



Minutes of the Ordinary Council Meeting

**held at the Council Chambers
89 King Street Gloucester**

27 June 2018

A handwritten signature in black ink, appearing to read "Steve Embry", followed by a large, stylized flourish or checkmark-like stroke.

Steve Embry
Acting General Manager

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Minutes of the Ordinary Meeting of the MidCoast Council held at the Council Chambers,
89 King Street, Gloucester on 27 June 2018 commencing at 2.00pm.

PRESENT

Present: Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov
Permanent Absence: Cr L Roberts, Cr C Pontin

IN ATTENDANCE

Acting General Manager - Steve Embry
Director Community Spaces & Services, Acting Director Planning & Natural Systems
- Paul De Szell
Acting Director Engineering & Infrastructure Services - Dan Park
Director Water Services - Brendan Guiney
Minute Taker - Corporate Support Officer - Karen Whitton

The following document is the Minutes of the Ordinary meeting held on 27 June 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 Ordinary meeting.

2BOB Radio recorded the proceedings of the meeting for later broadcast.

The Mayor read aloud the following statement:

"The proceedings of this meeting will be recorded by Council to assist in ensuring the accuracy of the minutes of the meeting.

"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.

PRAYER

The Mayor read the Local Government prayer.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Cr Kathryn Bell	3	Pecuniary interest the nature of the interest is only pertaining to the attachment A. Further to discussion with Governance and the Mayor, I will leave the chamber should Attachment A be discussed.
Cr Kathryn Bell	25	Pecuniary interest, the nature of the interest is my company is providing a business service for one of the projects identified in this report. Our business contract commenced prior to MidCoast Council & Water Services merger. I will leave the room & take no part in Council's consideration & determination of the matter.
Acting General Manager Steve Embry	14	Non-Pecuniary Interest (Less than Significant) the nature of the interest being, I am friends with the daughter of the property owner. Steve Embry elected to leave the meeting and take no part in discussions or voting.
Cr K Smith (late)	22	Non-Pecuniary Interest (Less than Significant) the nature of the interest being Previous years on working group and was also member on Gloucester Business Chamber. Cr Smith elected to leave the meeting and take no part in discussions or voting.

APOLOGIES

An apology was tendered by Cr L Roberts and Cr C Pontin.

140/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the apology from Cr L Roberts and Cr C Pontin be accepted and that leave be granted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

ADOPTION OF MINUTES OF MEETING 23 MAY 2018

RECOMMENDATION

That the Minutes of the Ordinary meeting of 23 May 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

141/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

ADOPTION OF MINUTES OF MEETING 28 MAY 2018

RECOMMENDATION

That the Minutes of the ExtraOrdinary meeting of 28 May 2018, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

142/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

MATTERS ARISING FROM THE MINUTES

Nil

NOTICES OF MOTION

1. NOTICE OF MOTION – MYALL QUAYS ROAD TO SPINIFEX AVE TEA GARDENS

Report Author Cr Troy Fowler

RECOMMENDATION

That Council consider the Notice of Motion.

143/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr P Epov)

That the motion be withdrawn

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

2. NOTICE OF MOTION – RECOGNITION OF THE APPROACH TAKEN TO ADDRESSING THE MERGED COUNCIL'S ROADS AND BRIDGE BACKLOG

Report Author **Cr Len Roberts**

RECOMMENDATION

That Council consider the Notice of Motion.

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

1. Council notes the grant funding of \$50m from the State Government and a letter of thanks be forwarded to the Premier.
2. Council writes a letter of thanks to our local Member Steve Bromhead for his endeavours in achieving the grant funding
3. Council acknowledges and thanks staff involved in putting together the funding application and the tireless effort of working with the community to address our road and bridges backlog.

144/18 RESOLUTION

An amendment was (Moved Cr P Epov/Seconded Cr K Bell)

1. That the General Manager sends a letter of appreciation to the Premier in recognition of the \$50m grant from the NSW Government towards Council's Roads Renewal Program.
2. That the General Manager sends a letter of appreciation to the Member for Myall Lakes Stephen Bromhead, for his efforts in facilitating the \$50m grant from the NSW Government towards Council's Roads Renewal Program.
3. That Council acknowledges its appreciation to our staff for the work associated with the roads funding application.

