



Minutes of Ordinary Meeting

held at Yalawanyi Ganya, 2 Biripi Way, Taree South

Wednesday, 28 September 2022 at 2:00 PM

The order of the business will be as detailed below (subject to variation by Council):

1. Opening meeting
2. Acknowledgment of Traditional Custodians
3. Acknowledgment of Commitment
4. Special Activity
5. Apologies or Applications for leave of absence
6. Confirmation of Minutes
7. Disclosures of Interest
8. Mayoral Minute(s)
9. Notices of Rescission
10. Notices of Motions
11. Questions with Notice
12. Reports to Council
13. Matters of urgent business
14. Confidential matters
15. Close of meeting

A handwritten signature in black ink, appearing to read "Steve Embry", is written over a light blue rectangular background.

Steve Embry

Acting General Manager

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MINUTES

Minutes of the Ordinary Meeting of the MidCoast Council held at the Yalawanyi Ganya Council Chambers, 2 Biripi Way, Taree South on 28 September 2022 commencing at 2:00pm.

COUNCILLORS PRESENT

Mayor Claire Pontin

Deputy Mayor Alan Tickle

Cr Troy Fowler

Cr Peter Howard

Cr Jeremy Miller

Cr Paul Sandilands

Cr David West

Cr Katheryn Smith – Via Zoom

Cr Dheera Smith – Via Zoom

Cr Kathryn Bell – Via Zoom

Absent from Meeting: Cr Peter Epov

STAFF PRESENT

Acting General Manager/Director Corporate Services – Steve Embry

Director Liveable Communities – Paul De Szell

Director Infrastructure & Engineering Services – Robert Scott

Minute Taker - Corporate Support Officer – Korryn Knight

Minute Taker – Corporate Support Officer – Kristy Burns

Staff –Governance Coordinator – Kathy Duggan

Staff – Manager Engagement Communication & Education - Marcelle Boyling

The following document is the Minutes of the Ordinary meeting held on 28 September 2022.

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.

WELCOME

Welcome everyone. I'm Claire Pontin, the Mayor of MidCoast Council.

Council will be observing current requirements relating to Social Distancing and Hygiene.

Members of the public are be able to attend the meeting in person or view the meeting through a weblink on Council's website.

The meeting is being recorded and a copy of this recording will be placed on Council's website as soon as practicable after the meeting.

The meeting must not be recorded, distributed or circulated by others without the prior written consent of the council in accordance with the council's code of meeting practice.

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Mayor read aloud the following statement:

I acknowledge the traditional custodians of the land on which we meet today, the Gathang-speaking people and pay my respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. I extend my respect to elders past and present, and to all future cultural-knowledge holders.

ACKNOWLEDGEMENT OF COMMITMENT

We, the Councillors of MidCoast Council, will undertake the duties of the office of Councillor in the best interests of the MidCoast community and will faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act 1993 to the best of our abilities and judgment.

ACKNOWLEDGEMENT OF THE PASSING OF HER MAJESTY QUEEN ELIZABETH II

The Mayor read aloud the following statement:

On behalf of MidCoast, I extend my deepest sympathies to all members of the Royal family, following the death of Her Majesty Queen Elizabeth II.

She pledged her life to service and this she did. She was the first reigning monarch to visit Australia and visited us 16 times. It is said that she had a special affection for this country.

We will remember her fondly and her death saddens us all.

We offer thanks for a lifetime of public duty to the Crown, the Commonwealth, and to millions of people across the globe.

I ask that Council note the passing of Her Majesty Queen Elizabeth II and request that Councillors, staff and members of the public stand to observe a minute's silence to pay our respects to Queen Elizabeth II.

SPECIAL ACTIVITY

Presentation to NSW Volunteers of the Year:

- Jeffrey Earley (Old Bar Beach RSL Subbranch) – Adult Volunteer of the Year
- Rosemary Laing (Riding for the Disabled) – Senior Volunteer of the year.

ATTENDANCE VIA AUDIO LINK

Cr K Smith, Cr D Smith, and Cr K Bell have requested to take part in today's meeting by Audio visual link in accordance with Clause 5.22 of Council's adopted Code of Meeting Practice.

