



MINUTES OF THE EXTRAORDINARY COUNCIL MEETING

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

ON WEDNESDAY 21 DECEMBER 2016

**Glenn Handford
INTERIM GENERAL MANAGER**

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Minutes of the ExtraOrdinary Meeting of MidCoast Council held at the Administration Centre, 4 Breese Parade, Forster, on Wednesday 21 December 2016 commencing at 1.32pm.

Present: Administrator (John Turner)
In Attendance: Interim General Manager (Glenn Handford)
Director Corporate & Business Systems (Steve Embry)
Director Engineering & Infrastructure (Ron Hartley)
Director Community Spaces & Services (Paul De Szell)
Director Planning & Natural Systems (Lisa Schiff)
Corporate Support Officer/Minute Taker (Lyn Hickey)

The following document is the minutes of the Extraordinary Council meeting held on 21 December 2016.

These minutes are subject to confirmation as to their accuracy at the next meeting

Please refer to the minutes of the next meeting for confirmation.

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

DISCLOSURES OF INTEREST

Staff Member	Item and Subject	Nature of Interest
Mr P De Szell	Item 3 CONF - Civic Precinct Project, Forster Update	Non-Pecuniary Interest (Less than Significant) the nature of the interest being I am friends with one of the proponents Consultants - Mr G Maberly-Smith from Coastplan Consultants. My sister is also friends with the proponent but has no commercial relationship. I have no commercial or financial relationship with either the proponent or their consultants. Mr De Szell elected to stay in the meeting and take no part in discussions.
Mrs L Schiff	Item 3 CONF - Civic Precinct Project, Forster Update	Non-Pecuniary Interest (Less than Significant) the nature of the interest being Gavin Maberly-Smith is my neighbour. I am aware he has been involved in giving advice on this matter. Mrs Schiff elected to stay in the meeting and take no part in discussions.

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

223/16 RESOLVED (Turner)

That the minutes of the Ordinary Meeting held on 14 December 2016 be adopted.

PUBLIC ADDRESSES

Public Address - Local Government Reform - MidCoast Water Structure

Mr Nawal Maharaj, President Manning Valley Clean Water Action Group, addressed Council in relation to aspects of the MidCoast Water Structure proposal.

CONSIDERATION OF REPORTS

INTERIM GENERAL MANAGER

1 LOCAL GOVERNMENT REFORM - MIDCOAST WATER STRUCTURE

Glenn Handford - Interim General Manager

224/16 RESOLVED (Turner) (as per recommendation)

That Council note the contents of this report and acknowledge that a Late Report will be tabled at the Extraordinary Meeting on 21 December 2016.

LATE REPORT - LOCAL GOVERNMENT REFORM - MIDCOAST WATER STRUCTURE

Glenn Handford - Interim General Manager

The Administrator, Mr Turner, made the following statement:

"In relation to this item, it should be noted that the recommendation, which I accept, does not merge, dissolve or in any other way, at this time affect MidCoast County Council trading as MidCoast Water.

The recommendation is to the Minister for Local Government to consider a dissolution of MidCoast Water not a merger, which is a different local government procedure. If the Minister acts on the recommendation there would be the creation of a Water and Sewerage business unit within MidCoast Council to provide water and sewerage services to the Council area.

If the Minister determines to consider the recommendation the proposal will be put on public exhibition by the Minister through the Office of Local Government for 28 days at a time to be determined by the Minister.

Any member of the public can make a submission for or against the proposal during that period of time and the Minister is obliged under the Local Government Act to consider those submissions before making any determination.

The reports from both the MidCoast Council and MidCoast Water on this matter are substantial and set out reasons why the two councils have decided to refer the matter to the Minister. In the report of MidCoast Water on the proposal it spells out considerable savings to be made should the Minister ultimately adopt the recommendation. These savings could exceed \$3 million and this may assist in mitigating water and sewerage pricing pressures in the short and medium term.

However today is not the time to comment extensively on the possible outcome of the options as that would be to comment before the statutory exhibition and submission period.

