



**MIDCOAST**  
council

## **Minutes of the Strategic Committee Meeting**

**held at the Council Chambers  
4 Breese Parade, Forster**

**14 FEBRUARY 2018**

Paul De Szell  
**Acting General Manager**

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Minutes of the Strategic Committee Meeting of the MidCoast Council held at the Council Chambers, 4 Breese Parade, Forster on 14 February 2018 commencing at 10.00am.

## **PRESENT**

Present: Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

## **IN ATTENDANCE**

Acting General Manager - Paul De Szell  
Director Engineering & Infrastructure - Ron Hartley  
Director Planning & Natural Systems - Lisa Schiff  
Director Water Services - Brendan Guiney  
Minute Taker - Corporate Support Officer - Lyn Hickey

The following document is the Minutes of the Strategic Committee meeting held on 14 February 2018.

These Minutes are subject to confirmation as to their accuracy at the next available meeting and therefore subject to change.

Please refer to the Minutes of the next available meeting for confirmation.

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The Mayor read aloud the following statement:

"Persons in the gallery are advised that under the Local Government Act, 1993 a person may not record the proceedings of a meeting of a Council or Committee WITHOUT the authority of the Council or Committee. Record includes tape, video camera and any electronic device capable of recording a speech.

"Local media outlets may be recording the proceedings of the meeting with permission for later broadcast.

"Members of the public addressing Council should refrain from divulging personal information about themselves or other individuals or making defamatory statements.

"It would also be appreciated if mobile phones could be switched off so as to not disrupt the meeting. Thank you."

## **ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

The Mayor recognised the traditional custodians of the lands contained in the MidCoast Council area, being the Gathang speaking people, and paid respect to their heritage and their elders - past and present.

## DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Mayor Cr D West	5.1 Briefing Session and Item 3 Report - Greater Taree Local Environmental Plan 2010 - General Amendment Package 4	Pecuniary Interest, the nature of the interest being the documents relate to future Brimbin New Town Development which is adjacent to my home property. A development that may, in the future, impact the value of my property. Cr West left the meeting and took no part in discussions or voting.
Lisa Schiff - Director Planning & Natural Systems	5.1 and 5.2 Briefing Sessions. Item 3 Report - Greater Taree Local Environmental Plan 2010 - General Amendment Package 4 and; Item 4 Report - Planning Proposal for Lot 612 Blackhead Road, Hallidays Point	Non-Pecuniary Interest (Less than Significant) the nature of the interest being Gavin Maberly-Smith is my neighbour. We have no social contact or other contact outside work. Ms Schiff remained in the meeting and took part in discussions.
Cr L Roberts	5.2 Briefing Session and Item 4 Report - Planning Proposal for Lot 612 Blackhead Road, Hallidays Point	Non-Pecuniary Interest (Less than Significant) the nature of the interest being I undertook independent Arch. Assessment for the proposal. Cr Roberts left the meeting and took no part in discussions or voting.
Paul De Szell - Acting General Manager	Item 5 Report - Planning Proposal for 353-465 Kolodong Road, Taree	Non-Pecuniary Interest (Significant) the nature of the interest being my wife is a staff member of Taree Christian College which falls within the Planning Proposal site. My three children also attend the school. One of the land owners is also Deputy Principal of the School. Mr De Szell left the meeting and took no part in discussions.
Cr K Smith	Late Report 1 - Manning Valley Hockey Association - Loan Extension	Non-Pecuniary Interest (Significant) the nature of the interest being my direct supervisor in my employment with NSW Health is President of the MVHA. Cr Smith left the meeting and took no part in discussions or voting.

### APOLOGIES

Nil.

### ADOPTION OF MINUTES OF MEETING

#### 1/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr J McWilliams)

That the Minutes of the Strategic Committee Meeting of 13 December 2017, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

## Matters Arising

Cr P Epov questioned the recording of matters considered within Committee of the Whole at 13 December 2017 Strategic Committee Meeting.

### **PRESENTATIONS:**

#### Greater Taree Local Environmental Plan 2010 - General Amendment Package 4 (Senior Strategic Planner, Sue Calvin)

*Cr D West (Mayor) declared a Pecuniary Interest and left the meeting.*

*Cr K Smith (Deputy Mayor) took the Chair.*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*

Sue Calvin, Senior Strategic Planner, gave a briefing on the Greater Taree Local Environmental Plan 2010 - General Amendment Package 4.

