DUNGOG SHIRE COUNCIL

ORDINARY COUNCIL MEETING 17 JULY 2019

ORDER OF BUSINESS

1. Acknowledgement of Country
2. Apologies
3. Declaration of Interests
4. Confirmation of the Minutes
5. Matters Arising from the Minutes
6. Prayer
7. Ode
8. Mayoral Minute
9. Public Access Session
10. General Manager's Reports by Department
11. Reports from Committees and Outside Organisations
12. Councillor Reports
13. Notices of Motion
14. Questions With Notice
15. Business of an Urgent Nature which the Council may, by resolution, decide to discuss
16. Closed Council (Confidential Matters)
17. Resumption of Open Council

Coralie Nichols
GENERAL MANAGER
MAYORAL MINUTE

1. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY

FILE NO: EF09/1

ANNEXURES: Nil

AUTHOR: Mayor Tracy Norman

COMMUNITY STRATEGIC PLAN: Council Governance and Finance

DELIVERY PROGRAM: Council will advocate for the community by actively pursuing constructive relationships with other spheres of government

MOTION:

That the report be received and the information noted.

Precis:

The purpose of this report is to update Councillors on the ALGA National General Assembly, attended by Cr Tracy Norman and General Manager, Coralie Nichols 16-20 June 2019.

Dungog Shire Council General Manager, Coralie Nichols, and I attended the ALGA Annual General Assembly last month. A diverse range of speakers covered such topics as the place of technology in Local Government, affordable housing, disaster readiness, community engagement and innovations in waste management and the circular economy.

We were addressed by the Deputy Prime Minister and Federal Minister for Infrastructure, Transport and Regional Development, Michael McCormack; Federal Minister for Regional Services, Decentralisation and Local Government, Mark Coulton, and Federal Shadow Minister for Regional Services, Territories and Local Government, Jason Clare. NSW Delegates had a short meeting with Minister Coulton after the close of the conference, where roads, water security and Federal Assistance Grants (FAGS) were discussed. The Minister assured attendees that he has prioritised the examination of the distribution of FAGS grants to make it fairer for Councils with the most need of this assistance. He was asked to also examine the return of FAGS to the previous level of one cent in the taxation dollar. It is currently 0.55 cents in the dollar.

Delegates debated and determined on more than 122 motions regarding the advocacy priorities of ALGA for the coming year. The results of these determinations will now go back to the ALGA Board to develop these priorities, with priority given to the motions that had the most participation and largest differential between the for and against votes from delegates.

A full list of motions and information on the conference including the presentations, can be found at the ALGA website.

Determinations directly relevant to Dungog Shire Council include:
Constitutional recognition of councils FAGS funding both quantum and allocation, and other Federal Government funding issues;
Transport connectivity;
Recycling and waste management issues;
Climate resilience;
Drought assistance;
Water security measures;
Review of natural disaster funding;
Reform in the provision of social housing;
Funding of mental health services;
The retention of Mobile Blackspot funding;
That the NGA call on the Australian and State and Territory Governments to ensure food security and sustainability for future generations, including introduction of national legislation to protect the ‘right to farm’.

Immediately prior to the General Assembly, I attended a one-day Regional Forum.

The forum covered a number of relevant topics, including the following:

- regional economics and the state of population trends in regional Australia;
- public interest journalism and the changing media landscape;
- housing affordability issues in regional Australia;
- technology in Regional Australia;
- tourism, both growing it and taming its effects;
- and the importance of Local Government in promoting arts and culture.

Liveability, the importance of place and the vital role that the promotion of arts, culture and sport was a theme that resonated strongly in many of these presentations.

Attendees were also addressed by the new Minister for Regional Services, Decentralisation and Local Government, The Hon Mark Coulton.
PLANNING DEPARTMENT

1. DEVELOPMENT APPLICATION – 15/2019

FILE NO: DA15/2019

ANNEXURES:
A Conditions of Consent
B Development Plans

AUTHOR: Town Planner/Development Officer

APPLICANT: Joanne Clifford

OWNER: Joanne and Bruce Clifford

PROPOSAL: Demolition of unauthorised granny flat and construction of an additional dwelling to create a detached dual occupancy

LOCATION: Lot 143 DP 703054, 275 Webbers Creek Road, Paterson

ZONE: RU1 Primary Production

OFFICERS RECOMMENDATION

That Development Application 15/2019 proposing the demolition of the unauthorised granny flat and construction of an additional dwelling to create a detached dual occupancy, at Lot 143 DP 703054, 275 Webbers Creek Road, Paterson be approved pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to the conditions in Annexure 'A'.

Precis:

The Development Application is reported to Council for determination due to a variation to the 50m side setback requirement specified in Chapter 3 Building Line Setbacks of the Dungog Development Control Plan.

*****

EXECUTIVE SUMMARY

Council is in receipt of Development Application 15/2019 which is seeking approval for the demolition of the unauthorised granny flat and construction of an additional dwelling to create a detached dual occupancy at 275 Webbers Creek Road, Paterson.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was notified for a minimum 14 day period. During that time no submissions were received.

Based on the assessment, it is recommended that the Development Application be approved.
LOCATION AND AERIAL MAP

Extract from Council’s Mapping system – zoning layer

Aerial photo – extract from SIX Maps
SITE DESCRIPTION AND LOCALITY

The subject site is Lot 143 DP 703054, 275 Webbers Creek Road, Paterson and has an area of 4.32 hectares.

The site is located on the southern side of Webbers Creek Road. The site slopes both towards the Road and the rear of the site. The high point of the site is where the existing dwelling has been constructed.

The proposed additional dwelling will be located towards the rear of the site, which will make the additional dwelling not visible from the street or from surrounding areas to the east and south.

The site currently contains a dwelling and ancillary structures. The site contains vegetation, however, the area where the dwelling will be erected contains regrowth shrubs. The site is mapped as being bushfire prone and contains a 1st order watercourse traversing the southern section of the site.

As the site is located in a bushfire prone area, the development will be required to clear vegetation for asset protection zones (APZ) in accordance with Planning for Bushfire Protection. The Rural Fire Service has required a 25m APZ on the north, south and western side of the proposed dwelling and on the eastern side to the property boundary.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 15/2019 seeks approval for the demolition / removal of the unauthorised “granny flat” and construction of an additional dwelling creating a detached dual occupancy.
The additional dwelling will be a single storey dwelling comprising two bedrooms and an open style living and dining area. The external material will be weathertex and colourbond sheeting roof. The use of these materials is consistent with the surrounding character of the area. Refer to Annexure B for a copy of the development plans.

STATUTORY CONSIDERATIONS

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

An assessment of the application in accordance with the provisions of Section 4.15 of the EP&A has been undertaken. The relevant considerations are addressed as follows:

(a)(i) Provisions of any environmental planning instrument.

The following State Environmental Planning Policies are applicable to the subject application:

1. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) applies to development applications for the construction of dwellings. Accordingly a BASIX certificate has been submitted with the development application to comply with the relevant provisions of the SEPP.

2. State Environmental Planning Policy No. 44 – Koala Habitat Protection

This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline:

a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
b) by encouraging the identification of areas of core koala habitat, and
c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

The subject site has an area of approx. 4.3 hectares and therefore the SEPP applies.

Before granting consent to an application to carry out development on land to which the policy applies, Council must satisfy itself whether or not the land is a potential or core Koala habitat.

