



Minutes of the Ordinary Council Meeting

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

28 February 2018

A handwritten signature in black ink, appearing to read "Steve Embry", followed by a large, stylized flourish or checkmark-like stroke.

Steve Embry
Acting General Manager

TABLE OF CONTENTS

<u>PRESENT</u>	<u>1</u>
<u>IN ATTENDANCE</u>	<u>1</u>
<u>ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS</u>	<u>1</u>
<u>PRAYER</u>	<u>2</u>
<u>DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST</u>	<u>2</u>
<u>APOLOGIES</u>	<u>2</u>
<u>ADOPTION OF MINUTES OF MEETING</u>	<u>3</u>
<u>MATTER ARISING FROM THE MINUTES</u>	<u>4</u>
<u>ADDRESS FROM THE PUBLIC GALLERY</u>	<u>5</u>
<u>CONSIDERATION OF OFFICERS' REPORTS</u>	<u>6</u>
<u>DIRECTOR PLANNING & NATURAL SYSTEMS</u>	<u>6</u>
1 CONSENTS ISSUED UNDER DELEGATED AUTHORITY - DEC 2017, JAN 2018	6
2 MINUTES FOR WALLIS & SMITHS COAST & ESTUARY COMMITTEE 30 AUGUST 2017	6
<u>DIRECTOR ENGINEERING & INFRASTRUCTURE</u>	<u>7</u>
3 MINOR CIVIL WORKS TENDER	7
4 CAPITAL WORKS REPORT - FEBRUARY 2018	8
<u>DIRECTOR CORPORATE & BUSINESS SYSTEMS</u>	<u>8</u>
5 2016-2017 FINANCIAL REPORTS - RESPONSE TO QUESTIONS	8
<u>MATTER ARISING</u>	<u>8</u>
6 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017	9
7 INVESTMENTS REPORT - DECEMBER 2017	9
8 INVESTMENTS REPORT - JANUARY 2018	10
9 OPERATIONAL PLAN SIX MONTH REVIEW - JULY 2017 - DECEMBER 2017	10
10 COUNCILLOR EXPENSES AND FACILITIES POLICY	10
11 DRAFT CODE OF MEETING PRACTICE	11
12 ESTABLISHMENT OF AUDIT RISK AND IMPROVEMENT COMMITTEE	11
13 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCES	12
<u>MATTER ARISING</u>	<u>13</u>
<u>DIRECTOR WATER SERVICES</u>	<u>13</u>
14 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE	13
15 WATER SERVICES INFRASTRUCTURE PROJECT STATUS	13
<u>LATE REPORTS</u>	<u>14</u>
19 LATE REPORT - WATER SERVICES BUDGET REVIEW FOR QUARTER ENDED 31 DEC 2017	14
20 LATE REPORT - OFFICE RELOCATION INVESTIGATION, BIRIPI WAY, TAREE	14
21 LATE REPORT - MEETING SCHEDULE FOR 2018	15
<u>MATTER ARISING</u>	<u>15</u>
22 LATE REPORT - NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS	16
23 LATE REPORT - MANNING VALLEY HOCKEY ASSOCIATION - LOAN EXTENSION	17
<u>LATE BUSINESS</u>	<u>18</u>
<u>CLOSED COUNCIL</u>	<u>19</u>
18 OUTSTANDING WATER ACCOUNT - KOLODONG RD TAREE	19
17 TRANSFER OF LAND IN PAYMENT OF RATES - TENTERFIELD ROAD, NORTH ARM COVE	20
16 TAREE AVIATION BUSINESS PARK (STATUS UPDATE)	20

Minutes of the Ordinary Meeting of the MidCoast Council held at the Council Chambers, 2 Pulteney Street, Taree on 28 February 2018 commencing at 2pm.

PRESENT

Present: Mayor 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

Acting General Manager - Steve Embry
Director Planning & Natural Systems - Lisa Schiff
Director Engineering & Infrastructure - Ron Hartley
Director Community Spaces & Services - Paul De Szell (later)
Director Water Services - Brendan Guiney
Minute Taker - Admin Officer - Yvette Ellis

The following document is the Minutes of the Ordinary meeting held on 28 February 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."

