



Minutes of the ExtraOrdinary Council Meeting

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

2 November 2017 at 6pm

A handwritten signature in black ink that reads "Glenn Handford". The signature is written in a cursive style, with the first name being more prominent and the last name following in a similar script.

Glenn Handford
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>2</u>
<u>DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST</u>	<u>2</u>
<u>ADDRESSES FROM THE PUBLIC GALLERY</u>	<u>2</u>
<u>CONSIDERATION OF OFFICERS' REPORTS:</u>	<u>3</u>
<u>DIRECTOR PLANNING & NATURAL SYSTEMS</u>	<u>3</u>
1 DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS	3
<u>MATTERS ARISING</u>	<u>5</u>
<u>CLOSED COUNCIL</u>	<u>5</u>
<u>LATE REPORT</u>	<u>5</u>
LAND ACQUISITION - FORMER MASTERS HOME IMPROVEMENT SITE, TAREE	5
<u>MEETING CLOSURE</u>	<u>6</u>

Minutes of the ExtraOrdinary Meeting of the MidCoast Council held at the Council Chambers, 2 Pulteney Street, Taree on 2 November 2017 commencing at 6.02pm.

PRESENT

Present: Cr D West (Mayor), 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 - Corporate Support Officer - Lyn Hickey

The following document is the Minutes of the ExtraOrdinary Council meeting held on 2 November 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 meeting for confirmation.

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 a tape, video camera and any electronic device capable of recording 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".

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Mayor recognised the traditional custodians of the land contained in the MidCoast Council area - being the Biripi and Worimi peoples, and paid respect to their heritage and their elders - past and present.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Director Planning & Natural Systems - Ms L Schiff	Item 1 - DA 407-2017 - Manufactured Home Estate - 303 Blackhead Rd, Tallwoods	Non-Pecuniary Interest (Less than Significant) the nature of the interest is the Consultant Gavin Maberly-Smith is my neighbour. We do not have and have never had any social contact. Ms Schiff remained in the chambers and participated in discussions.
Cr Claire Pontin	Item 1 - DA 407-2017 - Manufactured Home Estate - 303 Blackhead Rd, Tallwoods	Non-Pecuniary Interest (Less than Significant) the nature of the interest being I was Secretary of Hallidays Point Progress Association and Public Officer. I stood down prior to the first Council meeting and did not participate in formulating any submissions on this matter. Cr Pontin remained in the chambers and participated in discussions.
Cr Peter Epov	Item 1 - DA 407-2017 - Manufactured Home Estate - 303 Blackhead Rd, Tallwoods	Non-Pecuniary Interest (Less than Significant) the nature of the interest a friend and his wife lived 2km from the subject property. I see this friend 3-4 times per year. Cr Epov remained in the chambers and participated in discussions.

240/17 RESOLUTION

(Moved D Keegan/Seconded L Roberts)

That members of the public, who have received approval to address Council, proceed to address Council.

ADDRESSES FROM THE PUBLIC GALLERY

DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS

Bill Richardson (Objector) addressed Council objecting to the Development Application.

Les Burke (Objector) addressed Council objecting to the Development Application.

Graham Robertson (Objector) addressed Council objecting to the Development Application.

Joseph Anthony Paul Allen (Objector) addressed Council objecting to the Development Application.

Sandra Chan (Objector) addressed Council objecting to the Development Application.

John Griffiths President Hallidays Point Community Liaison and Progress (Objector) addressed Council objecting to the Development Application.

John Barber addressed Council in support of the Development Application.

Joe Waugh (Gateway Lifestyle) addressed Council in support of the Development Application.

John Rowley (Gateway Lifestyle) addressed Council in support of the Development Application.

Gavin Maberly-Smith (Consultant for Applicant) addressed Council in support of the Development Application.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

1 DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS

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

Mrs Lisa Schiff, Cr Pontin & Cr Epov declared a non-pecuniary conflict of interest (less than significant) and stayed in the meeting and participated in discussions.

RECOMMENDATION

It is recommended that Development Application 407/2017/DA for a Manufactured Home Estate on Lot 3 DP 242332- 303 Blackhead Road Tallwoods be approved in accordance with the conditions of consent contained in Annexure A.

(Moved by Cr Roberts/Seconded Cr K Hutchinson)

That the proposed development be approved subject to the conditions in the report and that:

- a) A community bus be provided for residents to ensure adequate transport for residents,
- b) An urgent report be provided on the harmonisation of policies relating to Manufactured Home Estates,
- c) Council advocate and investigate ways to separately rate Manufactured Home Estates and similar properties.

