



MINUTES OF THE ORDINARY COUNCIL MEETING

**HELD AT THE ADMINISTRATION CENTRE
4 BREESE PARADE, FORSTER**

ON WEDNESDAY 23 NOVEMBER 2016

**Glenn Handford
INTERIM GENERAL MANAGER**

TABLE OF CONTENTS

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	1
DISCLOSURES OF INTEREST	1
APOLOGIES.....	1
CONFIRMATION OF MINUTES.....	1
ADDRESSES FROM THE PUBLIC GALLERY	2
CONSIDERATION OF REPORTS	2
INTERIM GENERAL MANAGER	2
1 SPECIAL RATE VARIATION APPLICATION TO IPART.....	2
DIRECTOR PLANNING & NATURAL SYSTEMS.....	2
2 DRAFT GREAT LAKES DCP AMENDMENTS - WATER SENSITIVE DESIGN	2
3 TUNCURRY LANDFILL CLOSURE	2
4 REVIEW OF THE CITY OF GREATER TAREE HERITAGE STUDY 1990.....	2
5 PLANNING PROPOSAL FOR LOTS 1, 2 & 9 DP32272 & LOT 48 DP1090335 COOPERNOOK.....	3
6 TENDER DECOMMISSION/REMOVAL UNDERGROUND FUEL TANKS -	3
DIRECTOR ENGINEERING AND INFRASTRUCTURE.....	3
7 CAPITAL WORKS REPORT - OCTOBER, NOVEMBER & DECEMBER 2016	3
8 FOOTPATH AND KERB & GUTTER CONTRIBUTIONS.....	3
9 REVIEW AND UPDATE MANNING RIVER FLOOD STUDY - FINAL REPORT	4
10 TOWN CREEK FLOODING AND WATERCOURSE REHABILITATION PLAN	4
11 ROAD RESUMPTION COMPENSATION FOR GLOUCESTER TOPS DRY ROAD.....	4
DIRECTOR COMMUNITY SPACES AND SERVICES.....	4
12 VIBRANT SPACES TRIAL	4
13 STRONGER COMMUNITIES FUNDING	5
14 REQUESTS FOR DONATIONS - FORMER GLOUCESTER SHIRE COUNCIL	5
DIRECTOR CORPORATE AND BUSINESS SYSTEMS	5
15 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016	5
16 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT	6
17 GIFTS AND BENEFITS POLICY	6
18 LEASE - ARTS & CRAFTS BUILDING, BREESE PARADE, FORSTER	6
19 INVESTMENTS REPORT - OCTOBER 2016.....	6
CLOSED COUNCIL.....	6
20 GROUP TENDER FOR SUPPLY AND DELIVERY OF CONCRETE PIPES	7
21 TRANSFER OF LAND IN PAYMENT OF RATES - NORTH ARM COV.....	7
22 TENDER - KILLAWARRA BRIDGE ABUTMENT REPLACEMENT.....	7

Minutes of the Ordinary Meeting of MidCoast Council held at the Administration Centre, 4 Breese Parade, Forster, on Wednesday 23 November 2016 commencing at 2.00pm.

Present: Administrator (John Turner)
In Attendance: Director Engineering & Infrastructure (Ron Hartley)
Director Community Spaces & Services (Paul De Szell)
Director Planning & Natural Systems (Lisa Schiff)
Administrative Support Assistant/Minute Taker (Sue Bookallil)

Apologies: Interim General Manager (Glenn Handford)
Director Corporate & Business Systems (Steve Embry)

The following document is the minutes of the Council meeting held on 23 November 2016.

These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 14 November 2016 and therefore subject to change.

Please refer to the minutes of the meeting of 14 December 2016 for confirmation.

For the purpose of ensuring the accuracy of the Minutes, a recording of the proceedings was made.

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

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Administrator recognised the traditional custodians of the land and paid respect to their elders and heritage.

DISCLOSURES OF INTEREST

Nil.

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

177/16 RESOLVED (Turner)

That the minutes of the Ordinary Meeting held on 26 October 2016 be adopted.

ADDRESSES FROM THE PUBLIC GALLERY

Mr Ed Harvey, Objector, addressed the meeting in regard to the Special Rate Variation.

CONSIDERATION OF REPORTS

INTERIM GENERAL MANAGER

1 SPECIAL RATE VARIATION APPLICATION TO IPART

Steve Embry, Director Corporate & Business Systems

178/16 RESOLVED (Turner) *(as per recommendation)*

That Council notify the Independent Pricing and Regulatory Tribunal (IPART) of its intention to apply for a section 508A special variation to its general income in terms of that set out in the report.

DIRECTOR PLANNING & NATURAL SYSTEMS

2 DRAFT GREAT LAKES DCP AMENDMENTS - WATER SENSITIVE DESIGN

Louise Morris, Strategic Landuse Planner, (Forster)

179/16 RESOLVED (Turner)

That the matter be deferred until the next meeting to allow further consideration.

