



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

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

**20 December 2017**

A handwritten signature in black ink, appearing to read "Glenn Handford", written in a cursive style.

Glenn Handford  
**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 20 December 2017 commencing at 2pm.

## **PRESENT**

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

## **IN ATTENDANCE**

General Manager - Glenn Handford  
Director Planning & Natural Systems - Lisa Schiff  
Director Engineering & Infrastructure - Ron Hartley  
Director Community Spaces & Services - Paul De Szell  
Director Corporate & Business Systems - Steve Embry  
Minute Taker - Admin Officer - Yvette Ellis

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The following document is the Minutes of the Ordinary meeting held on 20 December 2017.

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."

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

## **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 David West	Item 20 - Proposed Grazing Licence At Dawson River Sewer Treatment Plant	Pecuniary interest, the nature of the interest being there is a potential that I will benefit financially as a consequence of a licence being issued by Council. Cr West left the meeting and took no part in discussions or voting.
Cr Kathryn Bell	Item 22 - 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. For information, our business contract commenced when MidCoast Water was an entity separate from MidCoast Council. I will leave the room and take no part in Council's consideration and determination of the matter.
General Manager	Item 24 - Tender for Bulga Creek and Bobin Creek Bridges	Pecuniary interest, the nature of the interest being my son works for one of the tenderers. Mr Handford left the meeting and took no part in discussions.
Director of Planning - Lisa Schiff	Item 33 - 169/2010 DA - Modification - Manufactured Home Estate - Old Bar	Non-Pecuniary Interest (Less than Significant) the nature of the interest being Gavin Maberly-Smith has consulted for the Applicant. He is my neighbour. We do not have, nor have we ever, had any social contact. Ms Schiff elected to remain in the meeting.

## APOLOGIES

Nil.

## ADOPTION OF MINUTES OF MEETING

### 268/17 RESOLUTION

(Moved Cr P Epov/Seconded Cr C Pontin)

That the Minutes of the Ordinary Meeting of 22 November 2017, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

### 269/17 RESOLUTION

(Moved Cr D West/Seconded Cr K Bell)

That the order of the agenda be changed to allow Item 16, - 2016-2017 Financial Reports for MidCoast Council be considered first as the Statements are required to be signed immediately after determination.

## **CONSIDERATION OF OFFICERS' REPORTS:**

### **16            2016-2017 FINANCIAL REPORTS FOR MID-COAST COUNCIL**

**Report Author            Phil Brennan, Manager Finance**

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#### **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 13 May 2016 to 30 June 2017.
- "Statement by Councillors and Management" in respect of the Special Purpose Financial Reports for Mid-Coast Council for the period 13 May 2016 to 30 June 2017.

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

#### **270/17    RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

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*Council adjourned at 2.08pm.*

*Council re-convened at 2.11pm*

#### **271/17    RESOLUTION**

(Moved Cr D West/Seconded Cr K Hutchinson)

That Late Notice of Motion - Audit and Risk Committee be considered prior to consideration of other Council reports.

#### **LATE NOTICE OF MOTION**

### **34            LATE REPORT 2 - NOTICE OF MOTION - AUDIT AND RISK COMMITTEE**

**Report Author            Cr Claire Pontin**

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#### **RECOMMENDATION**

That Council consider the Notice of Motion.

## **272/17 RESOLUTION**

(Moved Cr C Pontin/Seconded Cr D Keegan)

As a matter of urgency, noting Council's role of ensuring the financial sustainability of MidCoast Council and the need for Council to demonstrate some governance in this function, that Council:

- At its first Ordinary meeting in 2018, establishes an Audit and Risk Committee to undertake financial and performance audits of the Council, and
- Works with the Audit Office of NSW to set up and run this group.

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

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## **MEET THE PUBLIC**

The Mayor invited members of the gallery who wished to address Council on any items not listed on the agenda to do so at this stage.

### **Former Masters' Site**

Mr Terry Stanton addressed Council regarding an address by Mrs Christine Stanton at the Council meeting held on 22 November 2017 in relation to the former Masters' site.

Ms Katrina Pearson addressed Council in relation to the former Masters' site.

