

MidCoast Council



**MINUTES OF THE
ORDINARY COUNCIL MEETING**

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

ON 26 JULY 2017

**Glenn Handford
GENERAL MANAGER**

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Minutes of the Ordinary Meeting of MidCoast Council held at the Administration Centre, 2 Pulteney Street, Taree on 26 July commencing at 2.00pm.

Present: Administrator (John Turner)
In Attendance: General Manager (Glenn Handford)
Director Corporate & Business Systems (Steve Embry)
Acting Director Engineering & Infrastructure (Dan Park)
Director Community Spaces & Services (Paul De Szell)
Acting Director Planning & Natural Systems (Roger Busby)
Acting Director Water Services (Brendan Guiney)
Corporate Support Officer/Minute Taker (Lyn Hickey)

The following document is the Minutes of the Council meeting held on 26 July 2017.

These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 23 August 2017 and therefore subject to change.

Please refer to the Minutes of the meeting of 23 August 2017 for confirmation.

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

Staff Member	Item and Subject	Nature of Interest
Mr Glenn Handford - General Manager	CONF Item 6 - Tender REF 2016-17-65 Construction of Artificial Wetlands	Pecuniary interest, the nature of the interest being Contract Works - Reece Family Holdings (RFH) tendered for the project. Family member works for RFH. The General Manager left the meeting and took no part in discussions or voting.

APOLOGIES

Nil.

CONFIRMATION OF MINUTES

131/17 RESOLVED (Turner)

That the minutes of the Ordinary Meeting held on 28 June 2017 be adopted.

132/17 RESOLVED (Turner)

That the Minutes of the Extraordinary Meeting held on 21 July 2017 be adopted.

ADDRESSES FROM THE PUBLIC GALLERY

ENVIRONMENTAL REZONING - CONSERVATION LOT - MINIMBAH

Report Author Mathew Bell, Senior Ecologist

Mr Justin Doyle (on behalf of affected landowner), addressed Council in relation to the Environmental Rezoning.

DETERMINATION OF DEVELOPMENT APPLICATIONS POLICY

Report Author Bruce Moore, Manager Development Assessment

Mr Gavin Maberly-Smith (Consultant - Coastplan) addressed Council raising concerns in relation to the adoption of this policy in the absence of consultation with the public and industry.

CARAVAN PARKS FOR LONG TERM RESIDENCE POLICY

Report Author Bruce Moore, Manager Development Assessment

Mr Gavin Maberly-Smith (Consultant - Coastplan) addressed Council raising concerns in relation to the adoption of this policy in the absence of consultation with the public and industry.

STORMWATER MANAGEMENT POLICY

Report Author Peta Stimson, Multi-Disciplinary Assessment Planner

Mr Gavin Maberly-Smith (Consultant - Coastplan) addressed Council raising concerns in relation to the adoption of this policy in the absence of consultation with the public and industry.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

3 GLOUCESTER SHIRE COUNCIL DCP 2010 - INDUSTRIAL DEVELOPMENT GUIDELINES

Report Author Aaron Kelly, Strategic Planner

133/17 RESOLVED (Turner) (as per recommendation)

That:

- A. Council make no immediate amendments to the Industrial Development Controls contained within the Gloucester Shire Council Development Control Plan 2010.
- B. That Council note that a comprehensive review of the Industrial Development Controls within the Gloucester Shire Council Development Control Plan 2010 will be undertaken when a consolidated DCP is prepared for MidCoast Council.

7 ADOPTION OF THE MANNING VALLEY CZMP AND DCP

Report Author Richard Pamplin, Project Manager, Planning & Natural Systems

134/17 RESOLVED (Turner) (as per recommendation)

1. That the amended Manning Valley Coastal Zone Management Plan (as shown in Attachment A) be adopted.

2. That the NSW Minister for the Environment be asked to Certify the Manning Valley Coastal Zone Management Plan July 2017.
3. That the Greater Taree Development Control Plan 2010 - Part D Environmental Requirements, D1 Coastline management (as shown in Attachment B) be adopted and made effective from the date of a public notice in a local newspaper.