But it is necessary however to say something had to be done in relation to the status of MidCoast Water since the merger of Greater Taree City Council, Gloucester Shire Council and Great Lakes Council. To do nothing was not an option.

County Councils are traditionally made up of a number of constituent councils and as the three constituent councils that made up MidCoast Water no longer exist, there may be even some conjecture of the legal status of MidCoast Water.

Of course MidCoast Water continues to exist however its status has moved from a traditional County Council into a County Council with one constituent council. This is a council being run by a council and therefore it had to be determined whether to recommend that the provision of water and sewerage be by way of a local government company wholly owned by MidCoast Council or by way of MidCoast Council directly which would mean dissolving MidCoast Water and creating a water and sewerage business unit within MidCoast Council.

The latter with quantifiable savings which will ultimately flow to the residents and ratepayers, was the recommendation put forward.

It should be noted that until 1997 when MidCoast Water was created, both the former Great Lakes Council and Greater Taree City Council were the providers of sewerage services and in the case of Gloucester Shire Council, they were providing water and sewerage services until 2011.

As I stated previously, to do nothing was not an option for either MidCoast Water and MidCoast Council."

225/16 RESOLVED (Turner) (as per recommendation)

That MidCoast County Council be dissolved and its assets and operations (trading as MidCoast Water) be merged as a separate business unit into MidCoast Council.

DIRECTOR PLANNING & NATURAL SYSTEMS

2 APPOINTMENT OF AUTHORISED OFFICER UNDER S114 OF THE FOOD ACT 2003 & S187 OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

John Cavanagh - Manager Waste Health & Regulatory Services

226/16 RESOLVED (Turner) (as per recommendation)

It is recommended that Emily Nicolson be authorised by Council under s114 of the Food Act 2003 and s187 of the Protection of the Environment Operations Act 1997.

LATE REPORT - TUNCURRY LANDFILL CLOSURE - DISPOSAL FEES

John Cavanagh, Manager Waste Health & Regulatory Services

227/16 RESOLVED (Turner)

That the Late Report "Tuncurry Landfill Closure Disposal Fees" being a report of which due notice has not been given, be declared to be a matter of great urgency and that this item of business be transacted at this meeting.

228/16 RESOLVED (Turner) (as per recommendation)

It is recommended to continue to charge Tuncurry Landfill account holders the current Tuncurry disposal fees at the Bucketts Way Landfill until 30 June 2017.

CLOSED COUNCIL

229/16 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 (1.42pm).

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 including the details of proponents currently participating in the Request for Proposal process may disadvantage Council.

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

DIRECTOR CORPORATE & BUSINESS SYSTEMS

3 CIVIC PRECINCT PROJECT, FORSTER, UPDATE

Steve Embry, Director Corporate and Business Systems

230/16 RESOLVED (Turner) (as per recommendation)

That Council note the contents of this report and acknowledge that a Late Report will be tabled at the Extraordinary meeting on 21 December regarding the procurement process to identify a suitable private sector participant to work with Council on the development and activation of the Civic Precinct Project, Forster.

LATE REPORT - CIVIC PRECINCT PROJECT, FORSTER, UPDATE

Steve Embry, Director Corporate and Business Systems

231/16 RESOLVED (Turner) (as per recommendation)

That Council:

1. Note the contents of this report in relation to the evaluation process for Phase 2 of the *Request for Proposal Civic Precinct Project, Forster, NSW, RFP 2016-17/21*, issued on 23 September 2016 (**RFP**);
2. Adopt the recommendation of the evaluation panel and resolve to enter into negotiations with the Proponent listed in this report (**the Proponent**), with a view to being satisfied with all outstanding matters and entering into one or more contracts

- (**Contract**) with the Proponent or its nominee in relation to the subject matter of the RFP; and
3. Resolve that any draft Contract arising from the direct negotiations with the Proponent be tabled before Council for resolution prior to execution.
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There being no further business, the meeting closed at 1.44PM.

This is the last page of the minutes of the ExtraOrdinary Meeting of MidCoast Council held on 21 December 2016.

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Administrator

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Interim General Manager