## **273/17 RESOLUTION**

(Moved Cr K Bell/Seconded Cr D Keegan)

That Item 2 and Item 3 be moved forward on the Agenda for consideration by Council.

## **ADDRESSES FROM THE PUBLIC GALLERY**

### **Item 2 - DA 209-2017 Demolition and Construction of Restaurant, Café and Dive Shop**

Mr Bryan Barber addressed Council objecting to the Development Application.

Mr Barber answered questions from Councillors.

Mr Digby Dunn (Stacks the Law Firm) on behalf of Bill Coombe (Proprietor Amaroo) addressed Council objecting to the Development Application.

Mr Dunn tabled a diagram at the request of Councillors, and answered questions from Councillors.

Mr Kevin Snell (Snell Architects) addressed Council in support of the Development Application.

Mr Snell answered questions from Councillors.

Mr Ronald Hunter (Dive Forster - Applicant) addressed Council in support of the Development Application.

Mr Hunter answered questions from Councillors.

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### **Item 3 - Gazettal of Certified Great Lakes Coastal Zone Management Plan**

Mr Michael Fox (on behalf of Boomerang and Blueys Residential Group Inc) addressed Council requesting that the matter be deferred to allow further consideration by Council.

Mr Fox answered questions from Councillors.

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The Mayor advised that Council will consider reports 24 to 32 and Late Report 1 in Closed Council (Confidential Section of Ordinary Meeting) (Closed to the Public) to discuss Items 24 to 32 and Late Report - 169/2010 DA - Modification - Manufactured Home Estate - Old Bar, and read out the reasons for confidentiality.

### **CONSIDERATION OF OFFICERS' REPORTS:**

#### **GENERAL MANAGER**

#### **1 GENERAL MANAGER'S PERFORMANCE REVIEW PANEL**

**Report Author**                      **Glenn Handford, General Manager**

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#### **RECOMMENDATION**

That Council establish the General Manager's Performance Review Panel (PRP) and nominate three (3) Councillors.

(Moved Cr K Smith/Seconded Cr L Roberts)

That the above recommendation be adopted.

(Moved Cr C Pontin/Seconded Cr D Keegan)

That Council:

- Establish the General Manager's Performance Review Panel (PRP) and nominate three (3) Councillors.
- Engages Local Government NSW to assist in this process through provision of necessary training of Councillors in this task and advice on best practice performance measures for a modern Council undergoing significant change.

The amendment was put to the vote and lost.

A further amendment was moved by Cr K Hutchinson and seconded by Cr L Roberts:

That the matter be deferred pending further information from Local Government NSW on an estimate of costs to assist in this process.

The further amendment was put to the vote and declared carried.

The further amendment became the substantive motion and was carried.



## **274/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr L Roberts)

That the matter be deferred pending further information from Local Government NSW on an estimate of costs to assist in this process.

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

AGAINST VOTE - Cr K Bell, Cr C Pontin.

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

## **2 DA 209-2017 - DEMOLITION AND CONSTRUCTION OF RESTAURANT, CAFE AND DIVE SHOP**

**Report Author Robyn Shelley, Senior Development Planner**

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### **RECOMMENDATION**

It is recommended that Development Application 209/2017 for Demolition of existing structure and construction of a two (2) storey dive shop, restaurant and cafe on Lot 1 & 2 DP 1086929 and Lots 434 & 435 DP 25704, Little Street, Forster be approved in accordance with the conditions of consent contained in Annexure B.

(Moved Cr K Hutchinson/Seconded L Roberts)

That the above recommendation be adopted.

An amendment was moved by Cr P Epov and seconded by Cr B Christensen:

That the matter be deferred to the next Ordinary Council meeting for further consultation and a site inspection.

The amendment was put to the vote and declared lost.

The motion was put to the vote and declared carried.

## **275/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr L Roberts)

That the above recommendation be adopted.

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

AGAINST VOTE - Cr B Christensen, Cr P Epov, Cr C Pontin.

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### **3            GAZETTAL OF CERTIFIED GREAT LAKES COASTAL ZONE MANAGEMENT PLAN**

**Report Author            Andrew Staniland, Coastal Management Coordinator**

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#### **RECOMMENDATION**

It is recommended that:

1. Council adopt (make) the certified Great Lakes Coastal Zone Management Plan August 2016 in Attachment A to this report.
2. Council forward the adopted Great Lakes 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.

