



Dungog Shire Council

MINUTES

**Ordinary Council Meeting
Wednesday, 19 February 2020**

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**MINUTES OF DUNGOG SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BROWN STREET, DUNGOG
ON WEDNESDAY, 19 FEBRUARY 2020 AT 6.00PM**

PRESENT: Cr Tracy Norman (Mayor), Cr Digby Rayward, Cr Robert Booth, Cr John Connors, Cr Steve Low AM, Cr Jan Lyon, Cr Kate Murphy, Cr Greg Riley, Cr Glenn Wall

IN ATTENDANCE: Shaun Chandler (Executive Manager Corporate and Customer Services), Steve Hitchens (Executive Manager Infrastructure and Assets), Jacqui Tupper (Manager Planning), Paul Minett (Manager Environmental Services)

1 ACKNOWLEDGEMENT OF COUNTRY

Delivered by Mayor Tracy Norman.

2 APOLOGIES

Cr Kate Murphy and Cr Greg Riley were apologies for the February Ordinary Meeting.

3 LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/5

Moved: Cr Digby Rayward

Seconded: Cr Jan Lyon

That the minutes of the Ordinary Council Meeting held on 18 December 2019 and the Extraordinary Council Meeting held on 10 February 2020 be confirmed.

CARRIED

6 MATTERS ARISING FROM MINUTES

Nil

7 PRAYER

Delivered by Ms Sharon Brewer.

8 ODE

Delivered by Mayor Tracy Norman.

9 MAYORAL MINUTE

Nil

10 PUBLIC ACCESS SESSION**SUSPENSION OF STANDING ORDERS****RESOLUTION 2020/6**

Moved: Cr Steve Low AM

Seconded: Cr John Connors

A motion was moved that Council suspend standing orders. Standing Orders suspended at 6.03pm.

CARRIED

Michael Mogilevsky spoke against the Officers recommendation of item 11.2.

Joan Cresdee spoke against the Officers recommendation of item 11.2.

Felix Prentice spoke against the Officers recommendation of item 11.2.

Jock Mackay spoke against the Officers recommendation of item 11.2.

RESUMPTION OF STANDING ORDERS**RESOLUTION 2020/7**

Moved: Cr Steve Low AM

Seconded: Cr John Connors

A motion was moved that Council resume standing orders. Standing Orders resumed at 6.16pm.

CARRIED

11 PLANNING DEPARTMENT

11.1 DEVELOPMENT CONTROL PLAN NO. 1 - CANGON PARK RURAL RESIDENTIAL DEVELOPMENT

Precis

At the Ordinary Meeting of Council on November 2018, Council resolved in accordance with section 3.43 of the Environmental Planning and Assessment Act 1979 and clause 18 of the Environmental Planning and Assessment Regulation 2000, to place the draft Cangon Park Development Control Plan on public exhibition for a minimum of 56 days. The public exhibition took place between 28 November 2018 and 24 January 2019.

A total of three submissions were received, which have been considered by the independent consultant in the preparation of this report.

RECOMMENDATION

1. In accordance with clause 21(1) of the Environmental Planning and Assessment Regulation 2000, Council adopt the Cangon Park Development Control Plan as Part D9 as detailed in **Annexure '1'**.
2. That in accordance with clause 21(2) of the Environmental Planning and Assessment Regulation 2000, Council gives notice of its decision to adopt the Development Control Plan in the local newspaper within 28 days.

RESOLUTION 2020/8

Moved: Cr Steve Low AM

Seconded: Cr John Connors

That this matter be deferred to allow the staff time to adequately consider the modifications raised on behalf of the applicant.

CARRIED

In Favour: Crs Tracy Norman, Digby Rayward, Robert Booth, John Connors, Steve Low AM, Jan Lyon and Glenn Wall

Against: Nil

CARRIED 7/0

11.2 DEVELOPMENT APPLICATION - 75/2015

Precis

The following report considers Development Application No.75/2015 which seeks approval for the Torrens Title subdivision of Lot 16 DP865027 Hanleys Creek Dungog.

RECOMMENDATION

That Council, as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, approve Development Application No. 75/2015 for the Torrens Title subdivision of Lot 16 DP865027 Hanleys Creek Road Dungog subject to the approved conditions of consent (**Annexure '1'**).

RESOLUTION 2020/9

Moved: Cr Steve Low AM
 Seconded: Cr John Connors

That this matter be deferred to allow the staff time to adequately consider the modifications raised on behalf of the applicant and make such amendments to the draft conditions.