364/2022 RESOLUTION

(Moved Cr D West /Seconded Cr T Fowler)

That Cr K Smith, Cr K Bell, and Cr D Smith take part in today's meeting by audio visual link.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr A Tickle

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov, Cr K Bell, Cr D Smith, Cr K Smith

APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE

Cr P Epov has requested a leave of absence from today's meeting.

365/2022 RESOLUTION

(Moved Cr T Fowler/Seconded Cr A Tickle)

That the leave of absence sought by Cr P Epov be accepted, and that leave be granted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

CONFIRMATION OF MINUTES

366/2022 RESOLUTION

(Moved Cr D West /Seconded Cr P Howard)

That the Minutes of the Ordinary Meeting of 7th September 2022, copies of which were distributed to Councillors, be taken as read and confirmed as a true record of proceedings.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE – Nil

ABSENT, DID NOT VOTE – Cr P Epov

PUBLIC FORUM

Council had five speakers at the Public Forum:

- Stephen McMahon - Speaking FOR Item 14.2 - Draft Amended Kolodong Estate Planning Agreement
 - Ian Reynolds – Alathan, Speaking AGAINST – Item 14.3 - – Rural Strategy Submissions – Paper Subdivision Analysis Report
 - Robert Black – Alathan, Speaking AGAINST – Item 14.3 - – Rural Strategy Submissions – Paper Subdivision Analysis Report
 - David Buxton - Speaking AGAINST – Item 14.3 - – Rural Strategy Submissions – Paper Subdivision Analysis Report
 - Trevor Vandenberg - Speaking AGAINST – Item 14.3 - – Rural Strategy Submissions – Paper Subdivision Analysis Report
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PETITIONS

Nil.

DISCLOSURES OF INTERESTS

Staff Member	Item and Subject	Nature of Interest
Cr K Bell	Item 15.7 – Gloucester Reservoirs and Mains Project Update	Pecuniary interest; the nature of the interest being Cr Bell's company is providing a component services associated with this project. Cr Bell elected to leave the meeting and took no part in discussions or voting.
Cr K Smith	Item 16.6 – Membership Community Inclusion and Wellbeing Reference Group and Item 16.7 - Membership to the Community Resilience & Disaster Recovery Reference Group	Non-Pecuniary interest; the nature of the interest being an applicant for this committee ran on Cr K Smith's ticket for the election, and Cr Smith classifies this person as a friend. Cr K Smith elected to leave the meeting and not participate in discussions or voting.
Cr T Fowler	Item 16.3 Civic Precinct Report Update	Non-Pecuniary interest; significant; the nature of the interest being the developer handed out for Cr Fowler in the last election. Cr T Fowler elected to leave the meeting and take no part in discussions or voting.
Cr P Howard	Item 16.3 Civic Precinct Report	Non-Pecuniary interest; significant; the nature of the interest being Cr Howard's family has a history with the developer. Cr P Howard elected to leave the meeting and take no part in discussions or voting.
Cr P Sandilands	Item 16.7 Membership to the Community Inclusion and Wellbeing Reference Group	Non-Pecuniary interest; the nature of the interest being Cr Sandilands personally knows one of the nominees which does not lessen their right to be on this committee. Cr Sandilands elected to leave the meeting and take no part in discussions or voting.
Cr P Howard	Item 16.7 - Membership to the Community Resilience & Disaster Recovery Reference Group	Non-Pecuniary interest; the nature of the interest being one of the proposed Committee Nominees was on Councillor Howard's Council election ticket. Cr Howard elected to leave the meeting and take no part in discussions or voting.

10. NOTICE OF MOTIONS

Nil.

11. QUESTIONS WITH NOTICE

11.1. QUESTIONS WITH NOTICE - CR P EPOV

REPORT INFORMATION

Author	Cr Peter Epov
Date of Meeting	28th September 2022

Responses were provided as contained in the Business Paper.

12. CONSIDERATION OF OFFICERS' REPORTS:

13. GENERAL MANAGER

13.1. MIDCOAST COUNCIL FINANCIAL SUSTAINABILITY

REPORT INFORMATION

Report Author	Steve Embry, Director Corporate Services
Date of Meeting	28 September 2022
Authorising Director	Adrian Panuccio, General Manager

RECOMMENDATION

1. That Council note the proposal to develop a Financial Sustainability Strategy with the aim of the Strategy being incorporated into Council's Integrated Planning and Reporting documents for 2023-2024.
2. That Council continue the strategic body of work identified in this Report to guide the development of the Financial Sustainability Strategy objectives and actions.
3. That further workshops with Council be scheduled as required to enable the Strategy to be finalised in early 2023 and exhibited for community comment in conjunction with 2023-2024 Integrated Planning and Reporting documents.