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.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr K Bell	Item 15 - Water Services Infrastructure Project Status.	Pecuniary interest, the nature of the interest being my company my company is providing a business service for one of the projects identified in this report. Our business arrangement commenced when MidCoast Water was an entity separate from Council. Cr Bell left the meeting and took no part in discussions or voting.
Cr K Bell	Item 16 - Taree Aviation Business Park (Status Update).	Non-Pecuniary Interest (Significant), the nature of the interest being my daughter is an employee of the company identified in the report. Cr Bell left the meeting and took no part in discussions or voting.
Cr B Christensen	Item 18 - Outstanding Water Account - 185 Kolodong Road, Taree.	Non-Pecuniary Interest (Significant) the nature of the interest being the person involved in the report is my relation. Cr Christensen left the meeting and took no part in discussions or voting.
Cr K Smith	Item 23 - Late Report - Manning Valley Hockey Association - Loan Extension.	Non-Pecuniary Interest (Significant), the nature of the interest being my supervisor at NSW Health is also MVHA President. Cr Smith left the meeting and took no part in discussions or voting.
Cr L Roberts	Late Business - Viability of the Local Fishing Industry.	Pecuniary Interest, the nature of the interest being my son (Company) has a Commercial Fishing Licence. Cr Roberts left the meeting and took no part in discussions or voting.

APOLOGIES

Nil.

ADOPTION OF MINUTES OF MEETING

RECOMMENDATION

That the Minutes of the Ordinary meeting of 20 December 2017, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

(Moved Cr D Keegan/Second Cr K Bell)

That the confirmation of the Minutes of the Ordinary meeting of 20 December 2017, copies of which were distributed among the Councillors, be deferred pending review and clarification.

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.

8/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Bell)

That the confirmation of the Minutes of the Ordinary meeting of 20 December 2017, copies of which were distributed among the Councillors, be deferred pending review and clarification.

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.

ADOPTION OF MINUTES OF MEETING

RECOMMENDATION

That the Minutes of the Extraordinary meeting of 24 January 2018, copies of which were distributed among the Councillors, be taken and confirmed as a true record of proceedings.

Moved Cr D Keegan/Seconded Cr K Bell

That the confirmation of the Minutes of the Extraordinary meeting of 24 January 2018, copies of which were distributed among the Councillors, be deferred pending review and clarification.

An amendment was moved by Cr L Roberts/Seconded Cr B Christensen

That the Minutes of the Extraordinary meeting of 24 January 2018, copies of which were distributed among the Councillors, be taken and confirmed as a true record of proceedings subject to including a motion to move into Committee of the Whole, which was accepted by the Mayor and voted on, be included in those Minutes.

The amendment was put to the vote and declared carried.

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.

9/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr B Christensen)

That the Minutes of the Extraordinary meeting of 24 January 2018, copies of which were distributed among the Councillors, be taken and confirmed as a true record of proceedings subject to including a motion to move into Committee of the Whole, which was accepted by the Mayor and voted on, be included in those 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.

ADOPTION OF MINUTES OF MEETING

RECOMMENDATION

That the Minutes of the Extraordinary meeting of 21 February 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

10/18 RESOLUTION

(Moved Cr L Roberts/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 T Fowler, Cr K Hutchinson, Cr P Epov.

MATTER ARISING FROM THE MINUTES

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That in accordance with Section 372 of the Local Government Act 1993, Rescinding or Altering Resolutions, resolution 4/18 of the Extraordinary Meeting held 24 January 2018 be amended to reflect Council's intention as stated below:

1. That the person appointed by Council to act as General Manager, commencing on the first day of the current General Manager's *absence*, takes effect (24 January 2018), pursuant to this resolution, have all the functions, delegations and sub delegations given to the General Manager by the Council.
2. That any person acting as General Manager pursuant to this resolution, has all the functions, delegations, and sub-delegations given to the General Manager by the Council.

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.

11/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That in accordance with Section 372 of the Local Government Act 1993, Rescinding or Altering Resolutions, resolution 4/18 of the Extraordinary Meeting held 24 January 2018 be amended to reflect Council's intention as stated below:

1. That the person appointed by Council to act as General Manager, commencing on the first day of the current General Manager's *absence*, takes effect (24 January 2018), pursuant to this resolution, have all the functions, delegations and sub delegations given to the General Manager by the Council.
2. That any person acting as General Manager pursuant to this resolution, has all the functions, delegations, and sub-delegations given to the General Manager by the Council.

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.

ADDRESS FROM THE PUBLIC GALLERY

12/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Bell)

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.

Cr K Smith declared a non-pecuniary conflict of interest and left the meeting.

13/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Bell)

That Late Report - Manning Valley Hockey Association - Loan Extension be moved forward on the agenda for consideration by Council.