#### Planning Proposal for Lot 612 Blackhead Road, Hallidays Point

*Cr D West (Mayor) resumed the Chair.*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*

Roger Busby, Manager Strategic Planning, gave a briefing on the Planning Proposal for Lot 612 Blackhead Road, Hallidays Point.

#### Child Protection Policy

Melissa Garton, Manager Community Services and Lyndie Hepple, Coordinator Community Strengthening, gave a briefing on the Child Protection Policy.

#### Footpath Activities in Town Centres

Paul De Szell, Director Community Spaces and Services, gave a briefing on Footpath Activities in Town Centres.

## **2/18 RESOLUTION**

(Moved Cr P Epov/Seconded Cr K Hutchinson)

That members of the public, who have received approval to address Council be allowed to do so now.

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.  
AGAINST VOTE - Nil

## **ADDRESSES FROM THE PUBLIC GALLERY**

### Item 1 - Nomination for Membership of a Hunter Joint Organisation of Councils

Katrina Pearson addressed Council in regard to the above item

### Item 2 - Office Relocation Investigation, Biripi Way, Taree

Katrina Pearson addressed Council in regard to the above item.

David Poole addressed Council in regard to the above item.

### Item 3 - Greater Taree Local Environmental Plan 2010 - General Amendment Package 4

*Cr D West (Mayor) declared a Pecuniary Interest in the matter and left the Chambers.*

*Cr K Smith (Deputy Mayor) took the Chair*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*

Raymond Stack addressed Council in regard to the above item.

Janice Cowan addressed Council in regard to the above item.

Gavin Maberly-Smith addressed Council in regard to the above item.

### Item 4 - Planning Proposal for Lot 612 Blackhead Road, Hallidays Point

*Cr D West (Mayor) resumed the Chair.*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*

Ella (Elvira) Fokes addressed Council in regard to the above item.

Gavin Maberly-Smith addressed Council in regard to the above item.

### Late Report 1 - Manning Valley Hockey Association Loan Extension

*Cr K Smith (Deputy Mayor) declared a Non-Pecuniary Conflict of Interest (Significant) and left the meeting.*

Katrina Pearson addressed Council in regard to the above item.

Debbie Monck addressed Council in in regard to the above item.

Cr K Smith returned to the meeting.

### Late Report 2 - Compliance Investigations - 112 Viney Creek Rd, Tea Gardens

Katrina Pearson addressed Council in regard to the above item.

Christine Stanton addressed Council in regard to the above item.

*Council adjourned for lunch at 1.25pm.  
Council reconvened at 2.00pm.*

## **CONSIDERATION OF OFFICERS' REPORTS:**

### **ACTING GENERAL MANAGER**

#### **1 NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS**

**Report Author Steve Embry, Acting General Manager**

#### **RECOMMENDATION**

That Council consider adopting the resolution outlined in this report at the 28 February 2018 Ordinary Council Meeting.

### **3/18 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr J McWilliams)

A: That Council consider a further report at the 28 February 2018 Ordinary Council meeting.

B: That the report to be considered on 28 February 2018 include a comprehensive cost benefit analysis, a clear statement of the objectives to be achieved and consideration of alternative option to achieve these objectives.

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.  
AGAINST VOTE - Nil

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#### **2 OFFICE RELOCATION INVESTIGATION, BIRIPI WAY, TAREE**

**Report Author Steve Embry, Acting General Manager**

### **4/18 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the Committee move into Committee of the Whole

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.  
AGAINST VOTE: Nil

### **5/18 RESOLUTION**

(Moved Cr D Keegan/Seconded Cr K Hutchinson)

That the Committee move out of Committee of the Whole.

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.  
AGAINST VOTE: Nil

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## **RECOMMENDATION**

1. Note the contents of this Report in relation to the final Business Case prepared by Savills Project Management Pty Ltd and the Due Diligence Proposal prepared by Montlaur Project Services Pty Ltd.
2. Accept the services, costs and program set out in the Due Diligence Proposal and proceed with those investigations as part of the Initiation Stage of the Project.

(Moved Cr T Fowler/Seconded Cr L Roberts)

That the above recommendation be adopted.