367/2022 RESOLUTION

(Moved Cr A Tickle/Seconded Cr J Miller)

1. That Council note the proposal to develop a Financial Sustainability Strategy with the aim of the Strategy being incorporated into Council's Integrated Planning and Reporting documents for 2023-2024.
2. That Council continue the strategic body of work identified in this Report to guide the development of the Financial Sustainability Strategy objectives and actions.
3. That further workshops with Council be scheduled as required to enable the Strategy to be finalised in early 2023 and exhibited for community comment in conjunction with 2023-2024 Integrated Planning and Reporting documents.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

13.2. MATTERS OUTSTANDING

REPORT INFORMATION

Report Author	Adrian Panuccio, General Manager
Date of Meeting	28 September 2022

RECOMMENDATION

That the information in Attachment 1 - Resolution Register Matters Outstanding be noted.

368/2022 RESOLUTION

(Moved Cr A Tickle/Seconded Cr P Howard)

That the information in Attachment 1 - Resolution Register Matters Outstanding be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14. DIRECTOR LIVEABLE COMMUNITIES

14.1. SUBDIVISION & SECONDARY DWELLING - 15 CORALVILLE ROAD, MOORLAND

REPORT INFORMATION

Report Author	Ben Lim-Cooper - Senior Development Planner
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Development Application DA2022/0489 for a 3 lot subdivision, the demolition of an existing shed and the erection of a secondary dwelling on Lot 1, DP 1056021, 15 Coralville Road, Moorland be approved subject to the conditions contained in Attachment 1.

369/2022 RESOLUTION

(Moved Cr P Sandilands /Seconded Cr D West)

That Development Application DA2022/0489 for a 3 lot subdivision, the demolition of an existing shed and the erection of a secondary dwelling on Lot 1, DP 1056021, 15 Coralville Road, Moorland be approved subject to the conditions contained in Attachment 1.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.2. DRAFT AMENDED KOLODONG ESTATE PLANNING AGREEMENT

REPORT INFORMATION

Report Author	Richard Pamplin - Principal Land Use Planner
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That the submissions received during exhibition period as shown in Attachment 1 be noted.
2. That the draft Kolodong Estate Planning Agreement as shown in Attachment 2 be adopted as exhibited and registered on the properties affected.
3. That the General Manager be delegated the function of authorising the Planning Agreement.

370/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr T Fowler)

1. That the submissions received during exhibition period as shown in Attachment 1 be noted.
2. That the draft Kolodong Estate Planning Agreement as shown in Attachment 2 be adopted as exhibited and registered on the properties affected.
3. That the General Manager be delegated the function of authorising the Planning Agreement.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE – Cr D Smith

ABSENT, DID NOT VOTE – Cr P Epov

14.3. RURAL STRATEGY SUBMISSIONS – PAPER SUBDIVISIONS ANALYSIS REPORT

REPORT INFORMATION

Report Author	Alex Macvean - Senior Land Use Planner
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council endorse proposed amendments to the Paper Subdivision Analysis Report and related amendments to the Rural Strategy as documented within this report.

371/2022 RESOLUTION

(Moved Cr D West/Seconded Cr J Miller)

That Council endorse proposed amendments to the Paper Subdivision Analysis Report and related amendments to the Rural Strategy as documented within this report.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.4. DRAFT MIDCOAST WASTE MANAGEMENT STRATEGY 2030

REPORT INFORMATION

Report Author	David Rees - Waste Manager
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the amended MidCoast Waste Management Strategy 2030 (provided in Attachment 1) be adopted and published on Councils website.

372/2022 RESOLUTION

(Moved Cr J Miller/Seconded Cr P Howard)

That the amended MidCoast Waste Management Strategy 2030 (provided in Attachment 1) be adopted and published on Councils website.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.5. DRAFT COMMUNITY ENGAGEMENT STRATEGY

REPORT INFORMATION

Report Author	Marcelle Boyling - Manager Engagement, Communication & Education
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council:

1. Note the Engagement Outcomes report provided in Attachment 1; and
2. Place the draft Community Engagement Strategy (Attachment 2) on public exhibition for a period of 28 working days.