CARRIED

In Favour: Crs Tracy Norman, Digby Rayward, Robert Booth, John Connors, Steve Low AM, Jan Lyon and Glenn Wall

Against: Nil

CARRIED 7/0

11.3 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

Precis

The NSW State Government has made a new State Environmental Planning Policy (Koala Habitat Protection) 2019 the aim of which is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The New SEPP is to become effective on 1 March 2020 and will repeal “State Environmental Planning Policy No 44 Koala Habitat Protection” on that date.

RECOMMENDATION

THAT

1. Council receive and note this report,
2. Council determine if it wishes to provide certainty to applicants in relation to development of lands within Dungog Shire as may be affected by the terms of the new SEPP 2019 and prepare a Shire Wide Koala Management Plan for Dungog.
3. Council, if it resolves to prepare a Shire Wide Koala Management Plan for Dungog seek State Government funding and assistance as well as allocate suitable funds for the making of such a Plan.

RESOLUTION 2020/10

Moved: Cr Glenn Wall

Seconded: Cr Digby Rayward

That:

1. Council receive and note the report.
2. Manager Planning provide a further report to include the following information as regards Council preparing a Shire Wide Koala Management Plan:
 - Resourcing implications (finding the relevant expertise to develop the plan and estimated time to complete the plan).
 - Projected financial implications taking into account the increased number of koala feed tree species identified in Schedule 2 of the SEPP and identification of such; and the need to have more defined spatial mapping to produce a Shire wide / Local Koala Development Application Map that includes the Site Investigation Areas for Koala Plans of Management Maps.

CARRIED

In Favour: Crs Tracy Norman, Digby Rayward, Robert Booth, John Connors, Steve Low AM, Jan Lyon and Glenn Wall

Against: Nil

CARRIED 7/0

11.4 DEVELOPMENT APPLICATIONS - DELEGATED AUTHORITY

Precis

Development Consent has been granted to the following development applications under delegated authority for the months of December 2019 and January 2020.

RESOLUTION 2020/11	
Moved:	Cr Steve Low AM
Seconded:	Cr Digby Rayward
That the report be received and the information noted.	
CARRIED	
<u>In Favour:</u>	Crs Tracy Norman, Digby Rayward, Robert Booth, John Connors, Steve Low AM, Jan Lyon and Glenn Wall
<u>Against:</u>	Nil
CARRIED 7/0	

12 ENVIRONMENTAL SERVICES

12.1 UNDERGROUND PETROLEUM STORAGE SYSTEMS

Precis

The purpose of this report is to advise Council of the recent changes to the regulatory responsibilities conferred under the Protection of the Environment Operations (UPSS) Regulation 2019 as they apply to Underground Petroleum Storage Systems (UPSS) and to advise of the current compliance status of UPSS in the Shire.

RESOLUTION 2020/12	
Moved:	Cr Steve Low AM
Seconded:	Cr Robert Booth
That the report be received and noted.	
CARRIED	

12.2 CONTAINER DEPOSIT SCHEME (CDS) - KERBSIDE COLLECTION TRENDS AND REFUND SHARING WITH MRF

Precis

The purpose of this report is to apprise Council of the kerbside collection trends related to the Container Deposit Scheme and the relationship of these trends to the refund sharing arrangement Council has with the operator of the Materials Recycling Facility (MRF).

RESOLUTION 2020/13

Moved: Cr Steve Low AM

Seconded: Cr Jan Lyon

That the report be received and noted.

CARRIED

12.3 HUNTER REGION LANDCARE NETWORK - MEMORANDUM OF UNDERSTANDING

Precis

The purpose of this report is to apprise Council of a request from the Hunter Region Landcare Network to enter into a Memorandum of Understanding (MOU). The MOU is intended to guide a productive relationship between the two organisations in delivering local Landcare projects.

RESOLUTION 2020/14

Moved: Cr Digby Rayward

Seconded: Cr Jan Lyon

1. That Council enter into a Memorandum of Understanding (MoU) (Annexure 1) with the Hunter Region Landcare Network in order to establish partnership guidelines and co-operation between Council and the Hunter Region Landcare Network.
2. That the Manager Environmental Services be authorised to sign the MoU, apply its actions and review its content as required.