‘Potential Koala habitat’ is defined as areas of native vegetation where the trees listed in schedule 2 of SEPP 44 ‘constitutes at least 15% of the total number of trees in the upper and lower strata of the tree component’. If the site is found to contain potential koala habitat, further investigation for the presence of ‘core Koala habitat’ should be undertaken and if this habitat is found to be present, a detailed Plan of Management should be prepared.

A review of the vegetation types, as provided in Council’s Mapping program, has found the site contains Spotted Gum, Narrow Leaved Ironbark and Red Ironbark shrub. Schedule 2 of the SEPP lists feed tree species, and the above trees species are not identified in this schedule.

3. State Environmental Planning Policy 55 – Remediation of Land

The aim of this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Prior to granting consent, consideration must be given to whether or not the land is likely to be
contaminated. The subject site contains an existing dwelling and ancillary sheds and has previously used for rural residential purposes.

There is no historical evidence to suggest that the site would be contaminated.

### 4. Dungog Local Environmental Plan 2014

<table>
<thead>
<tr>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 2 Permitted and Prohibited development</strong></td>
<td></td>
</tr>
<tr>
<td>2.1 Land use zoning</td>
<td>The subject land is zoned RU1 Primary Production under the Dungog LEP 2014</td>
</tr>
<tr>
<td>2.3 Zone objectives and Land use Table</td>
<td>The proposed development meets the objectives of the zone. Due to the size of the property being approximately 4.3 hectares, there is no substantial agriculture use of the site.</td>
</tr>
<tr>
<td>2.4 Unzoned land</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.5 Additional permitted uses for particular land</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.6 Subdivision</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.7 Demolition requires consent</td>
<td>The application includes the proposed demolition of the existing unauthorised structure. In this regard, should the application be approved, there will be conditions imposed for the demolition phase.</td>
</tr>
<tr>
<td>2.8 Temporary use of land</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Part 4 Principal development standards</strong></td>
<td></td>
</tr>
<tr>
<td>4.1 Minimum subdivision lot size</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.1AA Minimum subdivision lot size for community title scheme</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.1A Exceptions to minimum subdivision lot sizes for certain split zones</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.1B Exception to minimum subdivision lot size for lot boundary adjustments in Zone RU1</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.2 Rural subdivision</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones</td>
<td>A search of Council’s records found that a dwelling was approved on the site in 1986. In this regard the proposed detached dual occupancy is permissible under Clause 4.2A(4)</td>
</tr>
<tr>
<td>4.2B Minimum subdivision lot size for strata plan schemes in certain rural and environmental protection zones</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.4 Floor Space ratio</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.5 Calculation of floor space ratio</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Part 5 Miscellaneous Provisions</strong></td>
<td></td>
</tr>
<tr>
<td>5.1 Relevant acquisition authority</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.2 Classification and reclassification of public land</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.3 Development near zone boundaries</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.4 Controls relating to miscellaneous permissible uses</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.5 Repealed</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.6 Architecture roof features</td>
<td>Not adopted</td>
</tr>
<tr>
<td>5.7 Development below mean high water mark</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.8 Conversion of fire alarms</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.9 Repealed</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.9AA Repealed</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.10 Heritage conservation</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.11 Bushfire hazard reduction</td>
<td>Noted</td>
</tr>
<tr>
<td>5.12 Infrastructure development and use of existing buildings of the Crown</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.13 Eco Tourist facilities</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Item</td>
<td>Decision</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>5.14 Siding Spring Observatory – maintaining dark sky</td>
<td>Not adopted</td>
</tr>
<tr>
<td>5.15 Defence communications facility</td>
<td>Not adopted</td>
</tr>
<tr>
<td>5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</td>
<td>The site has a previous approval for a dwelling in 1986. The subject application is to remove the unauthorised structure on the site and erect an additional dwelling to create a detached dual occupancy. As stated above, the site has an approximate area of 4.3 hectares which is not enough land for viable agricultural activities to be carried out.</td>
</tr>
<tr>
<td>5.17 Artificial waterbodies in environmentally sensitive areas</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.18 Intensive livestock agriculture</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.19 Pond – based, tank – based and oyster aquaculture</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

**Part 6 Additional Local Provisions**

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>The applicant has indicated there will be minimal earthworks carried out for the development. Should the application be approved, a standard condition will be imposed regarding sediment and erosion control measures.</td>
</tr>
<tr>
<td>6.3 Flood planning</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.4 Stormwater management</td>
<td>The application was accompanied by a BASIX Certificate which indicated the additional dwelling will have a 5000L rainwater tank installed. Should the application be approved, a condition will be imposed requiring the overflow from this tank to be discharged a minimum of 3m from the closest building.</td>
</tr>
<tr>
<td>6.5 Drinking water catchments</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.6 Riparian land and watercourses</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.7 Erection of rural worker’s dwelling in Zone RU1 and Zone E3</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.8 Essential services</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.9 Development in proximity to a rail corridor on Verge Street</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.10 Williams River catchment</td>
<td>Not applicable</td>
</tr>
<tr>
<td>6.11 Dual occupancies in Zone RU1</td>
<td>The development complies with this clause as both dwellings will share the existing access on Webbers Creek Road. The submitted plans indicate that the dwellings will be within 100m of each other.</td>
</tr>
<tr>
<td>6.12 Protection of rural landscapes in rural and environment protection zones</td>
<td>The proposed additional dwelling will be sited over 100m from Webbers Creek Road and therefore will not be clearly visible from the road.</td>
</tr>
</tbody>
</table>

(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no Draft Environmental Planning Instruments that are relevant to the application.

(a)(iii) The provisions of any Development Control Plan

**Dungog Shire Development Control Plan No 1**

The following is an assessment of the proposal’s compliance with the relevant standards and controls prescribed in the Dungog Development Control Plan No. 1
**Part A – Administration**