#### **276/17    RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

AGAINST VOTE - Cr T Fowler.

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#### **DIRECTOR ENGINEERING & INFRASTRUCTURE**

### **4            COMBOYNE ROAD ACQUISITIONS FOR PUBLIC ROAD**

**Report Author            Rob Langdon, Senior Surveyor**

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#### **RECOMMENDATION**

1. That the acquisition survey plan be registered with Land Registry Services,
2. That the acquisition of proposed Lots 6, 8 & 12 for public road be completed, and
3. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire proposed Lot 10 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of both the Roads Act 1993 and the Local Government Act 1993.

#### **277/17    RESOLUTION**

(Moved Cr D Keegan/Seconded Cr B Christensen)

That the above recommendation be adopted.

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

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## **5 LAND ACQUISITION OF BULGA ROAD BOBIN**

**Report Author Rob Langdon, Senior Surveyor**

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### **RECOMMENDATION**

1. That the plan of acquisition, to be in accordance with Attachment A, be registered with NSW Land Registry Services (LRS).
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lot 1841 for the purposes of the Roads Act 1993.

### **278/17 RESOLUTION**

(Moved Cr D Keegan/Seconded Cr T Fowler)

That the above recommendation be adopted.

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

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## **6 PROPOSED ACQUISITION OF LAND THE SOUTHERN PARKWAY FORSTER**

**Report Author Rob Langdon, Senior Surveyor**

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### **RECOMMENDATION**

1. That the plan of acquisition be registered with NSW Land Registry Services (LRS),
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lots 305, 306 & 308 for the purposes of the Local Government Act 1993 and the Roads Act 1993.

### **279/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted.

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

AGAINST VOTE - Cr K Smith.

**7 CAPITAL WORKS REPORT - DECEMBER 2017**  
**Report Author Stuart Small, Team Leader Project Delivery**

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**RECOMMENDATION**

That Council note the information in this report.

**280/17 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

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**8 FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE- DECEMBER 2017**  
**Report Author Roshan Khadka, Coastal and Flooding Engineer**

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**RECOMMENDATION**

It is recommended that:

- (i) A Floodplain Management Advisory Committee be established.
- (ii) Council nominate two Councillors and one alternate Councillor for representation on the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iii) Council nominate one of the appointed Councillors as Chair of the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iv) The proposed membership and draft Terms of Reference for the Floodplain Management Advisory Committee be endorsed.
- (v) The draft Terms of Reference for the Floodplain Management Advisory Committee be placed on exhibition for 28 days.
- (vi) Expressions of interest from community members to join the Committee for the remainder of the Council term be publicly sought over a period of 28 days whilst the Terms of Reference are publicly exhibited.

## **281/17 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr D Keegan)

- (i) A Floodplain Management Advisory Committee be established.
- (ii) Council nominate Cr K Hutchinson and Cr P Epov and, one alternate Cr K Smith for representation on the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iii) Council nominate Cr P Epov as Chair of the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iv) The proposed membership and draft Terms of Reference for the Floodplain Management Advisory Committee be endorsed.
- (v) The draft Terms of Reference for the Floodplain Management Advisory Committee be placed on exhibition for 28 days.
- (vi) Expressions of interest from community members to join the Committee for the remainder of the Council term be publicly sought over a period of 28 days whilst the Terms of Reference are publicly exhibited.

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

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### **DIRECTOR COMMUNITY SPACES & SERVICES**

#### **9 MIDCOAST DESTINATION MANAGEMENT PLAN**

**Report Author Sharon Bultitude - Destination Management Coordinator**

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#### **RECOMMENDATION**

That the Draft MidCoast Destination Management Plan 2017 (including appendices) provided in Attachment A be adopted.

## **282/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

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#### **10 STRONGER COMMUNITIES FUNDING**

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

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#### **RECOMMENDATION**

That the information in this report be noted.

