

**MidCoast**Council



**MINUTES OF THE  
ORDINARY COUNCIL MEETING**

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

**ON 22 MARCH 2017**

**Glenn Handford  
INTERIM GENERAL MANAGER**

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Minutes of the Ordinary Meeting of MidCoast Council held at the Administration Centre, 4 Breese Parade, Forster, on 22 March 2017 commencing at 2.03pm.

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

The following document is the Minutes of the Council meeting held on 22 March 2017.

These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 19 April 2017 and therefore subject to change.

Please refer to the Minutes of the meeting of 19 April 2017 for confirmation.

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

### **ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

### **DISCLOSURES OF INTEREST**

Councillor/Staff Member	Item and Subject	Nature of Interest
Mr Glenn Handford - Interim General Manager	Closed Council - Late Report - Tender Ref 2016-17/37 for Hockey Sporting Facility Building Extension	Pecuniary Interest the nature of the interest being family member works for a company (RECON) which is the same as Reece Family Holdings. Mr Handford elected to leave the meeting and take no part in discussions.

### **APOLOGIES**

Nil.

### **CONFIRMATION OF MINUTES**

#### **37/17 RESOLVED (Turner)**

That the minutes of the Extraordinary Meeting held on 14 March 2017 be adopted.

#### **38/17 RESOLVED (Turner)**

That the minutes of the Ordinary Meeting held on 22 February 2017 be adopted.

## **SPEAKERS FROM THE GALLERY**

The Administrator allowed the following speakers to address the meeting:

Ms Rhonda Bobako (representing Tea Gardens/Hawks Nest swimming pool users) addressed the meeting and tabled a petition calling on Council replace the solar heating system at the pool, repaint the surface and address other maintenance requirements.

The Administrator noted that a meeting will be held with key stakeholders on 3 April 2017 at Tea Gardens to address issues raised by swimming pool users.

## **CONSIDERATION OF REPORTS**

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

#### **1 DCP AMENDMENT - LOT 612 BLACKHEAD RD HALLIDAYS POINT Angela Tinlin, Assistant Strategic Planner**

#### **39/17 RESOLVED (Turner) (as per recommendation)**

That an amendment to Part L – Local Area Plans of the *Greater Taree Development Control Plan 2010* (DCP 2010) be prepared to address the matters raised in this report and the draft DCP Local Area Plan be exhibited concurrently with the planning proposal for Lot 612 Blackhead Road, Hallidays Point.

#### **2 PLANNING PROPOSAL - 363 DIAMOND BEACH RD, DIAMOND BEACH Michael Griffith, Strategic Planner**

#### **40/17 RESOLVED (Turner) (as per recommendation)**

That:

- A. Council adopt the exhibited planning proposal, subject to the consultation section and timeframes being updated, and inclusion of a statement about the intention to enter into a Planning Agreement in response to community submissions.
- B. A draft Planning Agreement between MidCoast Council and Seashells Beachfront Resort be prepared in accordance with the letter of offer to enter into a Planning Agreement from Seashells Beachfront Resort.
- C. The draft Planning Agreement between MidCoast Council and Seashells Beachfront Resort be exhibited for a period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- D. Should submissions be received at the expiry of the 28 day exhibition period, a further report be submitted to Council detailing and addressing any submissions received.
- E. In the event no submissions are received to the exhibition of the draft Planning Agreement and upon registration of the Planning Agreement on the title to the land, the revised planning proposal be submitted to the NSW Department of Planning and Environment and Parliamentary Counsel's Office for the associated Local Environmental Plan (LEP) to be drafted.

**3 DETAILED STRATEGIC PLANNING WORK PROGRAM FOR MCC  
Roger Busby, Manager Strategic Planning**

**41/17 RESOLVED (Turner) (as per recommendation)**

That:

- A. Council endorse the Strategic Planning Section work program contained in Attachment A.
- B. Heritage projects, where grant funding is available, be included on the work program where there will be significant community benefit and where there is capacity to take on these projects.
- C. The work program be reviewed regularly to identify when capacity is available to undertake additional projects.

**4 RECYCLE BINS IN GLOUCESTER  
Tania Parkinson, Environment and Waste Coordinator**

**42/17 RESOLVED (Turner) (as per recommendation)**

That the public place recycle bins be installed in Gloucester in accordance with the Gloucester Public Place Recycling Strategy.

**5 MINUTES FOR WALLIS & SMITHS COAST & ESTUARY COMMITTEE  
30 NOVEMBER 2016  
Prudence Tucker, Environmental Projects Coordinator**

**43/17 RESOLVED (Turner) (as per recommendation)**

That the Minutes of the Wallis & Smiths Lake Coast & Estuary Management Committee meeting held 30 November 2016 be noted.

**DIRECTOR ENGINEERING & INFRASTRUCTURE**

**6 ROAD RESUMPTION COMPENSATION FOR THE BUCKETTS WAY,  
FORBESDALE  
Julian Schneider, Senior Survey Design and Property Officer**

**44/17 RESOLVED (Turner) (as per recommendation)**

That Council agrees to compensate Mr N J Williams in accordance with the Valuation Report prepared by Country Coast Valuers dated 12 August 2016.