373/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr K Bell)

That Council:

1. Note the Engagement Outcomes report provided in Attachment 1; and
2. Place the draft Community Engagement Strategy (Attachment 2) on public exhibition for a period of 28 working days.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.6. WYLIE BRECKENRIDGE PARK BLACK HEAD - TOILET BLOCK FEASABILITY

REPORT INFORMATION

Report Author	Daniel Aldridge - Executive Manager Community Spaces
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the report be noted.

374/2022 RESOLUTION

Moved Cr J Miller/ Seconded Cr P Sandilands

That Council move into Committee of the Whole at 2.34pm.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

Cr P Howard left the meeting at 2.47pm.

Cr P Howard returned to the meeting at 2.59pm

375/2022 RESOLUTION

Moved Cr D West/Seconded Cr J Miller

That Council move out of Committee of the Whole at 3.03pm.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

Moved Cr A Tickle/Seconded Cr T Fowler

1. The report be noted
2. A report be provided to Council by March 2023 in relation to the construction and funding of both the Skate Park and Toilet Facility within Wylie Breckenridge Park.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

376/2022 RESOLUTION

(Moved Cr A Tickle /Seconded Cr T Fowler)

That:

1. The report be noted
2. A report be provided to Council by March 2023 in relation to the construction and funding of both the Skate Park and Toilet Facility within Wylie Breckenridge Park.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell
AGAINST VOTE - Nil
ABSENT, DID NOT VOTE – Cr P Epov

14.7. DRAFT PLANS OF MANAGEMENT – BULAHDELAH AND NABIAK SHOWGROUNDS

REPORT INFORMATION

Report Author	Daniel Aldridge - Executive Manager Community Spaces
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council:

1. Note the information contained within this report including attached draft Plans of Management;
2. Places the draft Plans of Management on public exhibition for a period of 28 working days and accepts submissions as required under Section 38 of the Local Government Act 1993; and
3. Receives a future report regarding the outcome of the public exhibition process.

377/2022 RESOLUTION

(Moved Cr D West/Seconded Cr D Smith)

That Council:

1. Note the information contained within this report including attached draft Plans of Management;
2. Places the draft Plans of Management on public exhibition for a period of 28 working days and accepts submissions as required under Section 38 of the Local Government Act 1993; and
3. Receives a future report regarding the outcome of the public exhibition process.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.8. COMMUNITY DONATIONS

REPORT INFORMATION

Report Author	Lyndie Hepple - Coordinator Community Development
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the applications for Recurrent Funding detailed in this report not be approved as they do not meet the criteria set out in the Community Donations Policy.

378/2022 RESOLUTION

(Moved Cr K Smith/Seconded Cr P Howard)

That the applications for Recurrent Funding detailed in this report not be approved as they do not meet the criteria set out in the Community Donations Policy.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.9. COMMUNITY SPACES - MONTHLY CAPITAL WORKS PROJECT STATUS REPORT

REPORT INFORMATION

Report Author	Amanda Hatton - Manager Strategy & Projects
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the Community Spaces Monthly Project Status Report be noted.

379/2022 RESOLUTION

(Moved Cr A Tickle/Seconded Cr P Howard)

That the Community Spaces Monthly Project Status Report be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.10. WASTE SERVICES - MONTHLY CAPITAL WORKS PROJECT STATUS REPORT

REPORT INFORMATION

Report Author	Peter Kennewell - Project Manager Waste Services
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the Waste Services Monthly Project Status Report be noted.

380/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr D West)

That the Waste Services Monthly Project Status Report be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.11. DEVELOPMENT DETERMINATIONS MADE UNDER DELEGATED AUTHORITY – AUGUST 2022

REPORT INFORMATION

Report Author	Paul De Szell - Director Liveable Communities
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the report be noted.

381/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr D West)

That the report be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

14.12. MATTERS CURRENTLY BEFORE THE LAND AND ENVIRONMENT COURT

REPORT INFORMATION

Report Author	Michelle Jobson – Executive Assistant Liveable Communities
Date of Meeting	28 September 2022
Authorising Director	Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the report be noted.

