

**MidCoast**Council



**MINUTES OF THE  
ORDINARY COUNCIL MEETING**

**HELD AT THE ADMINISTRATION CENTRE  
2 PULTENEY STREET, TAREE**

**ON 24 MAY 2017**

**Glenn Handford  
INTERIM GENERAL MANAGER**

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Minutes of the Ordinary Meeting of MidCoast Council held at the Administration Centre, 2 Pulteney Street, Taree, on 24 May 2017 commencing at 2.00pm.

Present: Administrator (John Turner)  
In Attendance: Acting Interim General Manager (Steve Embry)  
Director Engineering & Infrastructure (Ron Hartley)  
Director Community Spaces & Services (Paul De Szell)  
Acting Director Planning & Natural Systems (Roger Busby)  
Administrative Officer/Minute Taker (Yvette Ellis)

The following document is the Minutes of the Council meeting held on 24 May 2017.

These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 28 June 2017 and therefore subject to change.

Please refer to the Minutes of the meeting of 28 June 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**

Nil.

#### **APOLOGIES**

Nil.

#### **CONFIRMATION OF MINUTES**

##### **74/17 RESOLVED (Turner)**

That the minutes of the Ordinary Meeting held on 19 April 2017 be adopted.

##### **75/17 RESOLVED (Turner)**

That the Minutes of the Extraordinary Meeting held on 10 May 2017 be adopted.

#### **ADDRESSES FROM THE PUBLIC GALLERY**

##### **Planning Proposal - Coastal Planning Areas in Great Lakes LEP 2014**

Mr Michael Fox (representing Boomerang & Blueys Residents Group Inc [BBRG]) addressed Council in regard to Item 2 - Planning Proposal - Coastal Planning Areas in Great Lakes LEP 2014 and referred to Boomerang & Blueys Residents Group's response letter dated 24 May 2017, received prior to the meeting.

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## **CONSIDERATION OF REPORTS**

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

#### **1 RENAMING OF TUNCURRY WASTE MANAGEMENT CENTRE & TIP ROAD John Cavanagh, Manager Waste Health & Regulatory Services**

**76/17 RESOLVED (Turner) (as per recommendation)**

That Council:

1. Change the name of the Tuncurry Waste Management Centre to the Tuncurry Community Recycling Centre.
2. Change the name of the access road from Tuncurry Tip Road to Midge Orchid Road.

#### **2 PLANNING PROPOSAL - COASTAL PLANNING AREAS IN GREAT LAKES LEP 2014 Alexandra Macvean, Senior Strategic Planner**

**77/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Council adopt the Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes LEP 2014 as documented in Attachment B to this report and forward the Plan to the Department of Planning and Environment with a request for the amendments to be drafted and made.
2. Council request that the existing Great Lakes Complying Development Land Map - Sheet LCD\_001 in Schedule 5 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008, be repealed when the amendments to Great Lakes LEP 2014 Coastal Risk Planning Area clause and maps are published on the NSW Legislation website.
3. Upon the Local Environmental Plan Amendment being published on the NSW Legislation website the following former Great Lakes Council policies are to be repealed and the respective notations on S149 Planning Certificates removed:
  - *PL-PLN-002 NSW Coastal Planning Guideline: Adapting to Sea Level Rise; and*
  - *Draft Policy to account for Climate Change.*

#### **3 PLANNING PROPOSAL - HIGHWAY SERVICE CENTRE - PACIFIC HWY, BULAHDELAH Alexandra Macvean, Senior Strategic Planner**

**78/17 RESOLVED (Turner)**

That:

1. Consideration of the Planning Proposal be deferred to give the proponents additional time to address the matters raised by the independent review of the proposal by Council's consultant.
2. Deferral of the Planning Proposal be on the basis that the current proposal will be replaced with a single consolidated and updated Planning Proposal that substitutes for the current document.