An Amendment was Moved by Cr P Epov/Seconded Cr D Keegan

That Council defers this decision until the next formal Council meeting on 28 February 2018 and that the matter be discussed at the Workshop to be held on 21 February 2018.

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr P Epov, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr K Smith.

AGAINST VOTE: Cr B Christensen, Cr T Fowler, Cr L Roberts.

The Amendment became the Substantive Motion and was carried.

## **6/18 RESOLUTION**

That Council defers this decision until the next formal Council meeting on 28 February 2018 and that the matter be discussed at the Workshop to be held on 21 February 2018.

FOR VOTE - Cr D West (Mayor), Cr K Bell, Cr P Epov, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Cr B Christensen, Cr T Fowler

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## **DIRECTOR PLANNING & NATURAL SYSTEMS**

### **3 GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010 - GENERAL AMENDMENT PACKAGE 4**

**Report Author** Sue Calvin, Senior Strategic Planning

*Cr D West (Mayor) declared a Pecuniary Interest and left the Meeting.*

*Cr K Smith (Deputy Mayor) took the Chair*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*



## **7/18 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the Committee move into Committee of the Whole

FOR VOTE: Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr D West (Mayor)

## **8/18 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the Committee move out of Committee of the Whole.

FOR VOTE: Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr D West (Mayor)

Given the complexity of the matter to be determined, the Council agreed to vote on three separate motions.

### **RECOMMENDATION**

- i. That the fourth package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)* be referred to the NSW Department of Planning and Environment with a request that the Local Environmental Plan (LEP) to give effect to the planning proposal be drafted and that the LEP be made.
- ii. That discussions be undertaken with the landowner of site specific amendment N being 25 Myalup Court, Red Head, to develop an agreement for the dedication of the 6m wide access strip. If an agreement cannot be finalised by the time the fourth package of amendments is ready to be made, site specific amendment N be withdrawn from the package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)*.

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

- 1 a) That the fourth package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)* be referred to the NSW Department of Planning and Environment with a request that the Local Environmental Plan (LEP) to give effect to the planning proposal be drafted and that the LEP be made.
- b) That discussions be undertaken with the landowner of site specific amendment N being 25 Myalup Court, Red Head, to develop an agreement for the dedication of the 6m wide access strip. If an agreement cannot be finalised by the time the fourth package of amendments is ready to be made, site specific amendment N be withdrawn from the package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)*.

FOR VOTE - Cr K Bell, Cr B Christensen, Cr T Fowler, Cr P Epov, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr D West (Mayor)

(Moved Cr D Keegan/Seconded Cr B Christensen)

2. That the site D - 586 Lansdowne Road, Kundle Kundle (Lot 21 DP 168022) be zoned Industrial and the surrounding area be left in the Environmental conservation zone and include the spur line as industrial.

FOR VOTE - Cr B Christensen, Cr P Epov, Cr T Fowler, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr K Smith.

AGAINST VOTE: Cr K Bell, Cr K Hutchinson, Cr L Roberts

ABSENT DID NOT VOTE: Cr D West (Mayor)

(Moved Cr D Keegan/Seconded Cr L Roberts)

3. That the site F Industrial Road Harrington remain in its current zoning.

FOR VOTE - Cr K Bell, Cr P Epov, Cr T Fowler Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Cr B Christensen,

ABSENT DID NOT VOTE: Cr D West (Mayor)

## **9/18 RESOLUTION**

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

- 1 a) That the fourth package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)* be referred to the NSW Department of Planning and Environment with a request that the Local Environmental Plan (LEP) to give effect to the planning proposal be drafted and that the LEP be made.
- b) That discussions be undertaken with the landowner of site specific amendment N being 25 Myalup Court, Red Head, to develop an agreement for the dedication of the 6m wide access strip. If an agreement cannot be finalised by the time the fourth package of amendments is ready to be made, site specific amendment N be withdrawn from the package of general amendments to the *Greater Taree Local Environmental Plan 2010 (Attachment A)*.

FOR VOTE - Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

(Moved Cr D Keegan/Seconded Cr B Christensen)

2. That the site D - 586 Lansdowne Road, Kundle Kundle (Lot 21 DP 168022) be zoned Industrial and the surrounding area be left in the Environmental conservation zone and include the spur line as industrial

FOR VOTE - Cr B Christensen, Cr P Epov, Cr T Fowler, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr K Smith.