9 REVIEW OF PLANNING AND NATURAL SYSTEMS POLICIES

Report Author Lisa Schiff, Director Planning and Natural Systems

135/17 RESOLVED (Turner) (as per recommendation)

That the following 8 policies as per annexures A to H to this report be rescinded because they are not required, are covered by legislation or alternate instruments available or adopted by Council:

- A. Advertising Signs
- B. Applications Lodged by Employee of Council
- C. Breaches of the Environmental Planning and Assessment Act
- D. Bushfire Assessment
- E. Fees for the Assessment of Amended Development Applications
- F. Handling of Development Applications
- G. Rainwater Tanks - Domestic
- H. Swimming Pools New and Existing

10 LAND ACQUISITION GLOUCESTER LANDFILL

Report Author John Cavanagh, Manager Waste Health & Regulatory

136/17 RESOLVED (Turner) (as per recommendation)

- 1) That Council pursue the acquisition of area of land as shown in Annexure A and report the outcome of these negotiations back to Council.
- 2) That necessary funding be provided from the Waste Management budget.

12 COMPLIANCE POLICY

Report Author John Cavanagh, Manager Waste, Health and Regulatory Services

137/17 RESOLVED (Turner) (as per recommendation)

That the draft Compliance Policy be adopted.

13 VEHICLES ON BEACHES POLICY

Report Author John Cavanagh, Manager Waste Health and Regulatory Services

138/17 RESOLVED (Turner) (as per recommendation)

That the draft Vehicles on Beaches Policy be adopted.

14 CONTAMINATED LAND POLICY

Report Author John Cavanagh, Manager Waste Health & Regulatory Services

139/17 RESOLVED (Turner) (as per recommendation)

That Council adopt the MidCoast Council Contaminated Land Policy.

DIRECTOR ENGINEERING & INFRASTRUCTURE

17 CIVIL CONSULTANTS PANEL

Report Author Stuart Small, Senior Project Manager

140/17 RESOLVED (Turner) (as per recommendation)

That Council:

1. Offer a Standing Offer Notice to a panel of contractors for the period 27 July 2017 to 30 June 2019 with the following companies to be on the panel:

- ACOR Consultants (NNSW) Pty Limited ATF the ACOR NNSW Unit Trust
- Advitech Pty Limited
- Alluvium Consulting Australia Pty Ltd
- AT&L and Associates Pty Ltd
- Australia Pacific Valuers Pty Ltd ATF The APV Unit Trust trading as APV Valuers & Asset Management
- B A LIDBURY & ASSOCIATES PTY LTD & S.P. WHITEMAN & ASSOCIATES PTY LTD trading as Lidbury, Summers & Whiteman
- BG&E Pty Limited
- BMT WBM Pty Ltd
- Bolwarra Environmental Services Pty Ltd
- Bradley Farr trading as Midcoast Consulting Engineers
- Bridge Design Pty Ltd
- C2F Pty Ltd trading as 5QS Consulting Group
- CALCO SURVEYORS PTY LTD
- Cardno (NSW/ACT) Pty Ltd
- CCHD Pty Ltd
- CHRISP Consulting Pty Ltd
- Consult.In Pty Ltd
- Crossroads Civil Design Pty Ltd
- Deleg8 Pty Ltd
- Focus Bridge Engineering Pty Limited
- G. Knight & S Viale trading as Alan Taylor & Associates
- GANDEN Pty Ltd ATF Nutt Unit Trust trading as GANDEN Engineers and Project Managers
- GHD Pty Ltd
- HACKETT LABORATORY SERVICES
- Hunter H2O Holdings Pty Ltd
- Integrity Testing Pty Ltd
- ITS PipeTech Pty Ltd
- Jones Nicholson Pty Limited
- Local Government Engineering Services
- LP Consulting Australia Pty Ltd

- Marten Anthony Hilberts trading as A to Z Building Reports
 - Matrix Thornton Consulting Engineers a division of Matrix Industries Pty Ltd
 - McGlashan & Crisp Pty Ltd
 - Mepstead & Associates Pty Ltd
 - Mr Kristian William Samuel Brockmann trading as Brockmann Eco-Consulting
 - Northrop Consulting Engineers Pty Ltd
 - Opus International Consultants (Australia) Pty Limited
 - Pacific Blue Metal Pty Ltd ATF Possum Brush Quarry Unit Trust
 - Regional Geotechnical Solutions Pty Ltd
 - Robert Carr & Associates Pty Ltd trading as RCA Australia
 - RPS Australia East Pty Ltd
 - Salients Pty Limited
 - SMEC Australia Pty Ltd
 - Tattersall Lander Pty Ltd
 - Taylor Thomson Whiting (NSW) Pty Ltd
 - WMAwater Pty Ltd
2. Offer a Standing Offer Notice to Valley Civilab and Building and Construction research and Consulting (BCRC) Pty for the period 27 July 2017 to 30 June 2019 to be on the reserve panel.
 3. Allow provision for 2 x 12 month extensions to 31st July 2022 based on satisfactory performance.