A.4 – Notification and advertising of applications

The application was publically exhibited and neighbour notified for a minimum period of 14 days in accordance with the EP&A Regulations. The development also proposes a 70% variation to the 50m side setback set by the DCP. No submissions were received.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Control</th>
<th>Discussion</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C.1 Residential Development</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building height Plane</td>
<td>Maximum of 9m</td>
<td>The proposed building will be single storey</td>
<td>Yes</td>
</tr>
<tr>
<td>Setback</td>
<td>Refer to chapter C.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water supply</td>
<td>Minimum 20,000L rainwater tank for the dwelling Plus an additional 22,500L tank for bushfire purposes with a 65mm Storz fitting</td>
<td>The BASIX Certificate has indicated that a minimum rainwater tank size of 3000L is to be provided. This is does not meet the requirements of the DCP. In this regard, a condition will be imposed on the development that a 20,000L rainwater tank be provided as well as an addition 22,500L tank dedicated supply for bushfire purposes</td>
<td>No. Conditions can be imposed.</td>
</tr>
<tr>
<td>Sewerage</td>
<td>Septic tank application required</td>
<td>A search of Council’s registers found that one septic tank has been approved and installed on the property. The supporting documentation indicates that each dwelling will have their own waste water system. In this regard, a condition will be imposed on the consent requiring a septic tank application to be lodged with the Construction Certificate</td>
<td>No. Condition will be imposed.</td>
</tr>
<tr>
<td>Property Access</td>
<td>Needs to be in accordance with Council’s Engineering requirements</td>
<td>The site has an existing access off Webbers Creek Road, which will be used by the existing dwelling and the proposed dwelling. The internal access road to the proposed dwelling will need to be constructed to comply with Planning for Bushfire Protection.</td>
<td>Conditions will be imposed in relation to the internal access.</td>
</tr>
<tr>
<td>Property Identification</td>
<td>Rural addressing number required</td>
<td>The site already has a rural addressing number allocated.</td>
<td>Yes</td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>Needs to comply with the BCA</td>
<td>The application included the submission of a BASIX certificate. A review of the BASIX certificate found the proposed development complies with the water, energy and thermal requirements</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Compliance</td>
<td>Needs to comply with the BCA</td>
<td>A standard condition will be imposed on the consent.</td>
<td>To be conditioned</td>
</tr>
</tbody>
</table>
Bushfire Prone Land | Bushfire assessment is to be submitted | The applicant has provided a self assessment which resulted in no additional bushfire construction improvements. However, staff questioned the self assessment and referred the application to the NSW Rural Fire Service (RFS) for their comments. The RFS have required the development to be constructed to a Bushfire Attack Level (BAL) of 19 on the northern, southern and eastern elevations and a BAL 12.5 on the western elevation. | The NSW RFS comments will be included as conditions of consent. 
---|---|---|---
C.3 Building Line Setbacks | | | 
Front Setback | 140m from a main road or 50m from any other public road | The proposed additional dwelling will be located approximately 109m from Webbers Creek Road | Yes 
Side and rear setback | 50m from both the site and rear boundary | The proposed side setback is 15m. This is a 41.6% variation to the DCP requirement. Further discussion regarding the variation is outlined below. The property to the east contains a dwelling, which is located approximately 250m to the south east of the proposed dwelling site. In this regard, there will be no issue regarding overshadowing or privacy to the adjoining property. Further, no objection was received from the adjoining property owner. | No
C.5 Bushfire | Application needs to comply with Planning for Bushfire Protection | The applicant has provided a self assessment which resulted in no additional bushfire construction improvements. However, staff questioned the self assessment and referred the application to the NSW Rural Fire Service (RFS) for their comments. The RFS have required the development to be constructed to a Bushfire Attack Level (BAL) of 19 on the northern, southern and eastern elevations and a BAL 12.5 on the western elevation. | Yes. Conditions to be imposed to address bushfire.
## C.20 Off Street Parking

| Schedule 1 | 1 space per dwelling | The development is defined as a detached dual occupancy under Schedule 1 of the DCP. The submitted plans show the development will have a single carport with an awning. | Yes |

## C.23 Onsite sewage management

| Unsewered land to be provided with OSSM | Application to be lodged for the installation and operation of an OSSM | A search of Council’s records has found that no application has been lodged for this dwelling. Should the application be approved, a condition will be imposed on the applicant that an OSSM application be lodged with the Construction Certificate for assessment. The system will be required to be installed prior to the issue of any Occupation Certificate | To be conditioned |

## C.24 Site Waste Minimisation and Management

| Site waste minimisation and management plan | Waste management plan to be submitted with the DA | The applicant has submitted a waste management plan which identifies the amount of waste to be generated during the demolition and construction phase as well as the ongoing use. The plan submitted is consistent with the waste generation of an average dwelling | Yes. |

As summarised in the table above, the development is largely compliant with the DCP. However, a variation to the 50m side setback requirement set by the DCP is proposed.

**Variation discussion**

The development is seeking a variation to the 50m side setback requirement under Chapter 3 – Building Line Setbacks. The applicant has provided the following justification for the variation:
Response to Applicant's justification

The existing structure, which is proposed to be removed, was placed on site without any development approval. In this regard, as this structure is unauthorised, the justification provided in the first point from the applicant is not considered a valid justification.

With regard to the new dwelling being connected to the existing septic tank system that was used for the unauthorised structure, Council's records cannot locate an approval for that system. In this regard, this septic tank may have been installed without Council approval. Should the application be approved, the applicant will be required to lodge a new application.
for a waste water system prior to the issue of the Construction Certificate. This will be imposed as a condition of consent.

Council’s DCP specifies front, side and rear setbacks for different zones. In this instance, the development complies with the front setback requirement of 50m. However, the side setback proposed is 15m, which does not comply with the 50m requirement. Clause 3.4 of Chapter C.3 allows for certain variations to be permitted. In this regard, as the site is less than 200m in width, the side setback is to be no less than 25% of the width of the lot. Therefore, the required side setback, in this instance, should be 36m. The development proposes a 15m side setback, which results in a variation of 41.6%.

In conclusion, the dwelling will not be visible from Webbers Creek Road and will be screened. From the aerial photo, due to the substantial separation distance to the dwelling on the adjoining property, there will be no impact on privacy, overshadowing or noise. In this regard, the variation has been supported by staff and it is recommended that the application be approved.

(a)(iiiA) The provision of any Planning Agreement that has been entered into under Section 7.4, or draft Planning Agreement that a developer has offered to enter into under Section 7.4

No such agreement has been proposed as part of this application.

(a)(iv) The provision of the regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The erection of the proposed dwelling is unlikely to have any negative social or economic impacts in the locality.

(c) The suitability of the site for the development

The property is considered suitable for the erection of a dwelling and the lot was created for that purpose.

(d) Any submissions made in accordance with this Act or the regulations

The development application was publicly exhibited and neighbour notified for a minimum period of 14 days as required by the EP&A Regulation 2000. No submissions were received.

No Government Agency referrals were required in this instance.

(e) The public interest

The DCP provisions were adopted by Council after being publicly exhibited and it is generally in the public interest for proposed development to comply with DCP provisions. However, sufficient information has been submitted with the development application to demonstrate that the aims and objectives of the DCP have been met.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 contributions under the Dungog Shire Council Local Infrastructure Contributions Plan 2019 are payable for the proposal as the site will contain an additional dwelling.

In this regard, the below amount is to be paid to Council prior to the issuing of any Construction Certificate:
CONCLUSION

The development application for the demolition of the existing unauthorised structure and the construction of an additional dwelling to create a detached dual occupancy has been assessed having regard to relevant matters of Section 4.15 of the EP&A Act, including the provisions of Dungog LEP 2014, Dungog Shire DCP No.1. Variations to DCP Part C Chapter 3 – Building Line Setbacks are proposed, in particular, in relation to a reduction in the 50m side setback requirement.

It is recommended that the application is approved, subject to conditions.
Prescribed Conditions

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
   (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
   (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:
   (i) in the case of work for which a principal contractor is required to be appointed:
      a. the name and licence number of the principal contractor, and
      b. the name of the insurer by which the work is insured under Part 6 of that Act,
   (ii) in the case of work to be done by an owner-builder:
      a. the name of the owner-builder, and
      b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s expense:
   a. protect and support the adjoining premises from possible damage from excavation, and
   b. where necessary, underpin the adjoining premises to prevent any such damage.
This does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

6. If the development requires a BASIX certificate, fulfilment of the commitments listed in each relevant BASIX certificate.