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## **283/17 RESOLUTION**

(Moved Cr K Bell/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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## **11 COMMUNITY STRATEGIC PLAN**

**Report Author** Marcelle Boyling, Media and Communications Manager

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### **RECOMMENDATION**

1. That the draft MidCoast Community Strategic Plan (*MidCoast 2030: Shared vision, shared responsibility*) provided in Attachment A be placed on public exhibition from 8 January 2018 to 23 February 2018.
2. That the activities outlined in the Engagement and Communications Strategy prepared for *MidCoast 2030: Shared vision, shared responsibility* (see Attachment B) be delivered during this timeframe.
3. That \$5,000 be allocated towards delivering the activities outlined in the Engagement and Communications Strategy prepared for *MidCoast 2030: Shared vision, shared responsibility*.

## **284/17 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

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## **DIRECTOR CORPORATE & BUSINESS SYSTEMS**

## **12 TABLING OF COUNCILLORS DISCLOSURE OF INTERESTS RETURN REGISTER**

**Report Author** Rob Griffiths, Governance

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### **RECOMMENDATION**

That the tabling of the register of Disclosure of Interests Returns for Councillors be noted.

## **285/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

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### **13 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**Report Author Rob Griffiths, Manager Governance**

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#### **RECOMMENDATION**

That the report be noted.

#### **286/17 RESOLUTION**

(Moved Cr K Smith/Seconded Cr D Keegan)

That the above recommendation be adopted.

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

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### **14 APPOINTMENT OF DELEGATES TO DURALIE AND STRATFORD COAL MINE COMMUNITY CONSULTATIVE COMMITTEES**

**Report Author Rob Griffiths, Manager Governance**

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#### **RECOMMENDATION**

That Council appoint one Councillor delegate and one alternate delegate to the Duralie Coal Mine Community Consultative Committee.

#### **287/17 RESOLUTION**

(Moved Cr K Smith/Seconded Cr L Roberts)

That Council appoint Cr K Hutchinson and alternate delegate Cr K Smith to the Duralie Coal Mine Community Consultative Committee.

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

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## **15            RECOMMENDED MEETING SCHEDULE FOR 2018**

**Report Author            Rob Griffiths, Manager Governance**

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### **RECOMMENDATION**

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

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

- That all meetings (Ordinary, Strategic, Workshops and Extraordinary meetings) as per the meeting schedule in Annexure A (March 2018 - December 2018) be held at the Forster Administration building of MidCoast Council, with the exception of Wednesday, 9 May (Strategic) and Wednesday, 27 June (Ordinary) which are to be held at Gloucester Administration building. This is to apply unless MidCoast Council co-locates into a single premises at which time this schedule is to be reviewed.
- That the Workshop schedule, as agreed by Council, be included in the schedule.

An amendment was moved by Cr P Epov and seconded by Cr B Christensen:

- That the Meeting Schedule for 2018 contained in Annexure A be adopted.
- That the Workshop schedule, as agreed by Council, be included in the schedule.

The amendment was put to the vote and declared carried.

The amendment became the substantive motion and was carried.

### **288/17    RESOLUTION**

(Moved Cr P Epov/Seconded Cr B Christensen)

- That the Meeting Schedule for 2018 contained in Annexure A be adopted.
- That the Workshop schedule, as agreed by Council, be included in the schedule.

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

AGAINST VOTE - Cr T Fowler, Cr K Hutchinson, Cr J McWilliams.

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## **17            2017-2018 FEES & CHARGES - ADOPTION OF ADDITIONAL FEES**

**Report Author            Phil Brennan, Manager Finance**

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### **RECOMMENDATION**

That the Fees and Charges outlined within the table within the report be adopted and take effect immediately.

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## **289/17 RESOLUTION**

(Moved Cr P Epov/Seconded Cr B Christensen)

That the above recommendation be adopted.

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

AGAINST VOTE - Cr K Smith.

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## **18 INVESTMENTS REPORT - NOVEMBER 2017**

**Report Author**            **Phil Brennan, Manager Finance**

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### **RECOMMENDATION**

That the report be received and noted.

## **290/17 RESOLUTION**

(Moved Cr P Epov/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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## **19 TRANSFER OF LAND IN PAYMENT OF RATES**

**Report Author**            **Phil Brennan, Manager Finance**

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### **RECOMMENDATION**

That the report be noted.