The amendment was put to the vote and declared carried.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr K Bell, Cr J McWilliams, Cr P Epov

AGAINST VOTE - Cr D Keegan, Cr T Fowler, Cr K Hutchinson

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

PRESENT. DID NOT VOTE - Nil

The amendment became the motion and was carried

145/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr K Bell)

- 1 That the General Manager sends a letter of appreciation to the Premier in recognition of the \$50m grant from the NSW Government towards Council's Roads Renewal Program.
2. That the General Manager sends a letter of appreciation to the Member for Myall Lakes Stephen Bromhead, for his efforts in facilitating the \$50m grant from the NSW Government towards Council's Roads Renewal Program.

3. That Council acknowledges its appreciation to our staff for the work associated with the roads funding application.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

ADDRESS FROM THE PUBLIC GALLERY

146/18 RESOLUTION

(Moved Cr K Bell/Seconded Cr D Keegan)

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

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

Item 3 – Adoption of 2018-2021 Delivery Program & 2018-2019 Operational Plan

David Gemmell (President of the Coomba and District Progress Association) advised of projects not included in Development Plan

CONSIDERATION OF OFFICERS' REPORTS

3. ADOPTION OF 2018-2021 DELIVERY PROGRAM & 2018-2019 OPERATIONAL PLAN

Report Author Adrian Pryke, Integrated Planning and Reporting Officer

RECOMMENDATION

1. That Council adopt the draft 2018-2021 Delivery Program and 2018-2019 Operational Plan (including the Statement of Revenue Policy, Budget and Fees & Charges Schedule) incorporating the proposed changes and recommendations as presented in the report.
2. That the Long Term Financial Plan 2018-2028 be noted.

147/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr D Keegan)

1. That Council adopt the draft 2018-2021 Delivery Program and 2018-2019 Operational Plan, incorporating the proposed changes and recommendations as presented in the report with an amendment to change the Working Coal Mining Rate in the dollar to .032013.
2. That the Long Term Financial Plan 2018-2028 be deferred to the next ordinary meeting of Council.
3. That Council staff prepare a report addressing the issues brought to the Ordinary meeting on 27 June 2018 by the Coomba Park Progress Association.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

148/18 RESOLUTION

(Moved Cr K Smith/Seconded Cr T Fowler)

That the order of the agenda be changed to allow Item 14 - Request for Road Closure - Old Bowman Farm Road Gloucester to be considered.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

Item 14 – Request for Road Closure – Old Bowman Farm Road Gloucester

Acting General Manager Steve Embry having declared a conflict of interest, left the meeting

John Kitchener spoke against the recommendation, in support of the closure and sale of Old Bowman Road to the McIntosh family.

149/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the speaker be given a further two minutes.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

John Hannaford spoke against the recommendation about the importance of biosecurity in regards to access to rural property in support of Mrs Gwen McIntosh.

Naomi Kilby spoke in support of the recommendation on behalf of Barrington Outdoor Adventure Centre.

14 REQUEST FOR ROAD CLOSURE - OLD BOWMAN FARM RD GLOUCESTER

Report Author Ron Hartley, Director Engineering and Infrastructure

RECOMMENDATION

That no further action be taken with regard to the closure of Old Bowman Farm Road, Gloucester.

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

To close Bowman Farm Road and take the necessary steps through the DPI to make this happen.

An amendment was (Moved Cr K Bell/Seconded Cr K Smith)

That no further action be taken with regard to the closure of Old Bowman Farm Road, Gloucester.

FOR VOTE - Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr P Epov
AGAINST VOTE - Cr D West, Cr T Fowler, Cr K Hutchinson
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin
PRESENT. DID NOT VOTE - Nil

The amendment was carried and became the motion

150/18 RESOLUTION

(Moved Cr K Bell/Seconded Cr K Smith)

That no further action be taken with regard to the closure of Old Bowman Farm Road, Gloucester.

FOR VOTE - Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr P Epov
AGAINST VOTE - Cr D West, Cr T Fowler, Cr K Hutchinson
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin
PRESENT. DID NOT VOTE - Nil

151/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr B Christensen)

That Council return to Item 4 on the agenda.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

Steve Embry returned to the meeting.

4. REPORT - MAKING OF ORDINARY RATES FOR 2018/2019

Report Author **Lee Howard, Revenue Coordinator**

RECOMMENDATION

That all recommendations detailed in this report, relating to the making of Ordinary Rates for the 2018/2019 rating year, together with the ancillary items be adopted.