382/2022 RESOLUTION

(Moved Cr D West/Seconded Cr P Sandilands)

That the report be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15. DIRECTOR OF INFRASTRUCTURE & ENGINEERING SERVICES

15.1. MONTHLY CAPITAL WORKS PROJECT STATUS REPORT

REPORT INFORMATION

Report Author	Mitch Stace, Manager Water Project Delivery Greg Blaze, Coordinator Project Delivery Transport
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering

RECOMMENDATION

That the Monthly Project Status Report be received and gateway reports endorsed.

383/2022 RESOLUTION

(Moved Cr A Tickle /Seconded Cr D West)

That the Monthly Project Status Report be received and gateway reports endorsed.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15.2. WATER AND WASTEWATER MONTHLY PERFORMANCE REPORT

REPORT INFORMATION

Report Author	Robert Scott, Director Infrastructure & Engineering Services
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That the Water and Wastewater Monthly Performance Report for August 2022 be received and noted.

384/2022 RESOLUTION

(Moved Cr K Bell/Seconded Cr T Fowler)

That the Water and Wastewater Monthly Performance Report for August 2022 be received and noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15.3. PROPOSED ACQUISITION OF LAND FOR PUBLIC ROAD - NEWBYS LANE, LANSDOWNE

REPORT INFORMATION

Report Author	Rob Langdon, Senior Surveyor
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

1. That Council's common seal be attached to the plan of acquisition and road closure for registration with the NSW Land Registry Services (LRS),
2. Proceed with acquisition of Lots 130 & 131 from Lot 13 DP1213117 and closure of proposed Lot 132 for transfer to the owner as compensation, as detailed in the report for the purposes of the Roads Act 1993,
3. Proceed with acquisition of Lot 136 from Lot 223 DP754429 and closure of proposed Lot 135 for transfer to the owner as compensation, as detailed in the report for the purposes of the Roads Act 1993,
4. That Council reimburse the owner of Lot 223 DP754429 for fees incurred (\$1650) for the preliminary surveying and marking of the road boundaries, and
5. That the General Manager be authorised to execute any documentation required to complete the acquisition.

385/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr D West)

1. That Council's common seal be attached to the plan of acquisition and road closure for registration with the NSW Land Registry Services (LRS),
2. Proceed with acquisition of Lots 130 & 131 from Lot 13 DP1213117 and closure of proposed Lot 132 for transfer to the owner as compensation, as detailed in the report for the purposes of the Roads Act 1993,
3. Proceed with acquisition of Lot 136 from Lot 223 DP754429 and closure of proposed Lot 135 for transfer to the owner as compensation, as detailed in the report for the purposes of the Roads Act 1993,
4. That Council reimburse the owner of Lot 223 DP754429 for fees incurred (\$1650) for the preliminary surveying and marking of the road boundaries, and
5. That the General Manager be authorised to execute any documentation required to complete the acquisition.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15.4. PROPOSED ACQUISITION OF LAND FOR PUBLIC ROAD - KIMBRIKI ROAD, MOUNT GEORGE

REPORT INFORMATION

Report Author	Rob Langdon, Senior Surveyor
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

1. That Council's common seal be attached to the plan of acquisition and road closure for registration with the NSW Land Registry Services (LRS),
2. Proceed with the acquisition of Lot 1 for public road from Lot 5 DP1024308 and closure of Lot 2 for transfer to the owner as compensation, as detailed in the report in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993, and
3. That the General Manager be authorised to execute any documentation required to complete the acquisition

386/2022 RESOLUTION

(Moved Cr J Miller /Seconded Cr T Fowler)

1. That Council's common seal be attached to the plan of acquisition and road closure for registration with the NSW Land Registry Services (LRS),
2. Proceed with the acquisition of Lot 1 for public road from Lot 5 DP1024308 and closure of Lot 2 for transfer to the owner as compensation, as detailed in the report in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993, and
3. That the General Manager be authorised to execute any documentation required to complete the acquisition

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15.5. WATER USAGE, WATER RESOURCES AND OUTLOOK

REPORT INFORMATION

Report Author	Chenxi Zeng, Manager Water Management & Treatment
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That the report on water usage, water resources and the outlook for September to December 2022 be received and noted.