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.
ABSENT. DID NOT VOTE - Cr K Smith.

Late Report - Manning Valley Hockey Association - Loan Extension

Ms Debbie Monck (President, Manning Valley Hockey Association) addressed Council on the above item and answered questions from Councillors.

Cr K Smith returned to the meeting.

CONSIDERATION OF OFFICERS' REPORTS

DIRECTOR PLANNING & NATURAL SYSTEMS

1 CONSENTS ISSUED UNDER DELEGATED AUTHORITY - DEC 2017, JAN 2018

Report Author Lisa Schiff, Director - Planning & Natural Systems

RECOMMENDATION

It is recommended that the information be noted.

14/18 RESOLUTION

(Moved Cr D Keegan/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.

2 MINUTES FOR WALLIS & SMITHS COAST & ESTUARY COMMITTEE 30 AUGUST 2017

Report Author Prudence Tucker, Water Quality & Estuary Management Program

RECOMMENDATION

It is recommended that the Minutes of the Wallis & Smiths Lake Coast & Estuary Management Committee meeting held 30 August 2017 be noted.

15/18 RESOLUTION

(Moved Cr J McWilliams/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.

DIRECTOR ENGINEERING & INFRASTRUCTURE

3 MINOR CIVIL WORKS TENDER

Report Author Stuart Small, Team Leader Project Delivery

RECOMMENDATION

That Council:

1. Award the contract for Minor Civil Works as a panel contract for the period 1 March 2018 to 28 February 2021 with the following companies subject to suitable and up to date insurance details being filed with Council's insurer through CIMS:
 - Accurate Asphalt & Road Repairs Pty Ltd
 - Barnett Earthmoving Pty Ltd
 - Bestwick Earthmoving Pty Ltd
 - Ditchfield Contracting Pty Ltd
 - Eire Constructions Pty Ltd
 - Elmac Earthmoving Pty Ltd
 - Guppy Enterprises Pty Ltd t/as Aus Eco Solutions
 - ITS PipeTech Pty Ltd
 - Jim Anderson Earthmoving
 - Jon Wyse Concreting Pty Ltd
 - KNS excavations
 - Flew Earthmoving
 - Michilis Pty Ltd
 - Midcoast Under Road Boring Pty Ltd
 - MNC Pipelines & Civil Pty Ltd
 - Reece Family Holdings Pty Ltd
 - RL Civil Works Pty Ltd
 - MT & KA CUTAJAR Pty Ltd. t/as Saltwater Earthmoving
 - WPL Civil Pty Ltd
2. Allow provision for 2 x 12 month extensions to 28 February 2023 based on satisfactory performance.
3. Authorises Council's seal be affixed to the contract documents.

16/18 RESOLUTION

(Moved Cr D Keegan/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.

4 CAPITAL WORKS REPORT - FEBRUARY 2018

Report Author Stuart Small, Team Leader Project Delivery

RECOMMENDATION

That Council note the information in this report.

17/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Hutchinson)

That the above recommendation be adopted and that staff be commended on the 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.

DIRECTOR CORPORATE & BUSINESS SYSTEMS

5 2016-2017 FINANCIAL REPORTS - RESPONSE TO QUESTIONS

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the information be noted.

18/18 RESOLUTION

(Moved Cr L Roberts/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 C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov.
AGAINST VOTE - Cr D Keegan.

MATTER ARISING

19/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Bell)

That a Council Workshop be held to discuss the costs and benefits of the Woolworths investment.

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

6 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the Quarterly Budget Review Statement for the period to 31 December 2017 be noted and the budget variations proposed, including the transfers to and from reserves be approved.

(Moved Cr K Smith/Seconded Cr T Fowler)

That the Quarterly Budget Review Statement of MidCoast Council, (General Purpose) for the period to 31 December 2017 be noted and the budget variations proposed, including the transfer to and from reserves, be approved.

20/18 RESOLUTION

(Moved Cr K Smith/Seconded Cr T Fowler)

That the Quarterly Budget Review Statement of MidCoast Council, (General Purpose) for the period to 31 December 2017 be noted and the budget variations proposed, including the transfer to and from reserves, be approved.

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.

7 INVESTMENTS REPORT - DECEMBER 2017

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the report be received and noted.

21/18 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.

8 INVESTMENTS REPORT - JANUARY 2018

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the report be received and noted.

22/18 RESOLUTION

(Moved Cr P Epov/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.