CARRIED

12.4 RETURN AND EARN - INSTALLATION OF REVERSE VENDING MACHINE (RVM) IN DUNGOG

Precis

The purpose of this report is to provide details of an agreement recently entered into with the operators of the Return and Earn Scheme for the installation of a Reverse Vending Machine on Council land in Dungog.

RESOLUTION 2020/15

Moved: Cr John Connors

Seconded: Cr Jan Lyon

That the report be received and noted.

CARRIED

13 INFRASTRUCTURE AND ASSETS DEPARTMENT

13.1 REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF BULK CATIONIC BITUMEN - TENDER T741920HUN

Precis

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Bulk Cationic Bitumen – Tender T741920HUN

RESOLUTION 2020/16

Moved: Cr Steve Low AM

Seconded: Cr Robert Booth

1. That Fulton Hogan Industries be awarded the contract for Tender T741920HUN as the Single Source supplier to Dungog Shire Council for the period 20 February, 2020 to 31 December, 2021; and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2022.

CARRIED

13.2 WORKS PROGRESS REPORT

Precis

Reporting on construction and maintenance works undertaken in December 2019 and January 2020.

RESOLUTION 2020/17

Moved: Cr Robert Booth
Seconded: Cr Steve Low AM

That the report be received and the information noted.

CARRIED

14 CORPORATE AND CUSTOMER SERVICES DEPARTMENT

14.1 QUARTERLY FINANCE REPORT FOR THE PERIOD ENDING 31 DECEMBER 2019

Precis

Review of expenditure and revenues as per Section 203 of the Local Government (General) Regulation 2005 for the quarter ending 31 December, 2019.

RESOLUTION 2020/18

Moved: Cr Glenn Wall
Seconded: Cr John Connors

1. That Council balance the budget as at 31 December 2019, transfer \$386,545 to restricted assets for the purpose of paying down debt and transfer any future budget savings during 2019/20 up to a value of \$399,169 to the restricted asset to pay down debt.
2. That the variations to budgeted expenditures and revenues for the December quarter be approved and form part of the Operational Plan 2019/20.

CARRIED

14.2 GENERAL VALUATION OF DUNGOG SHIRE

Precis

Reporting on General Valuation – Base Date 1 July 2019.

RESOLUTION 2020/19

Moved: Cr Steve Low AM
Seconded: Cr John Connors

That the report be received and the information noted.

CARRIED

14.3 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019**Precis**

Presentation of the audited General Purpose Financial Statements and Special Schedules as required by the *Local Government Act 1993 – Sect 418-420*.

RESOLUTION 2020/20

Moved: Cr Steve Low AM

Seconded: Cr Jan Lyon

That the Financial Statements and Auditor's Report for the year ended 30 June 2019 be received and noted.

CARRIED**14.4 STATEMENT OF INVESTMENTS****Precis**

Clause 212 of Local Government (General) Regulation 2005 requires a monthly report to Council outlining all money's Council has invested under Section 625 of the Local Government Act.

RESOLUTION 2020/21

Moved: Cr Robert Booth

Seconded: Cr John Connors

That the report be received and the information noted.

CARRIED**14.5 WORKS COST STATEMENT****Precis**

A selective summary of expenditures on capital works and maintenance expense areas within Council's roads, bridges, cemeteries, toilets, parks and sports grounds cost centres.

RESOLUTION 2020/22

Moved: Cr John Connors

Seconded: Cr Glenn Wall

That the report be received and the information noted.

CARRIED

15 OFFICE OF THE GENERAL MANAGER

15.1 PROPOSED NEW LOGO FOR DUNGOG SHIRE COUNCIL

Precis

The purpose of this report is to present to Council the preferred branding option, as identified by Councillors and a Community focus group, for formal adoption.

RECOMMENDATION

That Council adopts the new branding, including the Council logo and community logo and tagline (Annexure A).

Cr Wall foreshadowed a motion.

LOST

RESOLUTION 2020/23

Moved: Cr Glenn Wall

Seconded: Cr Steve Low AM

That Council not proceed with the rebranding option given funding constraints and lack of community consultation.

CARRIED

15.2 DRAFT PLAN OF MANAGEMENT - DUNGOG SHOWGROUND & PATERSON SPORTSGROUND

Precis

The purpose of this report is to seek Council approval to place on public exhibition the draft Plan of Management for the Dungog Showground and the draft Plan of Management for the Paterson Sportsground.