AGAINST VOTE: Cr K Bell, Cr K Hutchinson, Cr L Roberts.

ABSENT DID NOT VOTE: Cr D West (Mayor)

(Moved Cr D Keegan/Seconded Cr L Roberts)

3. That the site F Industrial Road Harrington remain in its current zoning

FOR VOTE - Cr K Bell, Cr P Epov, Cr T Fowler Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Cr B Christensen.

ABSENT DID NOT VOTE: Cr D West (Mayor)

#### **4 PLANNING PROPOSAL FOR LOT 612 BLACKHEAD ROAD, HALLIDAYS POINT**

**Report Author Angela Tinlin, Town Planner - Strategic**

Cr D West (Mayor) resumed the Chair

*Cr L Roberts declared a Non-Pecuniary Conflict of Interest (Less than Significant) left the meeting and took no part in discussions or voting.*

*Ms Lisa Schiff, Director Planning & Natural Systems declared a Non-Pecuniary Conflict of Interest (Less than Significant) and remained in the Meeting.*

#### **10/18 RESOLUTION**

(Moved Cr B Christensen/Seconded Cr K Hutchinson)

That the Committee move into Committee of the Whole

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr P Epov, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr K Smith.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr L Roberts.

#### **11/18 RESOLUTION**

(Moved Cr T Fowler/Seconded Cr K Smith)

That the Committee move out of Committee of the Whole.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr P Epov, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr K Smith.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr L Roberts.

#### **RECOMMENDATION**

- A. That Council adopt the revised Planning Proposal (Attachment A) and submit it to the NSW Department of Planning and Environment with a request that the associated Local Environmental Plan (LEP) amendment be drafted and made.
- B. That Council adopt the exhibited draft amendment to Part L - Local Area Plans of the *Greater Taree Development Control Plan 2010* (Attachment B) with the plan to become effective upon the date of the associated LEP amendment being made.

(Moved Cr K Hutchinson/Seconded Cr B Christensen)

That the above recommendation be adopted.

An Amendment was moved by Cr D Keegan/Seconded Cr P Epov.

That the matter be deferred pending further information regarding Council's housing strategy.

The amendment was put to the vote and declared lost.

FOR VOTE: Cr P Epov, Cr D Keegan, Cr C Pontin.

AGAINST VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr J McWilliams, Cr K Smith.

ABSENT DID NOT VOTE: Cr L Roberts

The motion was put to the vote and declared carried.

## **12/18 RESOLUTION**

- A. That Council adopt the revised Planning Proposal (Attachment A) and submit it to the NSW Department of Planning and Environment with a request that the associated Local Environmental Plan (LEP) amendment be drafted and made.
- B. That Council adopt the exhibited draft amendment to Part L - Local Area Plans of the *Greater Taree Development Control Plan 2010* (Attachment B) with the plan to become effective upon the date of the associated LEP amendment being made.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST: Cr P Epov, Cr D Keegan, Cr C Pontin.

*Cr Roberts returned to the meeting.*

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## **5 PLANNING PROPOSAL FOR 353 - 465 KOLODONG ROAD, TAREE**

**Report Author**                      **Angela Tinlin, Town Planner - Strategic**

*Mr Paul De Szell, Acting General Manager, declared a Non-Pecuniary Conflict of Interest (Significant) and left the meeting.*

### **RECOMMENDATION**

1. That a request be made for a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to the planning proposal contained in Attachment A.
2. That community engagement be undertaken on the planning proposal upon receipt of a Gateway determination.
3. The Department of Planning and Environment be advised that Council requests the use of delegations in respect of the Minister for Planning's plan making function under section 59 of the *EP&A Act 1979* for the planning proposal.
4. That consultation with State Government agencies and service authorities be undertaken in accordance with the Gateway determination.

## **13/18 RESOLUTION**

(Moved Cr B Christensen/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

*Mr Paul De Szell, Acting General Manager, returned to the meeting.*

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## **6 TAFE NSW TEMPORARY LICENSE - GREAT LAKES (MINIMBAH) LANDFILL**

**Report Author**                      **Peter Brabant, Projects Coordinator**

### **RECOMMENDATION**

That Council note the information included in this report.