152/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That all recommendations detailed in this report, relating to the making of Ordinary Rates for the 2018/2019 rating year, together with the ancillary items and an amendment to the Ordinary Rate: Mining Working Coal to .032013 be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

5 MAKING OF ANNUAL AND OTHER CHARGES FOR 2018/2019

Report Author **Lee Howard, Revenue Coordinator**

RECOMMENDATION:

That the recommendations detailed in this report in relation to Annual Waste Management Charges, Domestic Waste Management Charges, Stormwater Management Charges, On-site Sewage Management Fees/Charges and Water and Sewerage Charges/Rates for the 2018/2019 rating year be adopted.

153/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Hutchinson)

1. That the recommendations detailed in this report in relation to Annual Waste Management Charges, Domestic Waste Management Charges, Stormwater Management Charges, On-site Sewage Management Fees/Charges and Water and Sewerage Charges/Rates for the 2018/2019 rating year be adopted including changes made in the adoption of the Delivery Program/Operational Plan (Item 3).
2. Rural Water Supply customers who are not connected to Council's sewerage system will only have the first tier water usage charge apply.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

MATTER ARISING

154/18 RESOLUTION

(Moved Cr K Bell/Seconded Cr K Smith)

To have a report brought back to Council with options for a tiered water pricing system.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

6 ADOPTION OF THE MIDCOAST COUNCIL WORKFORCE STRATEGY

Report Author **Lynn Duffy, Manager Corporate Strategy & Development**

RECOMMENDATION

That Council note the 2018-2021 Workforce Strategy as presented.

155/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr K Hutchinson)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

DIRECTOR PLANNING & NATURAL SYSTEMS

7 DA 368/2017 - SERVICE STATION & FOOD & DRINKS PREMISES - COOLONGOLOOK

Report Author **Petula Bowden – Senior Development Planner**

RECOMMENDATION

That Development Application 368/2017 for a Service Station and Food and Drink Premises on Lots 6 & 7, DP 758278, No's. 21-23 Bengal Street. Coolongolook be approved subject to the conditions contained in **Annexure A** to this report.

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the above recommendation be adopted

156/18 RESOLUTION

An amendment was (Moved Cr K Smith/Seconded Cr P Epov)

That the matter be deferred so Councillors can have an inspection of the proposed site.

The amendment was put to the vote and declared lost.

FOR FOTE: Cr K Smith

AGAINST VOTE - Cr D West, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

PRESENT. DID NOT VOTE - Nil

The motion was put to the vote and declared carried.

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Cr B Christensen

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

PRESENT. DID NOT VOTE - Nil

157/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That Development Application 368/2017 for a Service Station and Food and Drink Premises on Lots 6 & 7, DP 758278, No's. 21-23 Bengal Street. Coolongolook be approved subject to the conditions contained in **Annexure A** to this report.

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Cr B Christensen

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

PRESENT. DID NOT VOTE - Nil

8 DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY - MAY 2018

Report Author Paul De Szell, Acting Director - Planning & Natural Systems

RECOMMENDATION

It is recommended that the information be noted.

158/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

9 LIST OF MATTERS CURRENTLY BEFORE THE COURT

Report Author Paul De Szell, Acting Director - Planning & Natural Systems

RECOMMENDATION

It is recommended that the information be noted.

159/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

10 LOCAL HERITAGE FUND 2018-19

Report Author Sue Calvin, Senior Strategic Planner

RECOMMENDATION

That the Local Heritage Fund for 2018-19 be allocated as shown in Annexure A.

160/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Bell)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

**11 WALLIS & SMITHS LAKE COAST & ESTUARY COMMITTEE MINUTES -
28 FEBRUARY 2018**

Report Author Prue Tucker - Water Quality & Estuary Coordinator

RECOMMENDATION

It is recommended that the Minutes of the Wallis & Smiths Lake Coast & Estuary Management Committee meeting held on 28 February 2018 be noted.

161/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

MATTER ARISING

162/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Bell)

A report be brought to Council regarding the restoration of the Manning Coastal Catchment and Estuary Committee.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

DIRECTOR ENGINEERING & INFRASTRUCTURE

12 CAPITAL WORKS REPORT - JUNE

Report Author Stuart Small, Team Leader Project Delivery

RECOMMENDATION

That Council note the information in this report.

163/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

13 ASSET MANAGEMENT POLICY

Report Author **Scott Nicholson, Manager Transport Assets**

RECOMMENDATION

That Council adopts the attached Asset Management Policy.