18 CAPITAL WORKS REPORT - JUNE, JULY & AUGUST 2017

Report Author Rhett Pattison - Team Leader Project Delivery

141/17 RESOLVED (Turner) (as per recommendation)

That Council note the information in this report.

19 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 7 JUNE 2017

Report Author Richard Wheatley – Traffic Engineer

142/17 RESOLVED (Turner) (as per recommendation)

That the Minutes of the Local Traffic Committee meeting held on 7 June 2017 be noted and that Council endorse the recommendations made at the meeting.

DIRECTOR COMMUNITY SPACES & SERVICES

21 DRAFT MIDCOAST DESTINATION MANAGEMENT PLAN

Report Author Deb Tuckerman - Manager Growth, Economic Development & Tourism

143/17 RESOLVED (Turner) (as per recommendation)

That the Draft MidCoast Destination Management Plan be placed on public exhibition for a minimum period of 28 days.

DIRECTOR CORPORATE & BUSINESS SYSTEMS

22 DELEGATIONS TO GENERAL MANAGER

Report Author Rob Griffiths, Manager Governance

144/17 RESOLVED (Turner) *(as per recommendation)*

That Council delegate to the General Manager pursuant to its powers under section 377 of the Local Government Act 1993 those functions as set out in the Instrument of Delegation included in the report at Annexure A.

24 INVESTMENTS REPORT - JUNE 2017

Report Author Phil Brennan, Manager Finance

145/17 RESOLVED (Turner) *(as per recommendation)*

That the report be received and noted.

25 MIDCOAST WATER INVESTMENTS REPORT - JUNE 2017

Report Author Phil Brennan, Manager Finance

146/17 RESOLVED (Turner) *(as per recommendation)*

That the investment report for June 2017 be received and noted.

26 PRIVACY MANAGEMENT PLAN

Report Author Rob Griffiths, Manager Governance

147/17 RESOLVED (Turner) *(as per recommendation)*

That Council place the draft Privacy Management Plan on public exhibition for a period of not less than 28 days to allow consideration of its contents by the public and the lodgement of submissions during the exhibition period.

27 PUBLIC INTEREST DISCLOSURE AND INTERNAL REPORTING POLICY

Report Author Rob Griffiths, Manager Governance

148/17 RESOLVED (Turner) *(as per recommendation)*

That the attached Public Interest Disclosure and Internal Reporting Policy, as shown in Annexure A, be adopted.

28 FRAUD AND CORRUPTION CONTROL FRAMEWORK AND POLICY

Report Author Rob Griffiths, Manager Governance

149/17 RESOLVED (Turner) *(as per recommendation)*

1. That the Fraud and Corruption Control Policy, as shown in Annexure A, be adopted.
2. That the Fraud and Corruption Control Framework, shown in Attachment A, be adopted.

29 ADOPTION OF INVESTMENT POLICY
Report Author Phil Brennan, Manager Finance

150/17 RESOLVED (Turner) (as per recommendation)

That the Investment Policy be adopted.

30 ADOPTION OF RELATED PARTY DISCLOSURES POLICY
Report Author Phil Brennan, Manager Finance

151/17 RESOLVED (Turner) (as per recommendation)

That the Related Party Disclosures Policy be adopted.

ACTING DIRECTOR WATER SERVICES

31 MIDCOAST WATERS EXECUTIVE MONTHLY PERFORMANCE REPORT
Report Author Darryl Hancock, Executive Manager Corporate Services

152/17 RESOLVED (Turner) (as per recommendation)

MidCoast Water's Executive Monthly Performance Report for June 2017 be received and noted.

32 INFRASTRUCTURE PROJECT STATUS REPORTS
Report Author Daniel Brauer, Group Manager Planning & Development

153/17 RESOLVED (Turner) (as per recommendation)

1. That the project 'Hallidays Point HP-SPS-13 and HP-SRM-13' be placed on hold and status reporting cease from July 2017.
2. That the Ready to Design Gateway report for the project 'Pacific Palms STP Stage 1' be endorsed and the project proceed to the design phase.
3. That the Project Completion Gateway report for the project 'Water Main Renewal – Manning Street, Taree – Albert to Victoria Street' be endorsed and status reporting cease from July 2017.
4. That the Ready to Implement Gateway report for the project 'Bootawa Dam Safety Works 2017 - Geotechnical review, monitoring equipment and flood capacity assessment' be endorsed and the baseline milestones be adjusted to reflect the planned milestones.
5. That the Project Completion Gateway report for the project 'GIS Replacement' be endorsed and status reporting cease from July 2017.