**General and At All Times**

7. The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent or any amendments in red made to the approved plans.

(a) **Plans:**

<table>
<thead>
<tr>
<th>Name of Plan</th>
<th>Drawn by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheet 1 – Site Plan</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
<tr>
<td>Sheet 2 – Roof Plan</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
<tr>
<td>Sheet 3 – Floor Plan</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
<tr>
<td>Sheet 4 – Elevations</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
<tr>
<td>Sheet 5 – Elevation / Section</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
<tr>
<td>Sheet 6 – Landscaping plan</td>
<td>Verte Design and Drafting</td>
<td>4 Feb 2019</td>
</tr>
</tbody>
</table>

8. The colour and texture of the external materials of the dwelling-house, shed and water tank are to be chosen to ensure they blend into the natural surroundings. In this regard, the building colours are limited to muted earthy tones and non-reflective materials (no zincalume).

9. All fees and other Contributions will need to be adjusted in accordance with Council’s Fees and Charges applicable at the time of payment.

**Prior to Commencement of Works**

10. Prior to the commencement of work associated with the construction of the dwelling, it will be necessary to obtain a Construction Certificate. Where Council is not the Principal Certifying Authority (PCA), the proponent or private certifier shall submit a Construction Certificate to Council prior to works commencing on the subject allotment.

**Prior to Issue of Construction Certificate**

11. The applicant shall provide Council with a copy of the Long Service Levy Payment receipt prior to the issuing of any Construction Certificate.


The following contributions, which are subject to quarterly adjustment, are to be paid prior to the release of the Construction Certificate.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space and Recreation Facilities</td>
<td>$2,017</td>
</tr>
<tr>
<td>Roads and Traffic Facilities</td>
<td>$7,934</td>
</tr>
<tr>
<td>Plan Administration and management</td>
<td>$149</td>
</tr>
<tr>
<td></td>
<td>$10,100</td>
</tr>
</tbody>
</table>

**Advice:** Copies of the Contributions Plan are available for inspection and purchase at Council’s Administration Building, Dungog.
The applicant must contact Council prior to the payment to determine the current rate of contribution, as the rates are revised quarterly. Staging of payments is permitted if staging of development is approved by the terms of this consent.

13. Prior to the issue of a Construction Certificate, an application is to be lodged and approved by Council under section 68 of the Local Government Act 1993 for the installation of an on-site sewage management system.

**During Construction**

14. Approved toilet facilities are to be provided, at or in the vicinity of the work site on which the work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every twenty (20) persons employed at the site. The provision of toilet facilities in accordance with the Clause must be completed before any other work is commenced.

15. A waste containment facility to Council's requirements is to be provided on the building site immediately after the first concrete pour for the building and is to be regularly serviced. Council and / or the Environmental Protection Authority may issue "on the spot" fines if breaches of the Environmental Offences and Penalties Act, are detected.

Note: Your attention is drawn to your responsibility to control any litter arising from building works associated with this consent.

16. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

17. All excavated or filled areas are to be battered to a slope of not greater than 45 degrees to the horizontal, or alternatively, be retained by a retaining wall. Where the height of the retaining wall exceeds 1000mm, duplicate copies of structural details, prepared by a practicing Structural Engineer, are to be submitted to and approved by the Principle Certifying Authority prior to their construction. All excavated and filled areas are to be drained to the satisfaction of Council.

18. To minimise soil erosion during construction, the owner and builder shall ensure that the following measures are implemented in the sequence outlined:-

   i. A dish shaped diversion drain or similar structure will be constructed above the proposed house site to divert run-off to a stable discharge area such as an area with a grass cover. (This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall).
   
   ii. A sediment trapping fence using a geotextile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (eg "silt stop").
   
   iii. Vegetation is to be cleared from the construction site only; other areas are to remain undisturbed.
   
   iv. All erosion control measures will require maintenance after rainfall. They should be retained until the site has fully revegetated.
   
   v. If soil or other materials are spilt accidentally onto the road or gutter, they shall be removed prior to the completion of the day's work.

All erosion and sedimentation controls are to be installed in accordance with Council's erosion and sedimentation control policy and code of practice.

Failure to implement and maintain all erosion and sedimentation control measures is a breach of the Protection of the Environment Operations Act 1997 and is liable to a on-the-spot fine.
19. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

20. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises can only occur:
   a. Monday to Friday, 7.00 am to 6.00 pm.
   b. Saturday, from 8.00 am to 1.00 pm.

Prior to Issue of Occupation Certificate or Use

21. The dwelling shall not be used or occupied until completed and conditions of consent have been complied with and an Occupation Certificate has been issued.

22. Where Council is not the Principal Certifying Authority (PCA), an Occupation Certificate shall be submitted to Council when the building works has been completed and prior to the Occupation of the building.

   Note: If the Certificate is being issued by a Private Certifier the certificate is to be lodged with Council not less than forty eight (48) hours prior to the occupation of the building/structure.

23. Prior to the issue on an Occupation Certificate or use of the structure for residential purposes a satisfactory final inspection of the waste water treatment system shall be undertaken by Council.

24. Prior to the release of any Occupation Certificate all bushfire mitigation/protection works as detailed in this development consent shall be completed.

25. Prior to the release of any Occupation Certificate all roof water from the dwelling shall be conducted to the water storage tank/s in accordance with the BASIX requirements, with the overflow storm water management system completed in accordance with the conditions of development consent.

NSW Rural Fire Service

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the proposed dwelling as indicated below, shall be maintained as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’:
   • north, south and west for a distance of 25 metres; and
   • east to the property boundary.

2. At the commencement of building works and in perpetuity the property around the existing dwelling to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.
Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
   a) Fire fighting water supply tank(s) shall be located within the inner protection area and away from the dwelling
   b) New above ground fire fighting water supply storage’s are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage’s are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
   c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
   d) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
   e) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
   f) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
   g) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
   h) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply (tank or Storz fitting).
   i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
   j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
   k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
   l) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.
m) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

i. Markers must be fixed in a suitable location so as to be highly visible; and

ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

4. Electricity and/or gas services to the proposed dwelling are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5. Property access roads to the proposed dwelling shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:


8. The existing dwelling is to be upgraded to improve ember protection. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

9. Landscaping within the required inner protection areas is to comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’.
ANNEXURE ‘B’

Site plan

[Site plan diagram showing boundaries, existing improvements, and new development details]
2. DEVELOPMENT APPLICATIONS – DELEGATED AUTHORITY

FILE NO: EF 08/228

ANNEXURES: Nil

AUTHOR: Planning Manager

COMMUNITY STRATEGIC PLAN:
Rural & Urban Development - Ensure that our land use planning for the Shire acknowledges the importance of our rural character and agricultural activities.

DELIVERY PROGRAM: 4.2 Processing of Development Applications to ensure the ongoing environmental sustainability of the LGA.

OFFICERS RECOMMENDATION:
That the report be received and the information noted.

Precis:
Development Consent has been granted to the following development applications under delegated authority for the month of June 2019.