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## **14/18 RESOLUTION**

(Moved Cr K Hutchinson /Seconded Cr D Keegan)

That the above recommendation be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

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### **DIRECTOR COMMUNITY SPACES & SERVICES**

#### **7 CHILD PROTECTION POLICY**

**Report Author Lyndie Hepple, Co-ordinator, Community Strengthening**

#### **RECOMMENDATION**

That the draft Child Protection Policy provided in Annexure A be adopted.

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

An Amendment was Moved by Cr L Roberts/Seconded

A: That the draft Child Protection Policy provided in Annexure A be adopted.

B: That Council note a mandatory training package in child protection is being implemented throughout the organisation and that Council is moving towards becoming a child safe organisation and that a further report be presented annually.

The Amendment lapsed for want of a seconder.

The Motion was put to the vote and declared carried.

## **15/18 RESOLUTION**

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the draft Child Protection Policy provided in Annexure A in the report be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

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#### **8 FOOTPATH ACTIVITIES IN TOWN CENTRES**

**Report Author Paul De Szell, Director Community Spaces & Services**

#### **RECOMMENDATION**

That Council

1. Extend the current Vibrant Spaces initiative to all town centres across MidCoast Council.
  2. Rescind all existing policies and procedures which applied to footpath use in the former Local Government Areas.
  3. Adopt a revised Footpath Activities in Town Centre Policy as per **Attachment D**.
-

## **16/18 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr P Epov)

That the above recommendation be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

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## **DIRECTOR WATER SERVICES**

### **9 WATER USAGE, WATER RESOURCES AND THE OUTLOOK FOR 2017/18**

**Report Author**           **Graeme Watkins, Manager Water Management & Treatment**

#### **RECOMMENDATION**

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

## **17/18 RESOLUTION**

(Moved Cr P Epov /Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

## **LATE REPORT 1**

### **MANNING VALLEY HOCKEY ASSOCIATION – LOAN EXTENSION**

**Report Author**           **Phil Brennan - Manager Finance and**  
**Daniel Aldridge - Manager Community Spaces, Recreation and**  
**Trades**

*Cr K Smith (Deputy Mayor) declared a Non-Pecuniary Conflict of Interest (Significant) and left the meeting.*

## **18/18 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the Committee move into Committee of the whole

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr K Smith

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## **19/18 RESOLUTION**

(Moved Cr P Epov/Seconded Cr L Roberts)

That the Committee move out of Committee of the Whole

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts.

AGAINST VOTE: Nil

ABSENT DID NOT VOTE: Cr K Smith

### **RECOMMENDATION**

That Council approves the Manning Valley Hockey Associations request to increase its loan facility from \$600,000 to \$1,039,000 in order to allow for the completion of the 3<sup>rd</sup> hockey field subject to:

- a) The Manning Valley Hockey Association providing the past 3 years audited financial records, a business plan and a multi-year budget so as to assess their financial capability to service loan repayments and meet the ongoing operational and capital expenses of the facility.
- b) An appropriate agreement being drafted and signed by both parties that formally outlines the obligations of the Manning Valley Hockey Association in respect of meeting the required repayments and the actions that may be taken by Council if the Manning Valley Hockey Association is no longer able to meet its obligations.
- c) The Mayor and Acting General Manager being satisfied that the financial assessment demonstrates that the MVHA have the financial capacity to meet the repayments associated with the increased loan facility.

(Moved Cr D Keegan/Seconded Cr C Pontin)

That Council considers the request for loan extension subject to:

- a) The Manning Valley Hockey Association providing the past 3 years audited financial records, a business plan and a multi-year budget so as to assess their financial capability to service loan repayments and meet the ongoing operational and capital expenses of the facility.
- b) An appropriate agreement being drafted by both parties that formally outlines the obligations of the Manning Valley Hockey Association in respect of meeting the required repayments and the actions that may be taken by Council if the Manning Valley Hockey Association is no longer able to meet its obligations.
- c) That the proposed plan and payment schedule be brought back to Council for approval