## **291/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr B Christensen)

That the above recommendation be adopted.

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

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## 20 PROPOSED GRAZING LICENCE AT DAWSON RIVER SEWER TREATMENT PLANT

Report Author Jessica Gralton – Property & Land Acquisition Officer, Water Services

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Cr D West declared a Pecuniary Interest and left the meeting. Deputy Mayor - Cr K Smith took the chair.

### RECOMMENDATION

That Council grant a Licence for a period of twelve (12) months commencing on 1 January 2018 to the Licensee in accordance with the details set out in this report.

### 292/17 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

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

ABSENT. DID NOT VOTE - Cr D West.

Cr D West returned to the meeting and resumed the chair.

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## 21 OFFICE RELOCATION INVESTIGATION - BIRIPI WAY, TAREE

Report Author Steve Embry, Director Corporate & Business Systems

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### RECOMMENDATION

That Council note and endorse the Gateway Process outlined in the Report.

### 293/17 RESOLUTION

(Moved Cr L Roberts/Seconded Cr B Christensen)

That Council:

1. Acknowledge the contents of the draft Business Case prepared by Savills Project Management;
2. Note the preliminary finding by Savills that after weighing up the costs and benefits of the relocation of the administration operations to a single site at 2 Biripi Way, Taree (**Single Site Option**) against the refurbishment of the existing four administration sites and continued operation of a campus model (**Campus Option**), the Single Site Option is the preferred option;
3. Endorse the Gateway Process outlined in the Report;
4. Proceed to further investigate the Single Site Option in conjunction with the Project Manager (as part of the Initiation Phase) on the basis that the project is feasible and potentially affordable (subject to further investigation);
5. Note that the Project Manager will—oversee the next stage in investigations being the preparation of a high level project program and budget for the project (**Program and Budget Report**); and
6. Require that the Program and Budget Report be submitted to Council for its approval before proceeding to the next stage in the project.

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

AGAINST VOTE - Cr T Fowler, Cr J McWilliams, Cr K Smith.

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## **DIRECTOR WATER SERVICES**

### **22 WATER SERVICES INFRASTRUCTURE PROJECT STATUS REPORTS**

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

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

#### **RECOMMENDATION**

1. That the infrastructure project status reports be received and noted.
2. The following actions be endorsed:
  - a. GE-SPS-00 Switchboard Renewals:
    - i. That the project proceeds through the Read to Design & Implement Gateway
    - ii. That the Baseline Budget be increased from \$850,000 to \$1,165,000 in line with the project estimate and procurement plan

#### **294/17 RESOLUTION**

(Moved Cr P Epov/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

AGAINST VOTE - Cr K Smith.

ABSENT. DID NOT VOTE - K Bell.

Cr K Bell returned to the meeting.

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### **23 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE REPORT - NOVEMBER 2017**

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

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#### **RECOMMENDATION**

MidCoast Water Services Executive Performance Report for November 2017 be received and noted.

#### **295/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr K Smith)

That the above recommendation be adopted.

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

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## **URGENT LATE BUSINESS**

### **Tourism Conference**

#### **296/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr P Epov)

That leave be granted to Cr K Hutchinson to attend the Tourism Conference on 12-14 March 2018 in Parkes.

### **Business Cards and Name Badges**

#### **297/17 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr P Epov)

That a larger font be used on Councillors' business cards and name badges, and the option for photos be included for Councillors' business cards.

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#### **298/17 RESOLUTION**

(Moved Cr D Keegan/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 Confidential agenda (5.25pm).

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

## CLOSED COUNCIL

### 24 TENDER FOR BULGA CREEK AND BOBIN CREEK BRIDGES CONFIDENTIAL

Report Author B Chisholm, Project Manager

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General Manager - Glenn Handford declared a pecuniary interest and left the meeting taking no part in discussions.