******

<table>
<thead>
<tr>
<th>FILE NO.</th>
<th>DEVELOPMENT APPLICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA 103/2011 (TPA 3012/33)</td>
<td>Lot 3 DP 800829, Lot 4 DP 800829 Nos 39 &amp; 38 Angela Close, Clarence Town. Modification to Eight (8) Lot Subdivision to allow for removing of staging, increase lot yield from 8 lots to 9 lots, remove requirement for cycle way, reduce riparian restriction and reduce s.11.7 contribution to accord with Council recently adopted Dungog Local Infrastructure Plan 2019. Approved subject to conditions 20 June 2019.</td>
</tr>
<tr>
<td>DA 112/2012 (TPA 3295/1, 3299/01247)</td>
<td>Lot 144 DP 1232974 No 114 Boatfalls Drive, Clarence Town. Modification to Twenty Nine (29) Lot Subdivision to amend conditions 1a and 36. Approved subject to conditions 7 June 2019.</td>
</tr>
<tr>
<td>DA 144/2018 (TPA 1683)</td>
<td>Lot 2 DP 1085956 No 937 Flat Tops Road, Cambra. Modification to Three (3) Lot Subdivision to allow for modification to Condition No 25. Approved subject to conditions 11 June 2019.</td>
</tr>
<tr>
<td>DA 16/2019 (TPA 3230, 3164/012111)</td>
<td>Lot 14 DP 1157382 No 4 Welshmans Creek Road, Wallarobba and Lot 1 DP 160770 No 422 Wallarobba-Brookfield Road, Wallarobba. Boundary Adjustment. Approved subject to conditions 17 June 2019.</td>
</tr>
<tr>
<td>DA</td>
<td>Date</td>
</tr>
<tr>
<td>----</td>
<td>------</td>
</tr>
</tbody>
</table>
OFFICERS RECOMMENDATION:

That Council approve the modification applications subject to conditions as set out in Annexure ‘C’.

Precis:

Applications have been made for the modification of the two consents issued by Council to the subdivision of the subject land into 26 residential allotments in DA 100/2009 & DA 62/2010.

The applications seek to modify the subdivision layout to allow for the increase in lots size for proposed lots 11, 12 & 13 to be located on the southern side of proposed road No 2 and which will be located within Zone RU5 Village.

The original consent allowed for these lots to be around 2000m² which had little regard to the need for sufficient area to be available for on site effluent disposal, with the only likely practical outcome for those original lots seeing them serviced by a full pump out system which is not encouraged by Council.

The modified layout provides that future lots 11, 12 & 13 are increased in size to 4022m², 4015m² and 5234m² respectively which allows for sufficient area for on site disposal of effluent.

The applicant has also sought to adjust the lot layout for the remainder of the lots to achieve a more attractive subdivision which is more in tune with the market at this time.
The applicant has further requested that the s7.11 Contributions applicable to the development be adjusted in accordance with Council’s current Development Contributions Plan as was provided for in Council’s adoption of that new plan.

Note: The Development Contributions for this development have not been paid to Council.

This application is placed before Council for determination as during the exhibition of the application four (4) submissions were received in relation to the development which takes the determination of the application beyond the Council’s Staff’s Delegations.

The Subject Site

The subject site is located on the north western side of Allyn River Road at East Gresford and also has a short frontage to Durham Road further to the north-west and is identified as Lot 28 DP 1178546, and known as No.59 Allyn River Road, East Gresford.

The site originally had the Allyn River as its northern boundary however Lot 27 DP 1178546 was created subsequent to the subdivision consents being issued which severed the subject land from that river frontage. (See figure 1 Site Diagram)

![Figure 1 Site Diagram](image)

The sites southern boundary adjoins the village of East Gresford and is adjoined by established homes on small residential allotments at this location.

The development will be an extension of the Village of East Gresford.

The site is located primarily within Zone R5 Large Lot Residential, partly within Zone RU5 Village and has a small portion of land on the northern boundary located within Zone E3 Environmental Management under the Dungog LEP 2014. (See Figure 2 Extract Dungog Local Environmental Plan 2014 Zone Map over)

The site comprises an area of 29.55 hectares.

The land is vacant and is mainly cleared pasture with scattered trees and some patches of remnant vegetation. (See Figure 3 Aerial Photograph over)
The Development

The development is the subdivision of the subject Lot into 26 allotments in two stages (as shown in Annexure ‘A’).

The first stage will contain 15 lots of which 3 will be located within the RU5 Village Zone (proposed lots 11, 12 & 13) these lots will be accessed off road No.2 internally to the subdivision, with the remaining lots fronting both Roads 1 & 2 with Road No. 1 providing access to Allyn River Road.

The second stage will contain the remaining 11 lots all located within Zone R5 Large Lot Residential and the small section of proposed Lot 19 Zone E3 Environmental Management.
The modified layout does not seek to achieve any increase in lots beyond that already approved by Council in its granting of consents to the original development applications.

Controls on the development as originally proposed in the consents already granted will remain under the revised lot layout. Controls applied to the original consents included:

1. Restriction on the clearing of Native Vegetation
2. Aboriginal Archaeology
3. Geotechnical Investigations
4. Bushfire Control
5. Flora and Fauna Assessment
6. Traffic Assessment
7. Visual assessment
8. On site effluent disposal
9. Flooding
10. Land Filling
11. Consultation
12. Roads Act Approvals
13. Engineering Design
14. Preparation of an Environmental Management Plan (EMP)
15. Landscaping
16. S7.11 Contributions
17. Provision of Electricity and Telecommunications
18. Easements & Restrictions as to user
19. Kerb & Guttering
20. Stormwater Management
21. Siltation and Erosion
22. Road Construction Standards
23. Intersection Works
24. NSW RFS & Department of Environment Climate Change and Water conditions

Consequential modifications of some of these conditions may need to be made to align the consent with the new lot layout.

STATUTORY CONSIDERATIONS

Section 4.15 of the Act (EP&A) mandates key heads of consideration for the assessment of development applications.

Whilst this application is for a modification of a consent issued under the terms of a now repealed Environmental Planning Instrument (Dungog LEP 2006) consideration of the modification still needs to be undertaken and assessed against the relevant heads of consideration.

The main considerations are addressed as follows:

Provisions of any environmental planning instrument.

Dungog Local Environmental Plan 2014

Comment

As previously stated, this application is for a modification of a consent issued under the terms of a now repealed Environmental Planning Instrument (Dungog LEP 2006) and whilst the terms of the Dungog LEP 2014 apply now compliance with their provisions is not necessarily required.
Fortunately in this matter the subdivision modification is in conformity with the provisions of the "Dungog LEP 2014."

*Any development control plan*

**Dungog Shire Development Control Plan No 1**

**Comment**

As previously stated, this application is for a modification of the consents issued under the terms of a now repealed Environmental Planning Instrument ("Dungog LEP 2006").

The nominated building envelopes on the amended Plan do not comply with the current setbacks as adopted in "Dungog DCP No1" however as it is a modification application a level of discretion in considering the new layout exists.

**Conditions are recommended to:**

1. amend the building setbacks to the internal roads to 15 metres,
2. amend the building setbacks on lots 23 & 24 such that the building setback to Durham Road is 50 metres,
3. amend the western boundary setback to Lot 23 to 20 metres,
4. amend the rear setbacks on lots 13, 14 & 15 to 20 metres to Allyn River Road (this will include a 5 metre landscape mound to Allyn River Road),
5. amend the side (eastern boundary) setback on Lot 1 to 20 metres to Allyn River Road (this will include a 5 metre landscape mound to Allyn River Road),

**Part C – Administration**

**A.4 – Notification and advertising of applications**

The application was advertised and neighbour notified according to Council policy and 4 submissions were received.