9 OPERATIONAL PLAN SIX MONTH REVIEW - JULY 2017 - DECEMBER 2017

Report Author Adrian Pryke, Integrated Planning and Reporting Officer

RECOMMENDATION

1. That the six-month review of the MidCoast Council 2017-18 Operational Plan be noted.
2. That the six-month review of Water Services (formerly MidCoast Water) 2017-2021 Delivery Program be noted.

23/18 RESOLUTION

(Moved Cr C Pontin/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.

10 COUNCILLOR EXPENSES AND FACILITIES POLICY

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That the Councillor Expenses and Facilities Policy be adopted.

24/18 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.

11 DRAFT CODE OF MEETING PRACTICE

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That the Code of Meeting Practice be placed on public exhibition for a period of 28 days allowing for public submissions.

25/18 RESOLUTION

(Moved Cr K Smith/Seconded Cr P Epov)

That the Code of Meeting Practice be deferred to a Council 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.

12 ESTABLISHMENT OF AUDIT RISK AND IMPROVEMENT COMMITTEE

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

1. That Council resolve to establish a committee titled "Audit, Risk and Improvement Committee" in accordance with Council's authority granted under section 355 of the Act.
2. That Council adopt the proposed Charter for the "Audit, Risk and Improvement Committee" that is *Attachment A* to this report.
3. That Council note, for the purposes of s. 23A(3) of the Local Government Act 1993, that Council considered the "Internal Audit Guidelines" (*Attachment B*) published by the Chief Executive of the (then) Division of Local Government (now, Office of Local Government) in September 2010 when considering whether to establish the "Audit, Risk and Improvement Committee" and the content of the Charter for that Committee.
4. That Council undertake an open recruitment process to identify potential independent members of the "Audit, Risk and Improvement Committee"
5. That a report be provided to Council once the recruitment process is complete with recommendations for appointment.
6. That Council appoints two Councillors and one alternate Councillor who will stand in as required to the Audit, Risk and Improvement Committee.

26/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

1. That Council resolve to establish a committee titled "Audit, Risk and Improvement Committee" in accordance with Council's authority granted under section 355 of the Act.
2. That Council adopt the proposed Charter for the "Audit, Risk and Improvement Committee" that is *Attachment A* to this report.
3. That Council note, for the purposes of s. 23A(3) of the Local Government Act 1993, that Council considered the "Internal Audit Guidelines" (*Attachment B*) published by the Chief Executive of the (then) Division of Local Government (now, Office of Local Government) in September 2010 when considering whether to establish the "Audit, Risk and Improvement Committee" and the content of the Charter for that Committee.
4. That Council undertake an open recruitment process to identify potential independent members of the "Audit, Risk and Improvement Committee"
5. That a report be provided to Council once the recruitment process is complete with recommendations for appointment.
6. That Council appoints Cr C Pontin and Cr D Keegan to the Committee, with Cr P Epov as alternate to stand in as required to the Audit, Risk and Improvement Committee.

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.

13 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCES

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

1. That the Council approve the Mayor to attend the National General Assembly of Local Government to be held in Canberra 17-20 June 2018.
2. That Council considers and proposes motions to be put forward at the National General Assembly of Local Government in accordance with the Call for Motions Discussion Paper (Annexure A)

27/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

1. That the Council approve the Mayor and other Councillors to attend the National General Assembly of Local Government to be held in Canberra 17-20 June 2018.
2. That Council considers and proposes motions to be put forward at the National General Assembly of Local Government in accordance with the Call for Motions Discussion Paper (Annexure A)

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.

MATTER ARISING

28/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr L Roberts)

That Council consider sending delegates to the National Local Roads and Transport Congress in November 2018 at the next 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.

DIRECTOR WATER SERVICES

14 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE

Report Author Darryl Hancock, Executive Manager Corporate Services

RECOMMENDATION

MidCoast Water Services Executive Monthly Performance Report for January 2018 be received and noted.

29/18 RESOLUTION

(Moved Cr K Bell/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.

15 WATER SERVICES INFRASTRUCTURE PROJECT STATUS

Report Author Brendan Guiney, Director Water Services

Cr K Bell declared a pecuniary conflict of interest and left the meeting.

RECOMMENDATION

That the infrastructure project status reports be received and noted.

30/18 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 J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov.

ABSENT. DID NOT VOTE - Cr K Bell

Cr K Bell returned to the meeting.