387/2022 RESOLUTION

(Moved Cr D West /Seconded Cr P Sandilands)

That the report on water usage, water resources and the outlook for September to December 2022 be received and noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

15.6. ASSET MANAGEMENT WORKING GROUP PROGRAM PLAN – RESULTS JUNE 2022

REPORT INFORMATION

Report Author	Deborah Silva, Asset Management Coordinator Water Services
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That Council receive and note the report.

388/2022 RESOLUTION

(Moved Cr J Miller/Seconded Cr P Sandilands)

That Council receive and note the report.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

Cr K Bell, having declared a Pecuniary Interest, left the meeting at 3.22pm.

15.7. GLOUCESTER WATER RESERVOIRS AND MAINS PROJECT UPDATE, CONSTRUCTION CONTRACT FOR THE CONCRETE RESERVOIR AND REMAINING WORKS AT CEMETERY ROAD GLOUCESTER

REPORT INFORMATION

Report Author	Robert Scott, Director Infrastructure & Engineering Services
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

1. The project update report be noted and the additional project budget be endorsed.
2. All tenders be rejected pursuant to Local Government Regulation 2021 (NSW) Part 7 Clause 178(1)(b).
3. Fresh tenders not be called due to the unique circumstances of the project, including the termination of the original contract with FB Contracting with partially completed works, further delays in project delivery and additional risks to the project.
4. Further negotiations be undertaken with the tenderers in accordance with the Local Government Regulation 2021 (NSW) Part 7 Clause 178(3)(e) in order to better manage the identified risks to the project whilst obtaining the best value.
5. Authorise the General Manager to execute the contract following successful negotiations

389/2022 RESOLUTION

(Moved Cr D West/Seconded Cr K Smith)

1. The project update report be noted and the additional project budget be endorsed.
2. All tenders be rejected pursuant to Local Government Regulation 2021 (NSW) Part 7 Clause 178(1)(b).
3. Fresh tenders not be called due to the unique circumstances of the project, including the termination of the original contract with FB Contracting with partially completed works, further delays in project delivery and additional risks to the project.
4. Further negotiations be undertaken with the tenderers in accordance with the Local Government Regulation 2021 (NSW) Part 7 Clause 178(3)(e) in order to better manage the identified risks to the project whilst obtaining the best value.
5. Authorise the General Manager to execute the contract following successful negotiations

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr K Bell, Cr P Epov

Cr K Bell returned to the meeting at 3.33pm.

15.8. MIDCOAST ROAD STRATEGY UPDATE

REPORT INFORMATION

Report Author	Robert Scott, Director Infrastructure & Engineering Services
Date of Meeting	28 September 2022
Authorising Director	Robert Scott, Director Infrastructure & Engineering Services

RECOMMENDATION

That the information be noted.

390/2022 RESOLUTION

(Moved Cr P Howard/Seconded Cr D West)

That the information be noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

16. DIRECTOR OF CORPORATE SERVICES

16.1. 2022-2023 MONTHLY BUDGET VARIATION REPORT - JULY AND AUGUST 2022

REPORT INFORMATION

Report Author	Phil Brennan, Manager Finance
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That the monthly budget variation report covering July and August 2022 be noted and the budget variations proposed, including transfers to and from reserves be approved.

391/2022 RESOLUTION

(Moved Cr A Tickle/Seconded Cr J Miller)

That the monthly budget variation report covering July and August 2022 be noted and the budget variations proposed, including transfers to and from reserves be approved.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

16.2. CASH INVESTMENTS REPORT - AUGUST 2022

REPORT INFORMATION

Report Author	Phil Brennan, Manager Finance
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That the report be received and noted.

392/2022 RESOLUTION

(Moved Cr K Bell/Seconded Cr T Fowler)

That the report be received and noted.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

Cr T Fowler and Cr P Howard, having declared a non-pecuniary interest, left the meeting at 3.34pm.

16.3. FORSTER CIVIC PRECINCT REPORT

REPORT INFORMATION

Report Author	Marc Curyer, Project Manager
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

1. That Council note the Civic Precinct Project variations of \$2.1 million under the terms of the Development Agreement.
2. That the Project variations be funded by loan funding with repayments from the Commercial Development Reserve
3. That the Furniture, Fittings, and Equipment costs of \$3.5 million be funded as set out in the report.