1. **Submission made by Town Planning Consultancy Firm for an unidentified nearby land owner.**

This submission consisted of a 4-page submission and related to 3 issues;

- a) Right of way - Concerns relating to the retention of the right of way through condition of consent and restricting further traffic onto the right of way.
- b) Reduction of building envelopes on sites to contain development to a smaller footprint.
- c) The provision of adequate landscaping along the northern area of the site to mitigate future issues relating to noise and dust as a result of the use of the right of way by the benefited lots.

**Right of Way**

*The submission requests that Council ensure that access by newly created lots within the amended subdivision onto the adjacent right of carriage way to the north is prevented both in a legal and practical sense.***
Comment

The submission is considered to have some merit in relation to the issue of restricting access onto the adjacent right of way; however there is a need to ensure that an emergency fire trail access continues to be provided to the north of the site.

The existing approved subdivision plans show a fire trail from the end of the internal access Road No 1 to the right of carriage way which is to be locked and only utilised in times of emergency as specified by the applicants Bush Fire Report.

This easement has not been shown on the amended plans but will required as a condition of consent and this could potentially be accommodated along the western boundary of proposed Lot 19.

A Condition currently exists in each consent to place a restriction on title of those allotments with rear frontage to the right of carriage way to prevent direct access onto right of carriage way.

These conditions are to be maintained however an additional specific condition will be added to enable Council to enforce any non compliance with this requirement without having to resort to enforcement action in the Courts.

Recommendation

A suitable condition be attached to the modified consents preventing vehicular access to the right of carriageway located to the north of the site (excepting the fire trail access for emergency access /egress)

Reduction in Building envelopes

The submission considers the building envelopes on the proposed lots are excessively large in size and close to the right of way.

It suggests that it is common for properties within an R5 zone to have substantially smaller building envelopes to position development to a smaller area so that development isn’t spread across the whole site resulting in visual impact issues.

It was suggested that the building envelopes be reduced to consolidate development to a smaller area on site and to provide more setbacks to the right of way.

Comment

The requirement that provision of building envelopes be provided on the title of lands in subdivisions is usually a function of ensuring avoidance of on-site constraints or for the known location of future dwellings on lands subject to flooding or fire.

For unconstrained lands in subdivisions building envelopes are generally not required and Councils “Building line setbacks” as adopted in Councils DCP No 1 are relied upon for setback standards.

The subject site is impacted by site constraints mainly relating to drainage lines and a dam located on the northern boundary which contains an Endangered Ecological Community.

The subdivision is also subject to conditions requiring the provision of landscaping on the site at certain locations.

In these circumstances the provision of defined Building Envelopes is appropriate.
On observation the building envelopes proposed correspond closely with the setback controls adopted in Council’s DCP 1 excepting that the setbacks from the road frontages appear to be less than the setbacks required under Council’s DCP that is 15 metres.

Further the western setback for proposed Lot 23 is not consistent with the terms of Council’s original grant of consent to the subdivision which require the provision of a landscape buffer along the western boundary of the site and the avoidance of any building structures at a location higher than the road frontage at Durham Road, this was to prevent buildings being silhouetted against the skyline at that location.

A 20-metre setback to the western boundary of proposed Lot 23 will be recommended along with a frontage setback to Durham Road of 50 metres which will apply also to proposed lot 24.

The rear setbacks to proposed lots 13, 14 & 15 will be required to be 20 metres to accommodate a 5-metre-wide landscape mound along that site frontage which is required under the existing consent.

The side setback to proposed lot 1 will similarly be required to be 20 metres so as to accommodate the same 5 metre wide landscape mound along that site’s frontage to Allyn River Road.

Proposed Lots 1, 13, 14 & 15 will be denied direct access to Allyn River Road and given the requirement for a 5 metre wide vegetation mound along the frontage to Allyn River Road it is considered that the requirement for a 50 metre setback to that boundary should not be required.

The changes listed above result in envelopes that generally conform to Council’s setback requirements as contained DCP No1 excepting for the 50 metre setback to Allyn River Road.

It is also of note that the building envelopes will also need to accommodate areas for onsite waste water disposal.

**Recommendation**

**That the building envelopes shown on the modification plan be maintained other than those adjustments facilitated by the increases in setbacks as identified above.**

**Provision of Landscaping along the northern boundary of the development.**

The submission had already raised concern in regards to the location of the building envelopes to the rear boundary and in particular the lack of formal landscaping between the properties on the right of way and reiterated that the right of way to the north of the site is a rural road made of crushed gravel and dirt and as cars travel along the right of way dust is often a bi-product no matter how slow the vehicle travels.

The writer seeks to suggest that other rural residential estates in Dungog Shire Council have been required to have extensive environmental management plans to manage issues that are the same concerns of their clients.

The writer requests an EMP be prepared for this development to be consistent with other developments in Dungog Council area similar to this scale.
It is recommended that to mitigate any concerns of the future residents of the subdivision, that landscaping be required along the northern boundary of the site as shown in the drawing below.

This will help screen the development from dust and acoustic noise from vehicles using the right of way but it will also help to create a delineation between the subdivision and the right of way.

The landscaping requirement should be provided as a condition of consent and the maintenance of this landscaped area should be included on the 88b for the proposed lots.

The writer’s client does not object to the development, but has commissioned this letter to ensure that the development makes a positive contribution to Gresford and doesn’t impact the existing right of way.

Comment

Conditions 26 & 27 of the existing consent for Stage 1 DA100/2009 & Conditions 25 & 26 Stage 2 DA 62/2010 (in similar terms) both require the preparation of an “Environmental Management Plan (EMP)” and a “Landscaping / Revegetation Management Plan” prior to the issue of a Construction Certificate see below:

“26. Prior to issue of Construction Certificate, the developer will provide for Council Staff approval an Environmental Management Plan (EMP) that details work and maintenance schedules to be implemented within the subdivision. The plan must incorporate the recommendations from the various reports provided in the assessment process and any other conditions imposed on the development by other authorities or outlined in other approvals relating to the development. The plan must include but not limited to:
the various recommendations of reports submitted by the applicant in relation to ecology and erosion remediation and control works. In particular the recommendations of the Flora and Fauna Assessment prepared by Ecobiological;

Details of the retention and improvement of the Endangered Ecological Communities identified on the property;

Remediation of the riparian areas;

Landscape maintenance schedule;

Management of companion animals

Proposed Management Plan for Noxious weeds, in particular Giant Parramatta Grass

Stormwater management plan;

Geotechnical requirements;

Proposed mechanism for transfer of responsibility for any maintenance required to the Property owner.

Elements of the Environmental Management System and specific ongoing issue management

The relevant Standards/Guidelines to be utilised

Actions – Monitoring, Review, Reporting and Evaluation associated with environmental management

Sustainability, Ecosystem and Environmental Justice

Risk, Governance and Participation/Engagement

Social Learning and Adaptive Management

Advice: The EMP should provide a framework for managing and mitigating any Environmental impacts associated with the proposed development. In particular, it should address ongoing vegetation management and protection of the riparian areas. Further, the EMP should ensure the commitments made in the DA and the requirements imposed by Council and other Government authorities are fully implemented

27. Prior to issue of a Construction Certificate a Landscaping / Revegetation Management Plan shall be prepared and submitted to Council for approval. The plan must:

a) Incorporate the latest subdivision layout;

b) Provide for retention of existing vegetation with supplementary planting of indigenous species to form a vegetated buffer along the Allyn River Road/Park Street frontage.

c) Provide a vegetation buffer, adjacent the easement for water, along the western boundary of proposed Lots 16, 20 – 23 to mitigate any potential conflicts with the adjoining agricultural use.
d) Identification of any proposed Vegetation within road reserves;

e) Identification of all Endangered Ecological Communities, all hollow bearing trees, the 20m buffer around the threatened ecological community Freshwater Wetland of the Coastal Floodplains and all Slaty Red Gum found across the site.