3 TUNCURRY LANDFILL CLOSURE

John Cavanagh, Manager, Waste Health and Regulatory Services (Forster Office)

180/16 RESOLVED (Turner) *(as per recommendation)*

That domestic waste from the Waste Collection Contract is disposed of at the Bucketts Way Landfill from 1 December 2016 at a cost of \$0.1035 per service per collection until the Great Lakes Landfill (Minimbah) is operational.

That commercial mixed waste (trucks) that cannot be sorted, recycled or processed be directed to the Bucketts Way Landfill for disposal until the Minimbah Landfill is operational.

4 REVIEW OF THE CITY OF GREATER TAREE HERITAGE STUDY 1990

Sue Calvin, Team Leader Strategic Landuse Planning, (Taree)

181/16 RESOLVED (Turner) *(as per recommendation)*

That Council endorse the process for review of the *City of Greater Taree Heritage Study 1990* commence and the findings be reported to Council by May 2017.

**5 PLANNING PROPOSAL FOR LOTS 1, 2 & 9 DP32272 & LOT 48 DP1090335
COOPERNOOK**

Michael Griffith, Strategic Planner, (Taree)

182/16 RESOLVED (Turner) (as per recommendation)

- A. That Council adopt the planning proposal, contained in Attachment A to this report, to amend Greater Taree Local Environmental Plan 2010 to rezone Lots 1, 2 and 9 DP 32272, and Lot 48 DP 1090335.
- B. That Council submit the planning proposal to the Parliamentary Counsel's Office for the associated local environmental plan (LEP) to be drafted.
- C. That upon acceptance of the Parliamentary Counsel's Office drafted LEP, Council utilise its authorisation to use delegation to make the local environmental plan.

**6 TENDER DECOMMISSION/REMOVAL UNDERGROUND FUEL TANKS -
EPA GRANT**

Philip Martin, Senior Environmental Health Officer (Taree Office)

183/16 RESOLVED (Turner) (as per recommendation)

1. That Council award a contract to Ground Doctor Pty Ltd. (subject to execution of all contract documentation) for the Decommissioning/Removal of the specified Underground Petroleum Storage Systems (UPSS) including stage 2 works (associated groundwater investigations).
2. That the unsuccessful consultants/contractors who submitted a tender be thanked for their valuable participation in the tender process.

DIRECTOR ENGINEERING AND INFRASTRUCTURE

7 CAPITAL WORKS REPORT - OCTOBER, NOVEMBER & DECEMBER 2016

Phil Miles, Manager Projects and Engineering

184/16 RESOLVED (Turner) (as per recommendation)

That Council note the information in this report.

8 FOOTPATH AND KERB & GUTTER CONTRIBUTIONS

Ron Hartley, Director Engineering & Infrastructure Services, (Forster)

185/16 RESOLVED (Turner) (as per recommendation)

1. That MidCoast Council continue to charge for K&G contributions based on the Great Lakes Council Schedule of Fees and Charges.
2. That contributions for the construction of footpaths be discontinued for works which have not been commenced at the time of this decision
3. That Council continue to collect contributions for those works that have been completed prior to this decision
4. That the necessary administrative and advertising processes be undertaken to amend the Schedule of Fees and Charges in accordance with this decision.

9 REVIEW AND UPDATE MANNING RIVER FLOOD STUDY - FINAL REPORT

Roshan Khadka, Flood & Drainage Engineer (Taree)

186/16 RESOLVED (Turner)

It is recommended that:

- A. The *Review and Update Manning River Flood Study* 1% Annual Exceedence Probability (1 in 100 year) flood levels with 2100 Sea Level Rise plus 10% increase in rainfall due to climate change extent within the study are to be endorsed.
- B. The Flood Planning Area to be the area covered by the 1% Annual Exceedence Probability (1 in 100 year) flood levels with 2100 Sea Level Rise plus 10% increase in rainfall due to climate change plus 500mm freeboard.
- C. Flood related development controls be applied to all new development within the Flood Planning Area.
- D. That Part E - Flood Requirements of the Greater Taree Development Control Plan 2010 be amended to reflect the outcomes of the Review and Update Manning River Flood Study.
- E. The amended Part E - Flood Requirements of the Greater Taree Development Control Plan 2010 be exhibited for a minimum of 28 days.
- F. A further report be submitted to Council at the expiry of the 28 day exhibition period, detailing and addressing any submissions received.

10 TOWN CREEK FLOODING AND WATERCOURSE REHABILITATION PLAN

Geoff Love, Investigations Engineer, (Forster)

187/16 RESOLVED (Turner) (as per recommendation)

That the Town Creek Flooding and Watercourse Rehabilitation Plan be adopted by Council as a basis for future project planning in the Town Creek area.

11 ROAD RESUMPTION COMPENSATION FOR GLOUCESTER TOPS DRY ROAD

Julian Schneider, Senior Survey Design and Property Officer, Gloucester Office

188/16 RESOLVED (Turner) (as per recommendation)

That Council agrees to compensate Mr TJ Laurie estate in accordance with the Valuation Report prepared by Country Coast Valuers dated 18 July 2016.