An Amendment was Moved Cr B Christensen/Seconded Cr L Roberts

1. That Council further consider the Manning Valley Hockey Association's request to increase its loan facility from \$600,000 to \$1,039,000 in order to allow for the completion of the 3<sup>rd</sup> hockey field subject to:
  - a) The Manning Valley Hockey Association providing the past 3 years audited financial records, a business plan and a multi-year budget so as to assess their financial capability to service loan repayments and meet the ongoing operational and capital expenses of the facility.
  - b) An appropriate agreement being drafted and signed by both parties that formally outlines the obligations of the Manning Valley Hockey Association in respect of meeting the required repayments and the actions that may be taken by Council if the Manning Valley Hockey Association is no longer able to meet its obligations.
  - c) The Council being satisfied that the financial assessment demonstrates that the Manning Valley Hockey Association has the financial capacity to meet the repayments associated with the increased loan facility.
2. That Council supports Loan Option 2 (Council Subsidised Loan) contained in the report.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts

AGAINST VOTE: Cr P Epov

ABSENT DID NOT VOTE: Cr K Smith

The Amendment became the substantive motion and was carried.

## **20/18 RESOLUTION**

1. That Council further consider the Manning Valley Hockey Association's request to increase its loan facility from \$600,000 to \$1,039,000 in order to allow for the completion of the 3<sup>rd</sup> hockey field subject to:
  - a) The Manning Valley Hockey Association providing the past 3 years audited financial records, a business plan and a multi-year budget so as to assess their financial capability to service loan repayments and meet the ongoing operational and capital expenses of the facility.
  - b) An appropriate agreement being drafted and signed by both parties that formally outlines the obligations of the Manning Valley Hockey Association in respect of meeting the required repayments and the actions that may be taken by Council if the Manning Valley Hockey Association is no longer able to meet its obligations.
  - c) The Council being satisfied that the financial assessment demonstrates that the Manning Valley Hockey Association has the financial capacity to meet the repayments associated with the increased loan facility.
2. That Council supports Loan Option 2 (Council Subsidised Loan) contained in the report.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Cr P Epov

ABSENT DID NOT VOTE: Cr K Smith

*Cr K Smith returned to the Meeting.*



## **21/18 RESOLUTION**

(Moved Cr J McWilliams/Seconded Cr T Fowler)

That the Committee move into Closed Council (Confidential Section of Strategic Committee Meeting) (Meeting Closed to the Public) for a confidential briefing session listed on the agenda.

### **CLOSED COUNCIL**

## **22/18 RESOLUTION**

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the Committee move into Committee of the Whole.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith  
AGAINST VOTE: Nil

## **23/18 RESOLUTION**

(Moved Cr K Smith/Seconded Cr B Christensen)

That the Committee move out of Committee of the Whole and into Closed Council.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith  
AGAINST VOTE: Nil

Upon resuming into Open Council the Mayor reported that the following resolution had been passed.

### **LATE REPORT 2**

#### **COMPLIANCE INVESTIGATIONS - 112 VINEY CREEK RD TEA GARDENS**

Report Author            Adam Fardell, Compliance Officer

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#### **REASON FOR CONFIDENTIALITY**

This report and annexure are **CONFIDENTIAL** in accordance with Section 10A(2)(e)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- information that would, if disclosed, prejudice the maintenance of law.
- advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It is considered that it would be contrary to the public interest to reveal confidential details contained in the report as it may influence the outcome of legal proceedings.

## **24/18 RESOLUTION**

(Moved Cr K Smith/Seconded Cr C Pontin)

1. That Council resolve to request that the State Government appoint a *Principal Investigating Officer/Authority* to exercise investigation and enforcement powers under all appropriate legislation for ALL unresolved alleged offences on land owned by companies with the Common Directors Phillip Dong Fang Lee and Xiaobei Shi.
2. That Council encourage and support the State Government to pursue the highest statutory penalties in the Land and Environment Court in order to encourage the Common Directors to achieve compliance in the future, and also to demonstrate to the wider community that Council and the State will enforce land use planning and environmental legislation.
3. That the Director of Planning and Natural Systems make urgent arrangements to discuss this matter with the Cluster Secretary of the Department of Environment and Planning in an effort to instigate resolutions 1 and 2.
4. That Council continue to actively engage with the Department of Premier and Cabinet and the agencies in relation to this matter.
5. That Council recognises the significant work and cooperation between Department of Premier and Cabinet, Council and the various government agencies, to address the alleged unauthorised development on land owned by companies with the Common Directors Phillip Dong Fang Lee and Xiaobei Shi.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Cr P Epov.

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This is the last page of the minutes of the Strategic Committee meeting of MidCoast Council held on 14 February 2018.

There being no further business, the meeting closed at 6.45pm.

Chairperson