LATE REPORTS

19 LATE REPORT - WATER SERVICES BUDGET REVIEW FOR QUARTER ENDED 31 DEC 2017

Report Author Phil Brennan, Manager Finance

RECOMMENDATION

That the Quarterly Budget Review Statement for the period to 31 December 2017 for the Water Services Division budget be noted and the budget variations proposed, including the transfers to and from reserves be approved.

31/18 RESOLUTION

(Moved Cr T Fowler/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.

20 LATE REPORT - OFFICE RELOCATION INVESTIGATION, BIRIPI WAY, TAREE

Report Author Steve Embry, Acting General Manager

RECOMMENDATION

That Council:

1. Note the contents of this Report in relation to the final Business Case prepared by Savills Project Management Pty Ltd and the Due Diligence Proposal prepared by Montlaur Project Services Pty Ltd.
2. Accept the services, costs and program set out in the Due Diligence Proposal and proceed with those investigations as part of the Initiation Stage of the Project.

32/18 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 C Pontin, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson.

AGAINST VOTE - Cr D Keegan, Cr P Epov.

21 LATE REPORT - MEETING SCHEDULE FOR 2018

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That Council adopt either Option A or Option B of the proposed Meeting Schedule for 2018 contained in Annexure A or Annexure B.

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That Option A of the proposed Meeting Schedule for 2018 contained in Annexure A be adopted.

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

That Option B of the proposed Meeting Schedule for 2018 contained in Annexure B be adopted.

33/18 RESOLUTION

(Moved Cr K Hutchinson)

That the vote be now put.

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.

The amendment was put to the vote and declared lost.

FOR VOTE - Cr K Smith, Cr K Bell, Cr P Epov.

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

The motion was put to the vote and declared carried.

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.

AGAINST VOTE - Cr K Bell, Cr P Epov.

34/18 RESOLUTION

(Moved Cr L Fowler/Seconded Cr K Hutchinson)

That Option A of the proposed Meeting Schedule for 2018 contained in Annexure A 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.

AGAINST VOTE - Cr K Bell, Cr P Epov.

MATTER ARISING

35/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr L Roberts)

That Council investigate options for public broadcast of Strategic Committee meetings.

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.

22 LATE REPORT - NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS

Report Author Steve Embry, Acting General Manager

RECOMMENDATION

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), the MidCoast (Council) resolves:

1. That the council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.
2. To approve the inclusion of the Council's area in the Joint Organisation's area.
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - a) Cessnock, Dungog, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter
4. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:
 - a) with a copy of this resolution including the date on which Council made this resolution, and
 - b) inform the Minister that this resolution has not been rescinded, for the purpose of the Minister issuing a certificate under section 400P of the Act.

36/18 RESOLUTION

(Moved Cr J McWilliams/Seconded Cr K Smith)

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), the MidCoast (Council) resolves:

1. That the council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.
2. To approve the inclusion of the Council's area in the Joint Organisation's area.
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - a) Cessnock, Dungog, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter
4. That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:
 - a) with a copy of this resolution including the date on which Council made this resolution, and
 - b) inform the Minister that this resolution has not been rescinded, for the purpose of the Minister issuing a certificate under section 400P of the Act.
5. Given the strategic nature of these meetings and involvement of the Mayor, that Council be given agendas and minutes of the meetings as soon as they are available and a report back to Council.

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.

23 LATE REPORT - MANNING VALLEY HOCKEY ASSOCIATION - LOAN EXTENSION

Report Author Phil Brennan, Manager Finance

Cr K Smith declared a non-pecuniary conflict of interest and left the meeting.

RECOMMENDATION

1. That Council allocate an amount of \$236,000 from the former GTCC Section 94 contributions held for community facilities to the MVHA 3rd hockey field project to fund the contract variation arising from latent sub-surface conditions discovered during construction.
2. That Council approve the increase in its 2017/2018 loan borrowing program in respect of the amount to be borrowed on behalf of MVHA from \$600,000 to \$800,000 with MVHA to repay the loan to Council by way of monthly repayments over a 20 year period.
3. That Council enter into an agreement with MVHA that sets out each parties obligations.

(Moved Cr B Christensen/Seconded Cr T Fowler)

That the above recommendation be adopted.

An amendment was moved by Cr P Epov/Seconded Cr J McWilliams

That the matter be deferred until the next Council meeting to enable receipt of the financial assessment that was required under the previous resolution.

The amendment was put to the vote and declared lost.

FOR VOTE - Cr P Epov.

AGAINST 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.

ABSENT. DID NOT VOTE - Cr K Smith.

The motion was put to the vote and declared carried.