33 ISSUES MANAGEMENT JUNE 2017 QUARTERLY REPORT
Report Author Daniel Brauer, Group Manager Planning & Development

154/17 RESOLVED (Turner) (as per recommendation)

That Council receive and note the quarterly report on the issues management system.

34 SUSTAINING WORKS PROGRAM
Report Author Daniel Brauer, Group Manager Planning & Development

155/17 RESOLVED (Turner) (as per recommendation)

That Council receive and note the quarterly report on the sustaining works program.

35 WATER USAGE AND WATER RESOURCES FOR 2016-17 AND THE OUTLOOK FOR 2017-18

Report Author Graeme Watkins, Group Manager Catchment & Treatment

156/17 RESOLVED (Turner) (as per recommendation)

That the report on water usage and water resources for 2016/17 and the outlook for 2017/18 be received and noted.

DIRECTOR PLANNING & NATURAL SYSTEMS

1 MANNING HEALTH-TAREE CBD PRECINCT STRATEGY - COMMENCEMENT REPORT

Report Author Richard Pamplin, Project Manager Planning and Natural Systems

157/17 RESOLVED (Turner) (as per recommendation)

That Council resolve to endorse the engagement of consultants to prepare the Manning Health/Taree CBD Precinct Strategy.

2 ENVIRONMENTAL REZONING - CONSERVATION LOT - MINIMBAH

Report Author Mathew Bell, Senior Ecologist

158/17 RESOLVED (Turner) (as per recommendation)

That Council prepare a Planning Proposal at the first available opportunity to rezone Lot 26 DP1120907, Warrina Circuit, Minimbah to E2 Environmental Conservation, and to amend the Minimum Lot Size Map to increase the lot size to 40 hectares, so as to reflect its conservation significance and the need for the land to be managed as a conservation area.

4 DEDICATION OF ENVIRONMENTAL OFFSET - BLUEY'S ESTATE, CHARLOTTE BAY

Report Author Alexandra Macvean, Senior Strategic Planner

159/17 RESOLVED (Turner) (as per recommendation)

- A. That Council advise the land owner that the dedication of ecologically significant land associated with the rezoning of Bluey's Estate The Lakes Way, Charlotte Bay to Council can be considered as an option along with other protection mechanisms provided suitable funding arrangements are made for ongoing management obligations.
- B. The proponents of the rezoning be advised that should the ecologically significant land at Bluey's Estate The Lakes Way Charlotte Bay be dedicated to MidCoast Council:
 - a Planning Agreement is to be drafted to transfer the land at no cost and to cover the full cost of maintenance of the land for a reasonable period; and
 - a Plan of Management for the land in accordance with the Local Government Act, 1993 shall also be prepared on Council's behalf and at their cost.

5 PLANNING PROPOSAL & PLANNING AGREEMENT - LAND ON MURRAY ROAD WINGHAM

Report Author Michael Griffith, Strategic Planner

160/17 RESOLVED (Turner) (as per recommendation)

- A. That the planning proposal and the proposed planning agreement between MidCoast Council and Duncan's Holdings Ltd be amended in accordance with this report.
- B. That upon agreement being reached on the content of a revised planning agreement, the Interim General Manager and Administrator be delegated the authority to sign the amended planning agreement.
- C. That following signing of the planning agreement, the planning proposal be submitted to the NSW Department of Planning and Environment and Parliamentary Counsel's Office for the plan to be made.

6 DRAFT GREAT LAKES DCP AMENDMENTS - WATER SENSITIVE DESIGN

Report Author Rebecca Underwood, Strategic Planner

161/17 RESOLVED (Turner)

That Council:

- A. Note the issues raised as a result of the public exhibition of the draft amendments to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design as contained in the Submission Summary Table (Annexure A).
- B. Adopt the draft amendments to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design, as contained within Attachment A subject to the following minor amendments:
 - a. clarification that the Deemed to Comply Solution (serviced sites) should only apply to single dwellings; *and*
 - b. clarification in section 11.4.2.3 and 11.4.4.3 that an 'Operations Maintenance Plan' should be provided at the constuction certificate stage.
- C. Give public notice in the manner prescribed under the *Environmental Planning and Assessment Regulation 2000* of Council's adoption of the amended Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design.
- D. Forward the amended Great Lakes Development Control Plan to the Department of Planning and Environment within 28 days of the amendments to the Development Control Plan being adopted by Council.