#### 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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

#### RECOMMENDATION

That MidCoast Council:

1. Award the contract for the Design & Construction of the Bulga Creek Bridge (B1126) and Bobin Creek Bridge (B1122) to Bridgeworks (Aus) Pty Ltd, subject to:
  - a. Successful negotiations with the preferred tenderer regarding the possible delay with access to the Bobin Creek site;
  - b. a final check of insurance compliance by Council's insurer;
  - c. successful negotiations with the Roads and Maritime Services regarding the continued availability of grant funds; and
  - d. successful negotiations with the Australian Government regarding the continued availability of grant funds.
2. Authorises Council's seal be affixed to the contract documents.

#### 299/17 RESOLUTION

(Moved Cr D Keegan/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

General Manager - Glenn Handford returned to the meeting.

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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

It is not in the public interest to reveal details contained in the report as the Developer has provided sensitive financial information about their operations in the confidence that their details will not be made public by Council.

**RECOMMENDATION**

That Council note the contents of this report.

**300/17    RESOLUTION**

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the above recommendation be adopted.

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

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**26                    TRANSFER OF LAND IN PAYMENT OF RATES - EIGHT (8) LOTS, NORTH ARM COVE    CONFIDENTIAL**

**Report Author                    Lee Howard, Revenue Coordinator**

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**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 264 DP 13358, Lot 263 DP 13358, Lot 2509 DP 12277, Lot 2656 DP 12275, Lot 1647 DP 12277, Lot 479 DP 13358, Lot 2237 DP 12277, Lot 446 DP 13358 at North Arm Cove in payment of outstanding rates and meet transfer costs.
  2.                    That the Common Seal be affixed to transfer documents and Deed Poll Indemnity to the Australian Securities and Investments Commission.
  3.                    That the properties be classified as operational land.
-

### **301/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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### **27           TRANSFER OF LAND IN PAYMENT OF RATES - QUIRINDI PDE, NORTH ARM COVE   CONFIDENTIAL**

**Report Author           Lee Howard, Revenue Coordinator**

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#### **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 469 Quirindi Parade, 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.

### **302/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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### **28           TRANSFER OF LAND IN PAYMENT OF RATES - TENTERFIELD RD NORTH ARM COVE   CONFIDENTIAL**

**Report Author           Lee Howard, Revenue Coordinator**

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#### **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
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## **RECOMMENDATION**

1. That Council accept the transfer of Lot 766 Tenterfield 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.

### **303/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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## **29 TRANSFER OF LAND IN PAYMENT OF RATES - CHALLIS AVE, PINDIMAR CONFIDENTIAL**

**Report Author**            **Lee Howard, Revenue Coordinator**

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## **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 4 Challis Avenue, PINDIMAR 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.

### **304/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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**30                    TRANSFER OF LAND IN PAYMENT OF RATES - GLEN INNES RD,  
NORTH ARM COVE    CONFIDENTIAL**

**Report Author                    Lee Howard, Revenue Coordinator**

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**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 2457 Glen Innes 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.

**305/17    RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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**31                    TRANSFER OF LAND IN PAYMENT OF RATES - KARUAH RD, THE  
BRANCH    CONFIDENTIAL**

**Report Author                    Lee Howard, Revenue Coordinator**

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**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 2 Karuah Road, THE BRANCH 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.
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### **306/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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### **32            TRANSFER OF LAND IN PAYMENT OF RATES - LOTS 472 & 473                  QUIRINDI PDE, NAC    CONFIDENTIAL**

**Report Author            Lee Howard, Revenue Coordinator**

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#### **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 472 Quirindi Parade, 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.

### **307/17 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

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

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## **LATE REPORT**

### **33 LATE REPORT - 169/2010DA - MODIFICATION - MANUFACTURED HOME ESTATE - OLD BAR CONFIDENTIAL**

**Report Author**                      **Bruce Moore, Management Development Assessment**

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Director Planning & Natural Systems - Lisa Schiff declared a non-pecuniary conflict of interest and remained in the meeting.

#### **REASON FOR CONFIDENTIALITY**

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

Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

#### **308/17 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr T Fowler)

That the Director Planning & Natural Systems be delegated authority to proceed based on the discussions in the Confidential (Closed) meeting.

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

AGAINST VOTE - Cr B Christensen, Cr P Epov, Cr D Keegan, Cr C Pontin.

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#### **MEETING CLOSURE**

The meeting closed at 6.41pm.

#### **CHAIRPERSON**