DIRECTOR COMMUNITY SPACES AND SERVICES

12 VIBRANT SPACES TRIAL

Paul De Szell - Director Community Spaces and Services

189/16 RESOLVED (Turner) (as per recommendation)

1. That the Vibrant Spaces initiative undertaken across the Manning Valley be extended to the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud on a 6 month trial basis.
2. That the existing policies and procedures which apply to footpath use in the former Gloucester and Great Lakes Local Government Areas be suspended over the trial areas until the findings of the trial are reported back to Council.
3. That the "Footpaths in Town Centres Policy" adopted by the former Greater Taree City Council which currently covers the town centres of Taree, Wingham, Old Bar and Harrington, be extended to cover Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud until the findings of the trial are reported back to Council.
4. That the payment of existing permits/leases over footpaths and permits/leases sort up until the end of the trial be suspended until the findings of the trial are reported back to Council.

13 STRONGER COMMUNITIES FUNDING

Lyndie Hepple - Community Development Coordinator (Forster)

190/16 RESOLVED (Turner) (as per recommendation)

That "Stronger Communities Funding" of \$508,195 be allocated to 17 organisations as detailed in the report.

The Administrator thanked Council staff for their efforts.

14 REQUESTS FOR DONATIONS - FORMER GLOUCESTER SHIRE COUNCIL

Andrew Braybrook, Project Manager - Community Spaces & Services

191/16 RESOLVED (Turner) (as per recommendation)

1. That Council make a donation of \$305 to the Gloucester Rugby League Football Club; this being the equivalent amount to the DA fee and CC fee paid for a new kiosk facility in September 2016.
2. That Council make a donation of \$499.35 to the Gloucester Soccer Club; this being the equivalent amount to the DA fee paid for a new clubhouse facility in 2015.
3. That Council make a donation of \$1,200 to the Gloucester Preschool; this being for a reduction in rates, as has been the practise in recent years, and as budgeted for in the former Gloucester Council's 2016/2017 budget.
4. That Council encourage community groups to factor in the costs of DA and CC fees into their project costs and fund-raising, so that there is no need to request a subsidy from Council.

DIRECTOR CORPORATE AND BUSINESS SYSTEMS

15 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016

Phil Brennan, Manager Finance, (Forster)

192/16 RESOLVED (Turner) (as per recommendation)

That the Quarterly Budget Review Statement for the period to 30 September 2016 be noted and the budget variations proposed, including the transfers to and from reserves be approved.

16 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

Rob Griffiths, Manager Governance, (Gloucester)

193/16 RESOLVED (Turner) (as per recommendation)

That the report be noted.

17 GIFTS AND BENEFITS POLICY

Rob Griffiths, Manager Governance, (Gloucester)

194/16 RESOLVED (Turner) (as per recommendation)

That the attached Gifts and Benefits Policy be adopted.

18 LEASE - ARTS & CRAFTS BUILDING, BREESE PARADE, FORSTER

Leonie Cooke, Property Officer (Forster)

195/16 RESOLVED (Turner) (as per recommendation)

That Council enters into a lease agreement with the Forster Art & Craft Society with the following conditions:

1. Lease Term to be five (5) years
2. Initial rental to be fixed at \$1,250pa for the first two years
3. Subsequent rental to be reviewed by Council & the Society
4. All outgoings which are separately metered will be payable by the Society with the exclusion of Council rates which will be paid by Council.

19 INVESTMENTS REPORT - OCTOBER 2016

Phil Brennan, Manager Finance

196/16 RESOLVED (Turner) (as per recommendation)

That the report be received and noted.

CLOSED COUNCIL

197/16 RESOLVED (Turner)

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (2.13pm).

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

20 GROUP TENDER FOR SUPPLY AND DELIVERY OF CONCRETE PIPES

Mal Ackerman, Team Leader Procurement, (Taree)

198/16 RESOLVED (Turner) (as per recommendation)

That Holcim Australia Pty Ltd trading as Humes are appointed as the preferred supplier for Supply and delivery of reinforced concrete pipes and associated products on an as required basis for an initial period of 2 years with an option to extend the agreements for a further 12 months subject to mutual agreement and satisfactory performance.

21 TRANSFER OF LAND IN PAYMENT OF RATES - NORTH ARM COVE

Lee Howard, Revenue Coordinator, (Forster)

199/16 RESOLVED (Turner) (as per recommendation)

1. That Council accept the transfer of Lot 29 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.

22 TENDER - KILLAWARRA BRIDGE ABUTMENT REPLACEMENT

Phil Miles – Manager Projects and Engineering

200/16 RESOLVED (Turner) (as per recommendation)

1. That Council award contract 2016-17/11 Killawarra Bridge Abutment Replacement to St Hilliers Property Pty Ltd, subject to the execution of all contract documentation
2. That the unsuccessful tenderers be thanked for their participation in the tender process.

There being no further business, the meeting closed at 2.15pm.

This is the last page of the minutes of the Ordinary Meeting of MidCoast Council held on 23 November 2016.

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Administrator

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Interim General Manager