Reason: To ensure the landscaping is designed in accordance with Council’s requirements."

The requirements contained in existing Condition 27 (Stage 1) and Condition 26 (Stage 2) do not identify any need for landscaping along the northern boundary.

Whilst the suggested vegetative screen would have limited utility in respect of a noise attenuation device it could assist in improving the amenity of future residents on lots that back on to the right of carriageway by reducing dust created by passing vehicles it will also act as a further visual deterrent to accessing the right of way

Recommendation

That Condition 27 (Stage 1) and Condition 26 (Stage 2) of the consents be modified to require screen plantings along the northern boundary.

2. Resident Submission

Council will have received the attached letter from Consultants acting for one of our neighbours in relation to the above development and I have been made aware of its contents and I wish to add my complete support to all that the letter proposes, in particular with reference to:

1. not impacting negatively in any way on the existing right of way on the northern boundary of the development, both during and post construction; and
2. landscaping be required along the northern boundary of the subdivision site.

Comment

The concerns of this submission are addressed in the response to the first submission.

3. Resident Submission

It appears from the proposed new stage 2 plan layout that the proposed building pads on the proposed lots 20 and 23 have allowed insufficient area for compliance with the provision 27(c) of the development consent.

Comment

The building envelopes for proposed Lots 20 & 23 are comparable to those originally identified in the approved subdivision designs of 2009 & 2010 and given that the building envelopes as now shown on the modified plans will also incorporate the areas required to be used for on site effluent disposal whereas the area for construction and area for effluent disposal were shown as separate areas on the plans originally approved by Council.

It has already been noted that the western setback for Proposed Lot 23 is not consistent with Council’s minimum setback standards as contained in its DCP No 1 for land within Zone R5 Large Lot Residential that is 15 metres and recommendations are to require that the western setback of proposed lot 23 be 20 metres which is consistent with the approved development. The western boundary setback for Proposed Lot 20 is the same as for Proposed Lot 23 in the original approved plans.
Recommendation

The western (side) boundary setback for proposed Lot 23 whilst shown to be approximately 10 metres needs to ensure that development does not occur close to the ridge top and requires that a setback of a greater distance on that lot would be appropriate in this case a setback of 20 metres is recommended.

Council should seek to influence the Developer to extend the road through stage 2 to connect with the Right of Way thereby replacing much of the length of the Right of Way with a public road, reducing the cost of maintenance of the Right of Way, freeing up land taken up by that part of the Right of Way and eliminating an intersection.

It will be in the financial interest of the owner of the land encumbered by the Right of Way to be removed, us and the other property owners using the Right of Way for access and Council and the traffic on Allyn River Road.

Comment

The application before Council is for a “Modification of Consent” and consideration of the matter under S4.55 of the Environmental Planning and Assessment Act 1979 (the Act) does not allow the consent authority to revisit the totality of the consent which is being sought to be modified.

The alteration to the access arrangements suggested by the objector has the potential to result in the development not being substantially the same and therefore not qualify as an amendment pursuant to the provisions of the Environmental Planning and Assessment Act.

The applicant has not sought any alteration to the access arrangements as part of their modification applications and whilst there has been some slight alteration to the internal road layout as a result of this modification application the development layout remains predominantly the same as that approved by Council in 2009 & 2010.

Recommendation

That no conditions be placed on the amended consents requiring access from the development onto the adjoining right of carriageway or its upgrade to a public road.

4. Resident Submission

I agree with basic concepts of one of our neighbour’s submission to Council re DA 62/2010 dated 3/12/18 by email.

I do wish the developers success, however it would be good if they could make good on Council’s Masterplan concept, for which Council saw fit to draw ratepayers time on, several years ago, without follow up.

It would be admirable if the developers would work into the plan road network/ footpath/ cycle way - that extended benefit to those in the Camyr Allyn valley & indeed towards Gresford (school) existing town linkage. (East Gresford / Gresford).

There is more to life then money.....positive community legacy is an admirable achievement.

Comment

The content of this submission has been addressed in the response to submission No 3 above save for the matter of the cycleway issue.
The request that the cycleway within the development be extended to meet with the right of carriageway to Camyr Allyn Valley is not possible insofar as the right of carriageway to Camyr Allyn Valley is not part of the public road network.

Council’s conditions of consent to both Stages 1 & 2 require the provision of a cycle way within the estate to link into the local road network and as there is no road or pedestrian link to the right of way servicing the Camyr Allyn Valley and as that access road is not a public road a cycle way connection is impractical.

Further Council has sought to deny any vehicular or pedestrian access to the right of carriageway to the north of the site as it is not a public roadway.

Recommendation

No action be taken to revisit the road design layout

Part C. 3 Building Line Setbacks Council DCP No 1

The application is for a modification of the existing consent and as such Council is not able to revisit the totality of the subdivision, it may only assess those parts of the application relating to the modification.

In these circumstances the developments compliance with the DCP is relevant to the re aligned lots.

Building envelopes are nominated on each of the lots and in many instances exceed the setback distances currently required under the terms of the DCP however front setbacks to some lots appear to be as little as 10 metres whereas Council’s DCP requires a set back of 15 metres to new roads.

The proposed setbacks to proposed lots 23 & 24 which front Durham Road do not comply with the 15 metre setback as set by the DCP.

The western (side) boundary setback for proposed Lot 23 whilst shown to be approximately 10 metres needs to ensure that development does not occur close to the ridge top and requires that a setback of a greater distance on that lot would be appropriate in this case a setback of 20 metres is recommended.

Recommendation

Conditions of consent to require setbacks consistent with the DCP and specifically for Lot 23 will be attached to the modification.

The suitability of the site for the Development

The modified subdivision layout is considered appropriate for the location.

Any submissions made in accordance with this Act or the Regulations

The development application was subject to the notification requirements of Council’s Neighbour Notification Policy.

4 submissions were received and have been addressed by way of comment in relation to the Dungog DCP No1.
The public interest

It is considered that the modification application does not raise any issue that would cause the development to be contrary to the public interest.

SUMMARY

The modification to development consents 100/2009 and 62/2010 into 25 residential lots as now proposed remains consistent with the aims and objectives of the R5 Zone and generally consistent with the standards contained within DCP No.1. The modifications will result in an environmentally sustainable subdivision layout and improve the potential for efficient on-site effluent disposal.
This consent is subject to the following conditions:

**Advisory conditions:**

1. All native vegetation on site shall be retained and protected unless the proposed clearing complies with the *Native Vegetation Act 2003* and *Native Vegetation Regulations 2005*.

   **Advice:** Any clearing of Native Vegetation will require separate approval from the Hunter-Central Rivers Catchment Management Authority under the *Native Vegetation Act 2003*. Clearing of native vegetation is not to commence until formal approval from the Catchment Management Authority, in the form of a Property Vegetation Plan (PVP), has been obtained.

