategy for exhibition and consultation noting that a peer review is being undertaken.
3. Approve the draft community engagement strategy, and the implementation of that strategy over a three month consultation period.

4. Require that outcomes from the peer review of the financing strategy and community engagement be reported back to Council at a subsequent meeting for consideration prior to proceeding to the next phase in the Project (Design Phase).
5. Seeks grant funding from State and Federal Government towards this landmark project.

Cr T Fowler left the meeting at 3.20pm

Cr T Fowler returned to the meeting at 3.22pm

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

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

ABSENT. DID NOT VOTE - Nil

The amendment was put to the vote and declared lost.

The original motion was put to the vote and declared carried.

317/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr L Roberts)

That Council:

1. Note the contents of this report regarding the status of the Initiation Phase of the project.
2. Approve that the draft financing strategy for exhibition and consultation noting that a peer review is being undertaken.
3. Approve the draft community engagement strategy, and the implementation of that strategy over a six-week consultation period.
4. Require that outcomes from the peer review of the financing strategy and community engagement be reported back to Council at a subsequent meeting for consideration prior to proceeding to the next phase in the Project (Design Phase).
5. Seeks grant funding from State and Federal Government towards this landmark project.

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

15 MIDCOAST ALCOHOL FREE ZONES (AFZs)

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

1. That the attached plans to re-establish Alcohol Free Zones (AFZs) and Alcohol Prohibited Zones (APZs) in Taree, Wingham and Gloucester be placed on exhibition.

2. That the attached plans to extend Alcohol Free Zone (AFZs) and Alcohol Prohibited Zones (APZs) in Forster, Tuncurry, One Mile, Tea Gardens and Hawks Nest be placed on public exhibition.
3. That Council consider the option to change APZs from "Dusk to Dawn" to 24 hours for Forster, Tuncurry, One Mile Beach, Tea Gardens and Hawks Nest and seek community feedback as part the public exhibition period.

318/18 RESOLUTION

(Moved Cr K Smith/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

16 POLICY FRAMEWORK

Report Author **Rob Griffiths, Manager Governance**

RECOMMENDATION

That the attached MidCoast Council Policy Framework be adopted.

319/18 RESOLUTION

(Moved Cr L Roberts/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

17 ESTABLISHMENT OF THE POLICY WORKING GROUP

Report Author **Rob Griffiths, Manager Governance**

RECOMMENDATION

1. That the Policy Working Group is Established and the Terms of Reference as Attachment A be adopted.
2. That Councillor representatives are appointed to the Working Group.

320/18 RESOLUTION

(Moved Cr C Pontin/Seconded Cr D Keegan)

1. That the Policy Working Group is Established and the Terms of Reference as Attachment A be adopted.
2. That Councillor representatives are appointed to the Working Group.

3. That Councillors L Roberts and K Smith be appointed to the Working Group.

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

321/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr D Keegan)

That item 17 be recommitted as it was brought to the attention of the Mayor that four councillors are required on the working group.

1. That the Policy Working Group is Established and the Terms of Reference as Attachment A be adopted.
2. That Councillor representatives are appointed to the Working Group.
3. That Councillors L Roberts, K Smith, K Hutchinson & the Mayor be appointed to the Working Group.

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

18 ESTABLISHING REFERENCE GROUPS AND WORKING GROUPS

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

It is recommended that:

1. The Committee Guidelines be adopted as outlined in Attachment A.
2. The Community Wellbeing and Inclusion Reference Group be established and the Terms of Reference be adopted as outlined in Attachment B and that two Councillors and an alternate Councillor be appointed to the Reference Group.
3. The Heritage Reference Group be established and the Terms of Reference be adopted as outlined in Attachment C and that two Councillors and an alternate Councillor be appointed to the Reference Group.
4. The MidCoast Council Sport and Recreation Reference Group be established and the Terms of Reference be adopted as outlined in Attachment D and that two Councillors and an alternate Councillor be appointed to the Reference Group.
5. Council seek nominations for membership on the above mentioned Reference Groups.