Moved Cr J Miller/Seconded Cr D West

1. That Council note the Civic Precinct Project variations of \$2.1 million under the terms of the Development Agreement.
2. That the Project variations be funded by loan funding with repayments from the Commercial Development Reserve
3. That the Furniture, Fittings and Equipment costs of \$3.5million be funded as set out in the report, subject to confirmation that funds from the Forster District and the Great Lakes Wide Contribution Plans can be used for that purpose.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr D Smith, Cr K Smith, Cr A Tickle

AGAINST VOTE – Cr K Bell

ABSENT, DID NOT VOTE – Cr P Epov, Cr P Howard, Cr T Fowler

393/2022 RESOLUTION

(Moved Cr J Miller /Seconded Cr D West)

1. That Council note the Civic Precinct Project variations of \$2.1 million under the terms of the Development Agreement.
2. That the Project variations be funded by loan funding with repayments from the Commercial Development Reserve
3. That the Furniture, Fittings and Equipment costs of \$3.5million be funded as set out in the report, subject to confirmation that funds from the Forster District and the Great Lakes Wide Contribution Plans can be used for that purpose.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr D Smith, Cr K Smith, Cr A Tickle

AGAINST VOTE – Cr K Bell

ABSENT, DID NOT VOTE – Cr P Epov, Cr P Howard, Cr T Fowler

Cr P Howard and Cr T Fowler returned to the meeting at 3.49pm

16.4. REFERENCE GROUP AND COMMITTEE UPDATE

REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That:

1. The contents of the report are noted.
2. The General Manager appoint an appropriate staff member as Council's representative on the NSW District RFS Liaison Committee.

Moved Cr C Pontin/Seconded Cr D West

1. The contents of the report are noted
2. That the General Manager appoint an appropriate staff member as Council's representative on the NSW District RFS Liaison Committee and the Mid Coast Bush Fire Management Committee in lieu of Councillors Sandilands and Tickle
3. That Cr P Sandilands replace Mayor Pontin on the Duralie Coal Mine Community Consultative Committee and as alternate to the Stratford Coal Mine Community Consultative Committee

394/2022 RESOLUTION

(Moved Cr C Pontin/Seconded Cr D West)

1. The contents of the report are noted
2. That the General Manager appoint an appropriate staff member as Council's representative on the NSW District RFS Liaison Committee and the Mid Coast Bush Fire Management Committee in lieu of Councillors Sandilands and Tickle
3. That Cr P Sandilands replace Mayor Pontin on the Duralie Coal Mine Community Consultative Committee and as alternate to the Stratford Coal Mine Community Consultative Committee

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

16.5. MEMBERSHIP TO THE HERITAGE REFERENCE GROUP

REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That:

1. The number of community representatives who have an interest or expertise in heritage be increased from five (5) members to six (6) members and the Terms of Reference for the Heritage Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Heritage Reference Group noted in Confidential Attachment 1.

395/2022 RESOLUTION

(Moved Cr K Bell/Seconded Cr A Tickle)

That:

1. The number of community representatives who have an interest or expertise in heritage be increased from five (5) members to six (6) members and the Terms of Reference for the Heritage Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Heritage Reference Group noted in Confidential Attachment 1.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

Cr K Smith, having declared a non-pecuniary interest, left the meeting at 3.53pm.

Cr P Sandilands, having declared a non-pecuniary interest, left the meeting at 3.53pm

16.6. MEMBERSHIP TO THE COMMUNITY INCLUSION AND WELLBEING REFERENCE GROUP

REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That:

1. The representatives from relevant government and non-government agencies be increased from four (4) members to five (5) members and the Terms of Reference for the Community Inclusion and Wellbeing Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Community Inclusion and Wellbeing Reference Group noted in Confidential Attachment 1.

396/2022 RESOLUTION

(Moved Cr D West/Seconded Cr D Smith)

That:

1. The representatives from relevant government and non-government agencies be increased from four (4) members to five (5) members and the Terms of Reference for the Community Inclusion and Wellbeing Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Community Inclusion and Wellbeing Reference Group noted in Confidential Attachment 1.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr K Smith, Cr P Epov, Cr P Sandilands

Cr P Sandilands returned to the meeting at 3.54pm.