RESOLUTION 2020/24

Moved: Cr John Connors

Seconded: Cr Robert Booth

That:

1. The report be received and noted
2. That Council place on public exhibition for community feedback the draft Plan of Management for the Dungog Showground for a period of 28 days.
3. That Council place on public exhibition for community feedback the draft Plan of Management for the Paterson Sportsground for a period of 28 days
4. Following completion of the public exhibition period, the draft Plans of Management for the Dungog Showground and Paterson Sportsground, and any feedback received, be reported back to Council for further consideration and adoption.

CARRIED

15.3 DRAFT LOCAL STRATEGIC PLANNING STATEMENT**Precis**

The purpose of this report is to seek Council's endorsement for the draft Local Strategic Planning Statement (LSPS) to be placed on public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act).

RECOMMENDATION

That Council, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, place the draft Local Strategic Planning Statement on public exhibition for a period of 28 days.

RESOLUTION 2020/25

Moved: Cr Digby Rayward

Seconded: Cr Jan Lyon

That Council, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, place the draft Local Strategic Planning Statement on public exhibition for a period of 28 days with the following amendments under the heading "Dungog" and "Actions" being the addition of numbers 8 and 9 below:

8. Upgrade the Dungog Showground lighting and general amenity to facilitate and enhance use of the facility. Timeframe – Short.
9. Take action to reinstate camping at the Dungog Showground. Timeframe – Short.

CARRIED

15.4 NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS**Precis:**

Providing a summary of circulars that have been released by the NSW Office of Local Government.

RESOLUTION 2020/26

Moved: Cr Steve Low AM

Seconded: Cr Jan Lyon

That the report be received and the information noted.

CARRIED

15.5 RESOLUTIONS TRACKING REPORT 2020**Precis**

The purpose of this report is to provide Council with a regular update on the implementation of Council resolutions.

RESOLUTION 2020/27

Moved: Cr Digby Rayward

Seconded: Cr Steve Low AM

That the report be received and the information noted.

CARRIED

16 NOTICES OF MOTION

Nil

17 COMMITTEE & OUTSIDE ORGANISATIONS REPORTS

Nil

18 QUESTIONS WITH NOTICE

Nil

19 CLOSED COUNCIL**RESOLUTION 2020/28**

Moved: Cr Robert Booth

Seconded: Cr Steve Low AM

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

19.1 Communications Consultancy 2020/2021

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

19.2 Tender for the Replacement of Tillegra and Summer Hill Bridges - Tender 04/2019

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

RESOLUTION 2020/29

Moved: Cr Steve Low AM

Seconded: Cr John Connors

That Council moves out of Closed Council into Open Council.

CARRIED**19.1 COMMUNICATIONS CONSULTANCY 2020/2021****Precis**

This report seeks Council's consideration for a further twelve month contract with C7EVEN Communications to provide communication consultancy and support for Council, including the re-development and launch of Council's website.

MOTION

Moved: Cr Digby Rayward

Seconded: Cr Jan Lyon

That Council enter into a twelve (12) month contract commencing in May, 2020 with C7EVEN Communications to provide communication consultancy and support for Dungog Shire Council, including the re-development and launch of Council's website.

LOST**19.2 TENDER FOR THE REPLACEMENT OF TILLEGRA AND SUMMER HILL BRIDGES - TENDER 04/2019****Precis**

This report provides Council with the required analysis of the tenders received for Tender 04/2019 for the Design and Construction of Tillegra Bridge and Summer Hill Bridge.

RESOLUTION 2020/30

Moved: Cr Steve Low AM

Seconded: Cr John Connors

That Council:

- (a) Accept the alternative proposal from **Bridgebuild & Civil Pty Ltd** for Tender 04/2019 for the construction of Tillegra Bridge;
- (b) Accept the alternative proposal from **Bridgebuild & Civil Pty Ltd** for Tender 04/2019 for the construction of Summer Hill Bridge;
- (c) Notify all unsuccessful Tenderers of Council's decision; and
- (d) Displays a notice containing the name of the successful Tenderer and the amount of said Tender.

CARRIED

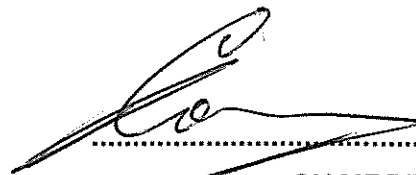
20 RESUMPTION OF OPEN COUNCIL

The Meeting closed at 7.55pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 March 2020.



.....
GENERAL MANAGER



.....
CHAIRPERSON