## **DIRECTOR ENGINEERING & INFRASTRUCTURE**

### **4 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 5 APRIL 2017 Richard Wheatley, Traffic Engineer**

#### **79/17 RESOLVED (Turner) (as per recommendation)**

That the Minutes of the Local Traffic Committee meeting held on 5 April 2017 be noted and that Council endorse the recommendations made at the meeting.

### **5 CAPITAL WORKS REPORT - MARCH, APRIL & MAY 2017 Rhett Pattison, Team Leader Project Delivery**

#### **80/17 RESOLVED (Turner) (as per recommendation)**

That Council note the information in this report.

## **DIRECTOR COMMUNITY SPACES & SERVICES**

### **6 TRANSFER OF MANAGEMENT - WOOTTON RESERVE TRUST (R96342 & R 96355) Andrew Braybrook, Project Manager, Community Spaces and Services**

#### **81/17 RESOLVED (Turner) (as per recommendation)**

That:

1. The proposal to immediately transfer the functions of Reserve Trust Manager Lot 1 DP169165 Crown Reserve R96342 from MidCoast Council to the Wootton Community Network Inc be supported.
2. The proposal by the Wootton Community Network to create a new Crown Reserve Trust at Wootton, NSW, encompassing the existing Lot 1/DP169165 (Crown Reserve 96342), and including the two adjacent Lots of Crown Land, Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014. (Crown Reserve 96352) be supported.
3. These recommendations be communicated to the NSW State Government; requesting that the appropriate formal processes be carried out.
4. The recommended actions, procedures and processes for handover of the facility detailed in the body of this report be endorsed.

### **7 DISABILITY INCLUSION ACTION PLAN Lyndie Hepple, Community Development Coordinator**

#### **82/17 RESOLVED (Turner) (as per recommendation)**

That the draft Disability Inclusion Action Plan provided in Attachment A be placed on public exhibition for 28 days from 24 May to 21 June 2017.

### **8 DONATIONS TO COMMUNITY GROUPS Lyndie Hepple, Community Development Coordinator**

#### **83/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Non-discretionary/fixed donations be made to those community groups outlined in this report, for the amounts listed, with payment to be made from the 2017/18 budget; and
2. \$35,750 of unexpended community grants funding in the former Great Lakes 2016/17 budget be revoted for distribution in 2017/18.

**9 NAIDOC WEEK 2017**  
**Lyndie Hepple, Community Development Coordinator**

**84/17 RESOLVED (Turner) (as per recommendation)**

That a donation of \$1,000 be given to the Forster Local Aboriginal Land Council towards the 2017 NAIDOC Week celebrations, with funds to be expended from the 2016/17 budget.

**10 STRONGER COMMUNITIES FUNDING PROGRESS REPORT**  
**Lyndie Hepple, Community Development Coordinator**

**85/17 RESOLVED (Turner) (as per recommendation)**

That the information in this report be noted.

**11 PRIVATE MEMORIALS ON PARK FURNITURE**  
**Kris Koch, Parks Asset Officer**

**86/17 RESOLVED (Turner) (as per recommendation)**

That:

1. The Private Memorials on Parks Furniture Policy - PRK-009 (former Great Lakes Policy) be rescinded.
2. Council close the program for private memorials on park furniture and not approve any further applications for memorial plaques on community infrastructure.

**12 MIDCOAST COUNCIL BRANDING**  
**Jane Ree, Manager Engagement & Communication**

**87/17 RESOLVED (Turner) (as per recommendation)**

That the new MidCoast Council brand as outlined in Attachment 1 to this report be noted.

**DIRECTOR CORPORATE & BUSINESS SYSTEMS**

**13 ELECTION CANDIDATE CAMPAIGN SIGNAGE POLICY**  
**Rob Griffiths, Manager, Governance**

**88/17 RESOLVED (Turner) (as per recommendation)**

That the Election Candidate Campaign Signage Policy be adopted.

**14 STATEMENT OF BUSINESS ETHICS**  
**Rob Griffiths, Manager, Governance**

**89/17 RESOLVED (Turner) (as per recommendation)**

That the Statement of Business Ethics be adopted.