**7 CAPITAL WORKS REPORT - JANUARY, FEBRUARY & MARCH 2017  
Phil Miles, Manager Projects and Engineering**

The Administrator commended all staff involved and the work gone into the capital works program.

**45/17 RESOLVED (Turner) (as per recommendation)**

That Council note the information in the report.

**8 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD  
1 FEBRUARY 2017  
Richard Wheatley – Traffic Engineer**

**46/17 RESOLVED (Turner) (as per recommendation)**

That the Minutes of the Local Traffic Committee meeting held on 1 February 2017 be noted and that Council endorse the recommendations made at the meeting.

**DIRECTOR CORPORATE & BUSINESS SYSTEMS**

**9 MIDCOAST COUNCIL POLICY FRAMEWORK - MARCH 2017  
Rob Griffiths, Manager Governance**

**47/17 RESOLVED (Turner) (as per recommendation)**

That the MidCoast Council Policy Framework be adopted.

**10 INVESTMENTS REPORT - FEBRUARY 2017  
Phil Brennan, Manager Finance**

**48/17 RESOLVED (Turner) (as per recommendation)**

That the report be received and noted.

*The Interim General Manager declared a Pecuniary Conflict of Interest, left the meeting at this time and did not return (2.13pm)*

**CLOSED COUNCIL**

**49/17 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.

**11 ACQUISITION OF LOT 109 DP 772655 DARAWANK  
John Cavanagh, Manager Waste Health & Regulatory Services**

**REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and 10A(2)(d) 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.*

**50/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Council pursue acquisition of Lot 109 DP 772655 Darawank as shown in Attachment A.
2. The Interim General Manager be delegated to negotiate the acquisition on behalf of Council.
3. Should a satisfactory agreement be unable to be reached the Council make application to the Minister for Local Government and/or Governor to acquire Lot 109 DP 772655 Darawank by compulsory process.
4. Approval be given to the Common Seal of Council being affixed to all necessary transfers and documents.
5. This land be classified as operational land.
6. Necessary funding be provided from the Waste Management budget.

**12 CONTRACT 2016-17-50 - ASPHALT RESURFACING & HEAVY PATCHING  
Phil Miles, Manager Projects & Engineering**

**REASON FOR CONFIDENTIALITY**

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*(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.

**51/17 RESOLVED (Turner) (as per recommendation)**

That:

- Council award Contract 2016-17/50 - Asphalt Resurfacing and Heavy Patching Works to Pacific Blue Metal Pty Ltd, subject to the execution of all contract documentation.
- The required budget shortfall be funded from the ex Greater Taree City Council 'RMS Reserves'
- The unsuccessful tenderers be thanked for their participation in the tender process.
- Constructive feedback is offered to the unsuccessful tenderers to aid them in increasing the standard/competitiveness of future tenders and provide increasing value to MCC.

**13 CONTRACT 2016-17-15 - KELLYS BRIDGE & THE BUCKETTS WAY UPGRADE  
Phil Miles, Mgr Projects & Engineering**

**REASON FOR CONFIDENTIALITY**

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*(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.*

*(d) commercial information of a confidential nature that would if disclosed:*

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**52/17 RESOLVED (Turner) (as per recommendation)**

That:

- Council award Contract 2016-17/15 – Kellys Bridge Replacement and The Bucketts Way Upgrade LP05 to St. Hilliers Property Pty Ltd, subject to the execution of all contract documentation.
- The unsuccessful tenderers are thanked for their participation in the tender process.
- Constructive feedback is offered to the unsuccessful tenderers to aid them in increasing the standard/competitiveness of future tenders and provide increasing value to MidCoast Council.



**14 TRANSFER OF LAND IN PAYMENT OF RATES - NORTH ARM COVE  
Lee Howard, Revenue Coordinator, (Forster)**

**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

**53/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Council accept the transfer of Lot 749 Tenterfield Road, NORTH ARM COVE in payment of outstanding rates and meet transfer costs.
2. The Common Seal be affixed to transfer documents.
3. The property be classified as operational land.

**LATE REPORT**

**LATE REPORT - TENDER REF 2016-17/37 FOR HOCKEY SPORTING FACILITY  
BUILDING EXTENSION  
Daniel Aldridge, Manager Community Spaces Recreation Trades**

**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:

*“commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it”*

**54/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Council in accordance with clause 178 (1)(b) of Local Government (General) Regulation 2005 decline to accept any tenders on the basis that none of the tenders can deliver the specified project within the available funds.
2. Council enter into negotiations with both Reece Family Holdings and Kedwell Constructions Pty Ltd in accordance with clause 178 (3)(e) of Local Government (General) Regulation 2005 with the view of entering into a contract with the Tenderer who satisfactorily demonstrates that they can complete the project within the available budget and in accordance with the revised construction drawings and specifications.

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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 22 March 2017.

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Administrator Interim General Manager

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