322/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr L Roberts)

1. The Committee Guidelines be adopted as outlined in Attachment A.
2. The Community Wellbeing and Inclusion Reference Group be established and the Terms of Reference be adopted as outlined in Attachment B and that Councillors D Keegan and

K Smith be nominated and Councillor Hutchinson be the alternate Councillor to the Reference Group.

3. The Heritage Reference Group be established and the Terms of Reference be adopted as outlined in Attachment C and that Councillors K Bell and L Roberts be nominated and Cr K Smith be the alternate Councillor to the Reference Group.
4. The MidCoast Council Sport and Recreation Reference Group be established and the Terms of Reference be adopted as outlined in Attachment D and that Councillors C Fowler, and B Christensen be nominated and Councillor D West be the alternate Councillor appointed to the Reference Group.
5. Council seek nominations for membership on the above mentioned Reference Groups.

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

19 TABLING OF DISCLOSURE OF INTERESTS RETURN REGISTER

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That the tabling of the register of Disclosure of Interest Returns for Councillors and Designated Persons be noted.

323/18 RESOLUTION

(Moved Cr D Keegan/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

20 ASSISTANCE WITH LEGAL COSTS LOCAL GOVERNMENT NSW

Report Author Steve Embry, Director Corporate and Business Systems

RECOMMENDATION

That Council contribute to the Land and Environment Court Costs as requested by the Local Government NSW.

324/18 RESOLUTION

(Moved Cr K Smith/Seconded Cr J McWilliams)

That Council not contribute to the Land and Environment Court Costs as requested by the Local Government NSW.

FOR VOTE - Cr K Smith, Cr B Christensen, Cr J McWilliams
AGAINST VOTE - Cr D West, Cr L Roberts, Cr D Keegan, Cr C Pontin, 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.

Cr L Roberts/Seconded Cr K Hutchinson moved a motion that the original recommendation as contained in the business paper 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 K Hutchinson, Cr P Epov
AGAINST VOTE - Cr K Smith, Cr B Christensen
ABSENT. DID NOT VOTE - Nil

325/18 RESOLUTION

That Council contribute to the Land and Environment Court Costs as requested by the Local Government NSW.

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

MATTERS ARISING

Cr K Bell enquired if Council can acquire further information as to how we can advance our position regarding Manufactured Homes Estates and Council and having controls of those in our boundaries.

The Acting Director Planning and Natural Systems advised this can be discussed at the Councillors next workshop.

21 MEETING SCHEDULE FOR 2019

Report Author **Rob Griffiths, Manager Governance**

RECOMMENDATION

That the Meeting Schedule for 2019 contained in Annexure A be adopted.

(Moved Cr K Bell /Seconded Cr D Keegan)

That the above recommendation be adopted.

Cr K Smith moved an amendment/Seconded Cr L Roberts

In conjunction with Annexure A there be one alteration that we change a meeting in July to Gloucester so there are three meetings in Gloucester in the calendar year instead of two.

FOR VOTE - Cr K Smith, Cr B Christensen, Cr K Hutchinson
AGAINST 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
ABSENT. DID NOT VOTE - Nil

The amendment was put to the vote and declared lost.

Cr J McWilliams left the meeting at 3.57pm

Cr J McWilliams returned to the meeting 4.00pm

The original motion was put to the vote and declared carried.

326/18 RESOLUTION

(Moved Cr K Bell /Seconded Cr D Keegan)

That the Meeting Schedule for 2019 contained in Annexure A be adopted.

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

AGAINST VOTE - Cr K Smith, Cr B Christensen, Cr L Roberts, Cr K Hutchinson

ABSENT. DID NOT VOTE - Nil

22 PRIVACY MANAGEMENT PLAN 2018

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That Council adopt the attached Privacy Management Plan and a copy is provided to the Privacy Commissioner.

327/18 RESOLUTION

(Moved Cr J McWilliams/Seconded Cr L Roberts)

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

23 INVESTMENTS REPORT SEPTEMBER 2018

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the report be received and noted.