164/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

That the above recommendation be adopted subject to the following amendment being made in Annexure A, Asset Management Policy, under '**Policy content**' heading, Elected Council:

- Provide Leadership and Governance (to replace Provide Stewardship)

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

DIRECTOR COMMUNITY SPACES & SERVICES

15 WAIVING OF FEES - MIDCOAST LIBRARIES

Report Author **Chris Jones, Manager Libraries**

RECOMMENDATION

That Council as part of its HSC student support program and Library Volunteer support program, provides financial assistance from existing budgets in accordance with section 356(3) of the Local Government Act 1993 in the following manner:

1. The waiving of photocopying and inter-library loan charges for current HSC students; and
2. The waiving of inter-library loan charges for library volunteers

165/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted

Cr Fowler left the meeting

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin, Cr T Fowler

16 PROVIDENCE BAY PARK – HAWKS NEST

Report Author **Kerrie Simmons, Parks Officer**

RECOMMENDATION

It is recommended that \$60,000 be made available through the Tea Gardens Open Space Section 94 fund for the improvement and upgrading of playground equipment at Providence Bay Park.

Cr Fowler returned to the meeting

166/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Bell)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

DIRECTOR CORPORATE & BUSINESS SYSTEMS

17 INVESTMENTS REPORT - MAY 2018

Report Author **Phil Brennan, Manager Finance**

RECOMMENDATION

That the report be received and noted.

167/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

18 LOAN BORROWINGS FOR 2017-18 - MIDCOAST COUNCIL

Report Author **Colin McKillop-Davies, Financial Accountant**

RECOMMENDATION

1. That this initial information be noted and following the tabling of actual offers that Council accept the most advantageous offer.
2. That the Common Seal of Council be affixed to the necessary loan documentation

168/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That Council accept the offers received from the Commonwealth Bank of Australia and that the Acting General Manager be authorised to sign all documents associated with the loan.

Cr D Keegan left the meeting.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin, Cr D Keegan

19 2018 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATIONS

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That Council fix the following fees for the Mayor and Councillors in accordance with sections 248 and 249 of the Local Government Act 1993 to take effect from 1 July 2018:

- Mayor - \$43,170
- Councillor - \$19,790

169/18 RESOLUTION

(Moved Cr J McWilliams/Seconded Cr K Hutchinson)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin, Cr D Keegan

20 DELEGATIONS TO GENERAL MANAGER JULY 2018

Report Author Rob Griffiths, Manager Governance

Cr D Keegan returned to the meeting.

RECOMMENDATION

1. That on and from 9 July 2018 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.
2. That if the General Manager is sick or otherwise absent from work on leave for a period of two consecutive days, Council appoints the Director Corporate and Business Systems to act in the role of General Manager. That appointment would cease upon the return to work of the General Manager or other resolution of Council.

3. That any person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by the Council.

(Moved Cr T Fowler/Seconded Cr B Christensen)

That the above recommendation be adopted with the following amendment in Annexure A:

Schedule 1: LG Reg Cl. 178 Limitations: - Acceptance of Tenders - change:

- *Maximum value of \$2million to be replaced with Maximum value of \$500,000.*

The Mayor then accepted Cr Christensen's withdrawal as a seconder as Cr Christensen supported the recommendation above without the amendment.

170/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr P Epov)

That the above recommendation be adopted with the following amendment in Annexure A:

Schedule 1: LG Reg Cl. 178 Limitations: - Acceptance of Tenders - change:

- *Maximum value of \$2million to be replaced with Maximum value of \$500,000.*

FOR VOTE - Cr D West, Cr K Smith, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

AGAINST VOTE - Cr B Christensen

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

21 VOTING FOR POSITION OF VICE PRESIDENT (RURAL/REGIONAL COUNCILS) LGNSW

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

1. That Council determine which four Councillors are to be the nominated delegates to vote in the upcoming election to be called by the Australian Electoral Commission to fill the casual vacancy in the office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales as detailed in Annexure A.
2. Council consider whether to endorse the nomination of a Councillor for the position once the election is called for the position of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales.

171/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr D Keegan)

1. That Council nominate Cr D West, Cr K Hutchinson, Cr P Pontin, and Cr D Keegan as delegates to vote in the upcoming election to be called by the Australian Electoral Commission to fill the casual vacancy in the office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales as detailed in Annexure A.