An Amendment was Moved by Cr Bell/Seconded by Cr Epov

That Council refuse DA 407/2017 for the following reasons:

1. The proposal will have a negative effect on water and sewer infrastructure including the orderly development potential in the Hallidays Point area.
2. Establishing the proposed Asset Protection Zone on land to be dedicated to Council for the benefit of a private interest is not satisfactory.

3. There is an inequitable increased financial burden on existing ratepayers resulting from the additional impact of the proposed development on local infrastructure and services.
4. There is insufficient local infrastructure.
5. There is inadequate provisions for koala movement.
6. Impacts on visual amenity
7. Impact of lack of adequate fire prevention measures and emergency evacuation of the elderly.

The proposal is considered overall to not be in the public interest and due to the cumulative effect of the above matters, the application fails to satisfy requirements of Section 79C1 (b), (c) (d) and (e).

The Amendment was put to the vote and declared carried.

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 K Smith.

AGAINST VOTE - Cr West & Cr Roberts

The Amendment became the substantive motion and was carried.

241/17 RESOLUTION

(Moved Cr Bell/Seconded Cr Epov)

That Council refuse DA 407/2017 for the following reasons:

1. The proposal will have a negative effect on water and sewer infrastructure including the orderly development potential in the Hallidays Point area.
2. Establishing the proposed Asset Protection Zone on land to be dedicated to Council for the benefit of a private interest is not satisfactory.
3. There is an inequitable increased financial burden on existing ratepayers resulting from the additional impact of the proposed development on local infrastructure and services.
4. There is insufficient local infrastructure.
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The proposal is considered overall to not be in the public interest and due to the cumulative effect of the above matters, the application fails to satisfy requirements of Section 79C1 (b), (c) (d) and (e).

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 K Smith.

AGAINST VOTE - Cr West & Cr Roberts

MATTERS ARISING

242/17 **RESOLUTION**

(Moved Cr Keegan/Seconded Cr Epov)

- That Council review the three former council area LEP's to harmonise them as a matter of importance and call for a report from the General Manager on the extra cost needed to complete the new MidCoast Council LEP within 12 months
- That Council consider and produce a policy in relation to Manufactured Home Estates.
- That Council lobby the State Government to address concerns relating to planning controls for Manufactured Home Estates.

FOR VOTE - Unanimous

AGAINST VOTE - Nil

243/17 **RESOLUTION**

(Moved by Cr Hutchinson/Seconded Cr Roberts)

That Council move into Closed Council (Confidential Section of ExtraOrdinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (8.07pm).

CLOSED COUNCIL

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

LATE REPORT

LAND ACQUISITION - FORMER MASTERS HOME IMPROVEMENT SITE, TAREE

Report Author John Dougherty, Manager Property & 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 for this matter to be discussed in an open meeting. The disclosure of information such as valuation ranges and negotiated prices prior to acceptance may disadvantage Council in ensuring that only a reasonable price is paid for land and that ratepayers are not impacted by Council having to pay a premium.

RECOMMENDATION

That Council

1. Acquires Lot 1 in Deposited Plan 1185504 being the former "Masters Home Improvement Site" located at the corner of Manning River Drive and Biripi Way, Taree NSW 2430 in accordance with the offer made to the vendor) for the agreed amount; and
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2. Delegates authority to Council's General Manager to finalise negotiations in respect of this acquisition provided they are in accordance with the information contained in this report; and
3. That the land be classified as "Operational Land" in accordance with the Local Government Act, 1993; and
4. That the Common Seal of Council be affixed to all necessary documents in respect of this acquisition.

244/17 RESOLUTION

(Moved Cr Hutchinson/Seconded Cr B Christensen)

That Council:

1. Acquires Lot 1 in Deposited Plan 1185504 being the former "Masters Home Improvement Site" located at the corner of Manning River Drive and Biripi Way, Taree NSW 2430 in accordance with the offer made to the vendor for the agreed amount; and
2. Delegates authority to Council's General Manager to finalise negotiations in respect of this acquisition provided they are in accordance with the information contained in this report; and
3. That the land be classified as "Operational Land" in accordance with the Local Government Act, 1993; and
4. That the Common Seal of Council be affixed to all necessary documents in respect of this acquisition.
5. Pursue grant funding opportunities where possible to assist with costs.

FOR VOTE - Unanimous

AGAINST VOTE - Nil

MEETING CLOSURE

The meeting closed at 9.12pm

This is the last page of the Minutes of the ExtraOrdinary Meeting of MidCoast Council held on 2 November 2017.

CHAIRPERSON