328/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr L Roberts)

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

24 2017-2018 FINANCIAL STATEMENTS FOR MIDCOAST COUNCIL
Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That Council resolve to sign the:

- "Statement by Councillors and Management" in respect of the General Purpose Financial Reports for Mid-Coast Council for the period 1 July 2017 to 30 June 2018
- "Statement by Councillors and Management" in respect of the Special Purpose Financial Reports for Mid-Coast Council for the period 1 July 2017 to 30 June 2018

with the Mayor and Deputy Mayor signing these Statements on Council's behalf.

329/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr C Pontin)

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 WATER SERVICES

**25 WATER SERVICES DIVISION MONTHLY PERFORMANCE REPORT -
SEPTEMBER 2018**

Report Author Brendan Guiney, Director Water Services

RECOMMENDATION

That the Water Services Division Monthly Performance Report for September 2018 be received and noted.

330/18 RESOLUTION

(Moved Cr T Fowler/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

26 WATER SERVICES DIVISION INFRASTRUCTURE PROJECT STATUS REPORTS - SEPTEMBER 2018

Report Author **Brendan Guiney, Director Water Services**

Cr K Bell left the meeting having declared a pecuniary interest.

RECOMMENDATION

It is recommended that:

1. Project No. 352468 Gloucester STP be commenced based on the attached 'Ready to Initiate' project health check, with:
 - a. a Baseline Budget of \$15,000,000 and
 - b. a Baseline schedule for completion in November 2021.
2. Council receive and note the infrastructure project status reports.

331/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

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 J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr K Bell

Cr K Bell returned to the meeting.

27 MODIFICATION OF FEES & CHARGES - WATER & SEWERAGE DEVELOPER CONTRIBUTIONS

Report Author **Robert Scott, Manager Planning & Assets**

RECOMMENDATION

It is recommended that the following addition to the Fees and Charges for Water & Sewer Developer Charges (page 76) be placed on public exhibition for a period of at least 28 days prior to reporting back to Council.

Water & Sewer Developer Charges

Water and Sewer Developer Charges are charged per Equivalent Tenement in accordance with the Council's adopted Equivalent Tenement Policy.

The Water and Sewer Developer Charges are calculated in accordance with the pricing methodology in the Council's adopted Development Servicing Plans for Water Supply and Sewerage 2017, based on the assessed Equivalent Tenements.

Fees For Service;

A development or other activity that has not generated a requirement to pay developer contributions under Section 306 of the Water Management Act, will be issued with an invoice for payment of the equivalent of developer contributions under Section 608 of the Local Government Act.

332/18 RESOLUTION

(Moved Cr K Smith/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

28 WATER AND WASTEWATER TREATMENT PLANTS ANNUAL OPERATIONAL COST COMPARISONS

Report Author **Chenxi Zeng, Process Engineer**

RECOMMENDATION

That the report on water usage and water resources for 2017/18 and the outlook for 2018/19 be received and noted.

333/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr C Pontin)

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

29 WATER USAGE AND WATER RESOURCES AND THE OUTLOOK FOR 2018/19

Report Author **Graeme Watkins, Manager Water Management & Treatment**

RECOMMENDATION

That the report on water usage and water resources and the outlook for 2018/19 be received and noted.

334/18 RESOLUTION

(Moved Cr K Bell/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

30 TENDERS FOR THE SUPPLY AND DELIVERY OF 300MM AND 375MM oPVC PN16 SERIES 2 PRESSURE PIPES - CONTRACT NO 04_2018

335/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That Council award contract 04/2018 to Clover Pipelines Pty Ltd for the nominal sum of \$663,934.

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

NOTICES OF MOTION

Nil.

QUESTIONS WITH NOTICE

Nil.

URGENT BUSINESS

336/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

That the urgent business relating to the Public Forum Section of the Code of Meeting Practice be heard.

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

AGAINST VOTE - Cr K Smith, Cr P Epov

ABSENT. DID NOT VOTE - Nil

The Mayor declared the matter urgent.

337/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr Fowler)

That the matter of the Public Forum Section of the Code of Meeting Practice be discussed at the next Councillor workshop.

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

AGAINST VOTE - Cr K Smith, Cr P Epov

ABSENT. DID NOT VOTE - Nil

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 31 October 2018.

There being no further business, the meeting closed at 4.27pm.

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CHAIRPERSON