2. Council consider whether to endorse the nomination of a Councillor for the position once the election is called for the position of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

22 SUSPENSION OF ALCOHOL FREE ZONE - GLOUCESTER CHILLOUT FESTIVAL

Report Author Rob Griffiths, Manager Governance

Cr K Smith having declared a late Conflict of Interest left the meeting.

RECOMMENDATION

That Council grant approval for the suspension of an alcohol free zone in the car park adjacent to the intersection of Denison Street and Billabong Lane, Gloucester, as outlined in red on map provided as Annexure A for the period of 10.00am to 2.00pm on Saturday 28 July 2018.

172/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr T Fowler)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr K Smith, Cr L Roberts, Cr C Pontin

Cr K Smith returned to the meeting.

23 SUSPENSION OF ALCOHOL FREE ZONE - TASTEFEST ON THE MANNING 2019

Report Author Rob Griffiths, Manager Governance

RECOMMENDATION

That Council grant approval for the temporary suspension of the Alcohol Free Zone in Queen Elizabeth Park, Taree between Pulteney Street and Manning Street as shown on the site map as Annexure A to allow for food and beverage stalls as part of the TasteFest on the Manning Event to be held on Saturday 12 January 2019 between 10am and 10.30pm.

173/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

DIRECTOR WATER SERVICES

24 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE REPORT - MAY 2018

Report Author **Brendan Guiney – Director Water Services**

Cr K Bell having declared a conflict of interest left the meeting.

RECOMMENDATION

MidCoast Water Services Executive Performance Report for May 2018 be received and noted.

174/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin, Cr K Bell,

Cr K Bell returned to the meeting.

25 WATER SERVICES INFRASTRUCTURE PROJECT STATUS REPORTS

Report Author **Brendan Guiney, Director Water Services**

RECOMMENDATION

It is recommended that Council:

1. Harrington Water Mains upgrade – Approve the project to proceed through the 'Ready to Design/Implement' Gateway, and adjust the project milestones to reflect the planned dates.
2. Receive and note the Infrastructure Project Status Reports

175/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

26 MIDCOAST WATER SERVICES STRATEGIC BUSINESS PLAN

Report Author **Brendan Guiney, Director Water Services**

RECOMMENDATION

It is recommended that Council receives and notes the MidCoast Water Services Strategic Business Plan 2018-2048.

176/18 RESOLUTION

(Moved Cr T Fowler/Seconded Cr P Epov)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

27 DRINKING WATER QUALITY POLICY

Report Author **Lisa Andersons, Product Quality Systems**

RECOMMENDATION

It is recommended that the updated Drinking Water Quality Policy is adopted.

177/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That the above recommendation be adopted

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

URGENT BUSINESS

178/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr K Hutchinson)

That the urgent business be heard.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

179/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr K Hutchinson)

That options be put to staff to promote the MidCoast area resulting from our local State of Origin players' success.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

180/18 RESOLUTION

(Moved Cr D Keegan/Seconded Cr J McWilliams)

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (4.23pm).

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

181/18 RESOLUTION

(Moved Cr P Epov/Seconded Cr K Smith)

That the public be removed from the gallery for the duration of Closed Council

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

Council adjourned at 4.24pm

Upon resuming into Open Council at 4.34pm the Chairperson reported that the following resolutions had been passed.

CLOSED COUNCIL

28 CONTRACT 2017-18/13 - CONSTRUCTION OF MARINE FACILITIES AT TEA GARDENS

Report Author Janiya Surasinghe, Project Manager

File No. / ECM Index CW0104

Date of Meeting 27 June 2018

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 contingencies allowed, valuation ranges and negotiated prices prior to acceptance may disadvantage Council in ensuring that that ratepayers are not impacted by Council having to pay a premium.

*(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.

182/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

- That Council award Contract 2017-18/13 - Construction of Marine Facilities at Tea Gardens to Sea Slip Pontoons & Products Pty Ltd, subject to the execution of all contract documentation.
- That the unsuccessful tenderers be thanked for their participation in the tender process.
- That 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.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov
ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

183/18 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr J McWilliams)

That Council move back into the Ordinary meeting at 4.35pm.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr D Keegan, Cr K Bell, Cr J McWilliams,
Cr T Fowler, Cr K Hutchinson, Cr P Epov

ABSENT. DID NOT VOTE - Cr L Roberts, Cr C Pontin

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 27 June 2018.

There being no further business, the meeting closed at 4.35pm.

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CHAIRPERSON