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 P Epov.

ABSENT. DID NOT VOTE - Cr K Smith.

37/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr T Fowler)

1. That Council allocate an amount of \$236,000 from the former GTCC Section 94 contributions held for community facilities to the MVHA 3rd hockey field project to fund the contract variation arising from latent sub-surface conditions discovered during construction.
2. That Council approve the increase in its 2017/2018 loan borrowing program in respect of the amount to be borrowed on behalf of MVHA from \$600,000 to \$800,000 with MVHA to repay the loan to Council by way of monthly repayments over a 20 year period.
3. That Council enter into an agreement with MVHA that sets out each parties obligations.

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 P Epov.

ABSENT. DID NOT VOTE - Cr K Smith.

Cr K Smith returned to the meeting.

LATE BUSINESS

Viability of Local Fishing Industry

38/18 RESOLUTION

(Moved Cr C Pontin/Seconded Cr T Fowler)

That the Late Business be heard.

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.

Cr L Roberts declared a pecuniary interest and left the meeting.

39/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr C Pontin)

That Council move into Committee of the Whole.

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.

ABSENT. DID NOT VOTE - Cr L Roberts.

40/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr T Fowler)

That Council move out of Committee of the Whole.

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.

ABSENT. DID NOT VOTE - Cr L Roberts.

41/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr C Pontin)

That Council approach the Minister for Primary Industries, Regional Water and Trade and Industry and Member for Myall Lakes to arrange a meeting between the Mayor, General Manager and members of local Fish Co-Operatives to discuss the threat to the viability of our local fishing industry as a result of changes to the Commercial Fishers Adjustment Program and other fishing regulations including the blue swimmer crab market.

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.

ABSENT. DID NOT VOTE - Cr L Roberts.

Cr L Roberts returned to the meeting.

42/18 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Hutchinson)

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (4.25pm).

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.

Upon resuming into Open Council the Chairperson reported that the following resolutions had been passed.

CLOSED COUNCIL

Cr B Christensen declared a non-pecuniary conflict of interest (significant) and left the meeting.

43/18 RESOLUTION

(Moved Cr C Pontin/Cr K Bell)

That Item 18 and Item 17 be moved forward on the agenda for consideration by Council.

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.

ABSENT. DID NOT VOTE - Cr B Christensen.

18 OUTSTANDING WATER ACCOUNT - KOLODONG RD TAREE

Report Author **Brendan Guiney, Director Water 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

This report discusses a large outstanding water account and involves the personal hardship of a resident.

RECOMMENDATION

That Council notes the report

(Moved Cr K Bell/Seconded Cr J McWilliams)

1. That Council notes the report.
2. That a further report be brought back to Council on Rural Water Services.

44/18 RESOLUTION

(Moved Cr K Bell/Seconded Cr J McWilliams)

1. That Council notes the report.
2. That a further report be brought back to Council on Rural Water Services.

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.

ABSENT - DID NOT VOTE- Cr B Christensen.

Cr B Christensen returned to the meeting.

17 TRANSFER OF LAND IN PAYMENT OF RATES - TENTERFIELD ROAD, NORTH ARM COVE

Report Author Lee Howard, Revenue Coordinator

REASON FOR CONFIDENTIALITY

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

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

RECOMMENDATION

1. That Council accept the transfer of Lot 2639 Railway Road, North Arm Cove in payment of outstanding rates and meet transfer costs.
2. That the Common Seal be affixed to transfer documents.
3. That the property be classified as operational land.

45/18 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.

Cr K Bell declared a pecuniary interest, left the meeting and did not return.

16 TAREE AVIATION BUSINESS PARK (STATUS UPDATE)

Report Author Allison Anthony, Acting Manager Property and Commercial Services

REASON FOR CONFIDENTIALITY

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

It is considered that it would be contrary to the public interest to reveal commercially sensitive sales information which if disclosed to the general public would jeopardise Council obtaining the best price possible for unsold properties at the Taree Aviation Business Park.

RECOMMENDATION

That Council:

1. Note the contents of this Report;
2. Resolve to approve the marketing and sale of lots in the Stage 2 Release for the prices proposed in this report; and
3. Reaffirm that the General Manager has the authority to enter into sale contracts (and proceed to completion) in connection with the sale of those lots.

46/18 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 J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov.

ABSENT. DID NOT VOTE - Cr K Bell.

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 28 February 2018.

There being no further business, the meeting closed at 5.30pm.

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CHAIRPERSON