Cr P Howard, having declared a non-pecuniary interest, left the meeting at 3.54pm.

Cr K Smith, having declared a non-pecuniary interest, remained absent from the meeting for this item.

16.7. MEMBERSHIP TO THE COMMUNITY RESILIENCE & DISASTER RECOVERY REFERENCE GROUP

REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That:

1. The number of community representatives from disaster impacted areas across the region be increased from ten (10) to eleven (11) and the Terms of Reference for the Community Resilience & Disaster Recovery Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Community Resilience & Disaster Recovery Reference Group noted in Confidential Attachment 1.

397/2022 RESOLUTION

(Moved Cr A Tickle/Seconded Cr D West)

That:

1. The number of community representatives from disaster impacted areas across the region be increased from ten (10) to eleven (11) and the Terms of Reference for the Community Resilience & Disaster Recovery Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the Community Resilience & Disaster Recovery Reference Group noted in Confidential Attachment 1.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr T Fowler, Cr D Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov, Cr K Smith, Cr P Howard

Cr P Howard returned to the meeting at 3.56pm.

Cr K Smith returned to the meeting at 3.57pm.

16.8. MEMBERSHIP TO THE MIDCOAST DESTINATION MANAGEMENT PLAN REVIEW REFERENCE GROUP

REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

RECOMMENDATION

That:

1. The number of representatives from the tourism industry be increased from five (5) to six (6) and the Terms of Reference for the MidCoast Destination Management Plan Review Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the MidCoast Destination Management Plan Review Reference Group noted in Confidential Attachment 1.

398/2022 RESOLUTION

(Moved Cr D West/Seconded Cr P Howard)

1. The number of representatives from the tourism industry be increased from five (5) to six (6) and the Terms of Reference for the MidCoast Destination Management Plan Review Reference Group be updated to reflect this.
2. Council adopt the recommended membership to the MidCoast Destination Management Plan Review Reference Group noted in Confidential Attachment 1.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

17. CONFIDENTIAL REPORTS

17.1. TRANSFER OF LAND IN PAYMENT OF RATES - GRESFORD CRESCENT, NORTH ARM COVE

REPORT INFORMATION

Report Author	Anita Gillies, Team Leader Rating Services
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

REASON FOR CONFIDENTIALITY

This report is CONFIDENTIAL in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal hardship of any resident or ratepayer

399/2022 RESOLUTION

(Moved Cr J Miller/Seconded Cr T Fowler)

1. That Council accept the transfer of Lot 1942 DP 12275 Gresford Crescent North Arm Cove in payment of outstanding rates and meet transfer costs.
2. That Council authorise the General Manager to sign all documents associated with the conveyancing transaction, including a client authorisation form to Local Government Legal to complete the transaction.
3. That the property be classified as operational land.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

17.2. TRANSFER OF LAND IN PAYMENT OF RATES - MUSWELLBROOK AVENUE, NORTH ARM COVE

REPORT INFORMATION

Report Author -	Anita Gillies, Team Leader Rating Services
Date of Meeting	28 September 2022
Authorising Director	Steve Embry, Director Corporate Services

REASON FOR CONFIDENTIALITY

This report is CONFIDENTIAL in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal hardship of any resident or ratepayer

400/2022 RESOLUTION

(Moved Cr J Miller/Seconded Cr T Fowler)

1. That Council accept the transfer of Lot 984 DP 9940 Muswellbrook Avenue North Arm Cove in payment of outstanding rates and meet transfer costs.
2. That Council authorise the General Manager to sign all documents associated with the conveyancing transaction, including a client authorisation form to Local Government Legal to complete the transaction.
3. That the property be classified as operational land.

FOR VOTE - Cr J Miller, Cr C Pontin, Cr P Sandilands, Cr D West, Cr P Howard, Cr T Fowler, Cr D Smith, Cr K Smith, Cr A Tickle, Cr K Bell

AGAINST VOTE - Nil

ABSENT, DID NOT VOTE – Cr P Epov

18. MATTERS OF URGENT BUSINESS

Nil.

19. MEETING CLOSED

This is the last page of the Minutes of the Ordinary Council meeting of MidCoast Council held on 28 September 2022.

There being no further business, the meeting closed at 4.01pm.