**15 THIRD PARTY RISK MANAGEMENT AND INSURANCE REQUIREMENTS POLICY**

**Rob Griffiths, Manager, Governance**

**90/17 RESOLVED (Turner) (as per recommendation)**

That the Third Party Risk Management and Insurance Requirements Policy be adopted.

**16 ALCOHOL FREE ZONES - ESTABLISHMENT & RENEWAL**

**Yvette Ellis, Admin Officer**

**91/17 RESOLVED (Turner) (as per recommendation)**

That:

1. Council resolve to establish an AFZ in Tea Gardens, and re-establish the AFZs in Hawks Nest, and adjacent to Palmgrove and Collendina Parks in Forster under the provisions of the Local Government Act 1993 for a period of four (4) years, and the necessary statutory requirements be undertaken.
2. Areas to be included in the AFZs to be those on the diagrams at Annexures A, B and C.

**17 INVESTMENTS REPORT - APRIL 2017**

**Phil Brennan, Manager Finance**

**92/17 RESOLVED (Turner) (as per recommendation)**

That the report be received and noted.

**18 2016-17 LOAN BORROWINGS**

**Colin McKillop-Davies, Financial Accountant**

**93/17 RESOLVED (Turner)**

That Council accept the offers received from the NSW Treasury Corporation (T Corp) and that the Common Seal be affixed to all necessary loan documentation and the appropriate advice be sent to the Office of Local Government once the funds have been drawn down.

**19 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2017**

**Phil Brennan, Manager Finance**

**94/17 RESOLVED (Turner) (as per recommendation)**

That the Quarterly Budget Review Statement for the period to 31 March 2017 be noted and the budget variations proposed, including the transfers to and from reserves be approved.

**CLOSED COUNCIL**

**95/17 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.

**20 REPLACEMENT OF PLANT - P386 BITUMAN PATCHING TRUCK**  
**Paul Langley, Coordinator Mechanical Services**

**REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(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 tender of a confidential nature that would if disclosed:
- (i) prejudice the commercial position of the person who supplied it

Quotation details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by suppliers 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 quotations or the assessment process. Suppliers 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 suppliers could result in the withholding of such information by suppliers and reduction in the provision of information relevant to Council's decision.

**96/17 RESOLVED (Turner) (as per recommendation)**

That Council:

1. Accept the quotation supplied by Ausroads Systems for the supply of one (1) Horizontal Discharge Bitumen Patching unit.
2. Authorises the affixing of the Council seal to the contract documents.

**21 TENDER FOR SUPPLY, DELIVER & PLACEMENT OF ASPHALT CONCRETE AS A PANEL CONTRACT**  
**Stuart Small, Senior Project Manager**

**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.



**97/17 RESOLVED (Turner) (as per recommendation)**

That Council:

1. Award the contract for Supply, Delivery & Placement of Asphaltic Concrete as a panel contract for the period 1 July 2017 to 30 June 2019 with the following companies to be on panel 1 and 2 respectively subject to a final check of insurance compliance by Council's insurer:

Panel 1:

- Accurate Asphalt Road Repairs Pty Ltd,
- Barnett Earthmoving Pty Ltd; and
- Pacific Blue Metal Pty Ltd - provisional subject to clarifications.

Panel 2:

- Accurate Asphalt Road Repairs Pty Ltd;
  - Barnett Earthmoving Pty Ltd;
  - Bitupave Ltd - provisional subject to clarifications;
  - Fenworx Pty Ltd;
  - Fulton Hogan Industries Pty Ltd;
  - Pacific Blue Metal Pty Ltd; and
  - Tropic Asphalt Pty Ltd.
2. Allow provision for a 12 month extension to 30 June 2020 based on satisfactory performance.
  3. Authorises Council's seal be affixed to the contract documents.

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

This is the last page of the minutes of the Ordinary Meeting of MidCoast Council held on 24 May 2017.

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Administrator

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Interim General Manager