8 WASTE STRATEGY, COLLECTION AND PROCESSING CONTRACT

Report Author John Cavanagh, Manager, Waste Health & Regulatory Service

162/17 RESOLVED (Turner) (as per recommendation)

- The MidCoast Waste Services contract for Collection and Processing Services be extended for 2 years in accordance with clause 2.1 Term of the contract,
- The Bulky Waste Service provided to the Manning and Great Lakes areas be terminated for 2017/18 and in the interim replaced with one free disposal voucher for all Rate payers (standard utility or 6x4 trailer),
- A 50/50 cost/revenue arrangement with JR Richards and Sons be adopted for the first 12 months following introduction of the Container Deposit Scheme
- The review of the waste collection and processing contract, facilities review and strategic action plan proceed incorporating the above resolutions.

11 DETERMINATION OF DEVELOPMENT APPLICATIONS POLICY

Report Author Bruce Moore, Manager Development Assessment

163/17 RESOLVED (Turner) (as per recommendation)

That the attached Determination of Development Applications Policy be adopted.

15 CARAVAN PARKS FOR LONG TERM RESIDENCE POLICY

Report Author Bruce Moore, Manager Development Assessment

164/17 RESOLVED (Turner) (as per recommendation)

That the attached Caravan Parks for Long Term Residence Policy be adopted.

16 STORMWATER MANAGEMENT POLICY

Report Author Peta Stimson, Multi-Disciplinary Assessment Planner

165/17 RESOLVED (Turner) (as per recommendation)

That the attached Stormwater Management Policy be adopted.

DIRECTOR COMMUNITY SPACES & SERVICES

20 STRONGER COMMUNITIES FUNDING

Report Author Lyndie Hepple - Community Development Coordinator

166/17 RESOLVED (Turner) (as per recommendation)

That "Stronger Communities Funding" of \$499,480 be allocated to 19 organisations as detailed in the report.

DIRECTOR CORPORATE & BUSINESS SYSTEMS

23 LEASING & LICENCING OF COUNCIL LAND & BUILDINGS POLICY

Report Author John Dougherty, Manager Property & Commercial Services

167/17 RESOLVED (Turner) (as per recommendation)

That the draft Leasing and Licencing of Council Land and Buildings Policy be adopted.

LATE REPORTS

ACTING DIRECTOR WATER SERVICES

37 LATE REPORT MIDCOAST WATERS COMMUNITY SPONSORSHIP PROGRAM ALLOCATIONS

Report Author Brendan Guiney, Interim Director Water Services

168/17 RESOLVED (Turner) (as per recommendation)

1. The Sponsorship Selection Panel's recommendations for community sponsorship funding for the 2017-18 year be endorsed.
2. The General Manager be authorised to enter into agreements with those parties outlined.

CLOSED COUNCIL

169/17 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 (2.22pm).

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

DIRECTOR CORPORATE & BUSINESS SYSTEMS

LATE REPORT CIVIC PRECINCT PROJECT, FORSTER

Report Author - Steve Embry - Director Corporate & Business Systems

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 proposed successful proponent's commercial and financial offering in connection with the Civic Precinct Project may disadvantage Council.

170/17 RESOLVED (Turner) (as per recommendation)

That Council:

1. Note the contents of this report in relation to the proposed Updated Project Terms in connection with the Civic Precinct Project, Forster;
2. Adopt the recommendation of the project team in relation to acceptance of the proposed Updated Project Terms and re-affirm the resolution of Council at the previous meeting on 8 March 2017 as follows
 - a. Adopt the recommendation of the evaluation panel to take the necessary steps to appoint Enyoc Pty Ltd as trustee for the Graham Dong Family Trust (**Proponent**), on terms substantially as set out in the draft Development Agreement (as updated to take the proposed Updated Project Terms into account), as the successful proponent to undertake the Forster Civic Precinct Project; and
 - b. Resolve that the General Manager be delegated the authority to finalise and execute the Development Agreement (and all ancillary documents) between Council and the Proponent on terms substantially as set out in the draft Development Agreement (as updated to take the proposed Updated Project Terms into account) and
 - c. Resolve that the common seal of Mid-Coast Council be affixed to the Development Agreement (and all ancillary documents)

36 TENDER REF 2016-17-65 CONSTRUCTION OF ARTIFICIAL WETLANDS CONFIDENTIAL

Report Author: Peter Goonan, Assistant Environmental Officer

The General Manager declared a Pecuniary Interest and left the meeting and did not return.

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:

- (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.

171/17 RESOLVED (Turner) (as per recommendation)

That:

1. Council (in accordance with Local Government Regulation (2005) Clause 178(3)) decline to accept any tenders on the basis that none of the tenders can deliver the specified project within the available funds.
2. Council carry out the requirements of the contract itself.

This is the last page of the minutes of the Ordinary Meeting of MidCoast Council held on 26 July 2017.

There being no further business, the meeting closed 2.26pm.

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Administrator

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General Manager