2. The developer is advised that the Australian Government is in the process of commencing the roll out of the National Broadband Network. You are to make your own enquiries as to whether this will apply to your development and/or what the appropriate serving provision standards may be.

   **Reason:** For information purposes.

3. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the *National Parks and Wildlife Act 1974*.

   **Reason:** To ensure that any potential sites or relics are properly identified and appropriate action taken.

**General**

4. The subdivision of Lot 21 DP 816421, No 59 Allyn River Road, East Gresford being carried out in accordance with the following information submitted with development application 62/2010, except as modified by the conditions of this consent:

   - Limited Geotechnical Investigation for stage 1, dated 23 April 2009 prepared by Barker Harle;
   - Geotechnical Report No 90213 dated May 2010 prepared by Barker Harle;
   - Bushfire Protection Assessment, dated 19 June 2009 prepared by Australian Bushfire Protection Planners;
   - Aboriginal Cultural Heritage Assessment, dated November 2009 prepared by Junburra Aboriginal Consultancy Services;
   - Flora and Fauna Assessment, dated February 2010 prepared by Ecobiological
   - Traffic Assessment Report, dated February 2010 prepared by Hill Top Planners; and
   - Visual Assessment, dated February 2010 prepared by Hill Top Planners.
Reason: To ensure all works are carried out in accordance with the submitted and approved plans.

5. All future on-site sewage management systems on the site must comply with the design specifications provided in the Barker Harle Geotechnical Report No 90213 of May 2010

Reason: To ensure effluent disposal is carried out in an environmentally sound manner and as per the submitted reports.

6. An application to install and operate a sewage management system must be submitted to Council prior to the approval of any development requiring sewage disposal;

Reason: To ensure effluent disposal is carried out in an environmentally sound manner and considered on a specific basis at a later date.

7. The land may be subject to flooding and if it is flooded Council will not, pursuant to Section 733, Local Government Act 1993, incur any liability in respect of the granting of this consent.

Reason: Advisory condition regarding flooding.

8. Any relocation or alterations of public utilities made necessary as a result of the development are to be carried out at no cost to Council.

Reason: To ensure that the development is serviced by all public utilities at no cost to Council.

9. If any lot on the subdivision is to be filled by over 0.2 metres depth, the entire depth of fill is to be compacted to 95% standard in accordance with AS1289-E(1.1) and certified as such by a practising civil engineer or geotechnical consultant. Appropriate erosion and sediment control measures shall be utilised and maintained until adequate grass cover has established.

Reason: To ensure that the development complies with Council requirements

10. The developer being responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.

Reason: To ensure appropriate servicing to the lots.

11. All works are to comply with the Building Code of Australia 2010.

Reason: To ensure compliance with the BCA 2010 and to ensure all servicing is constructed in an appropriate manner.

12. The applicant shall ensure that arrangements are made for the Principal Certifying Authority, Council or Private Certifier, to carry out STAGE INSPECTIONS indicated as follows in bold.

Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.

Applicants are required to nominate the relevant Construction Certificate Number and location prior to the inspection request being granted.
Note: STAGE INSPECTIONS are required to be carried out in order to ensure that a Subdivision Certificate can be issued. In the event that any stage inspection is not carried out, a Subdivision Certificate cannot be issued.

(a) After stripping of topsoil from roads and fill areas, all Erosion & Sediment Control devices and Traffic Control signs (new intersection with Allyn River Road and the vehicle access/footpath crossing off Durham Road) shall be installed at this stage.
(b) After completion and compaction of the road sub grade.
(c) After placement and compaction of each layer of gravel pavement material prior to sealing.
(d) After laying and jointing of all stormwater drainage pipelines prior to backfilling.
(e) During application of bitumen seal or asphaltic concrete wearing surface.
(f) After restoration and completion of all works.
(g) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls and conditions of Development Consent.

It should be noted that Council charge fees for inspections and Compliance Certificates. These inspection fees must be paid prior to release of the Construction/Subdivision Certificate associated with the Development Consent. At the time of issuing this Development Consent Council’s Inspection Fee was $125.00 per inspection.

Compliance (Inspection) Fees will be adjusted in accordance with Council’s Fees & Charges operating at the time of inspection. In the event further additional inspections are required those inspections will attract inspection fees.

Reason: To demonstrate that development works are carried out in conformity with the Construction Certificate issued development conditions and to appropriate technical engineering standards.

Consultation

13. Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council’s Infrastructure & Assets Department to discuss the extent and scope of all works and details required on the design plans.

Some of the issues to be discussed and incorporated in the design plans include but not limited to the following:

- Location of bus bays and shelters.
- Erosion & sediment controls.
- Stormwater drainage.
- Pavement standards including carriageway widths etc.
- Earthwork details including quantities and stockpiling.
- Traffic control details.
- Restoration details.
- Cycle way requirements
- Intersection lighting.
- Advanced intersection warning signs.
- Line marking
- Provision of street blazes (road names).
- Kerb & gutter road alignment details in Durham Road.

Reason: To ensure appropriate levels of works and engineering design details are satisfactorily addressed.
Prior to Commencement of Works

14. A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Reason: Required by the Environmental Planning and Assessment Act.

15. Prior to the commencement of works the developer shall undertake the initial treatment of Giant Parramatta Grass in accordance with Council’s Noxious Weed Officer or other suitably qualified person’s recommendations.

Reason: To limit the spread of Noxious Weeds.

Prior to Release of Construction Certificate

16. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

Reason: Required under the Water Management Act 2000.

17. Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 prior to the issue of any Construction Certificate which includes any works within a Council road reserve. For any such works, detailed engineering design plans must be submitted to Council for approval prior to issue of the Construction Certificate.


18. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval addressing all internal roads including associated stormwater drainage and erosion/sediment controls, in accordance with the standards set out in AUS-SPEC and to the satisfaction of Council to include but not limited to the following:-

(a) 20 metre wide road reserve.
(b) Formation width 8.5 metres.
(c) Minimum sealed carriageway width of 6.5 metres.
(d) Minimum compacted selected gravel base of 350mm thick.
(e) 2 coat bitumen seal or 40mm AC.
(f) Minimum spray seal shoulder widths 1.0 metres.
(g) Minimum table drain width of 1.5 metres (use of Water Sensitive Urban Design (WSUD) techniques would be supported throughout the subdivision).
(h) Cut and fill batters not exceeding 1:1 (cut) and 1.5:1 (fill).
(i) Cycleway of 1.5 metres minimum width (Council’s preferred option is to extend the 6.5 metre wide carriageway. The cycleway is to be suitably line marked and highlighted as such.
(j) Strategically positioned bus bays and shelters.
(k) Associated stormwater (including subsoil) drainage.
(l) Erosion and Sediment controls.
(m) Provision of a Cul-de-sac type vehicle turning facilities to accommodate the turning path of a single unit truck (garbage truck/standard school bus) generally at the end of the proposed road No 1.
(n) Appropriate road line marking.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.
19. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:

The installation of a sealed entrance to proposed Lots 9, 10, 19, 20, 22, & 25 complying with the requirements of Council’s standard drawing number SD0015 titled “Private Entrance - Rural Bitumen Roads – July 2000” as amended. The entrance shall be constructed so as not to impede the flow of water in any table drain.

A copy of Council’s specification is available from Council’s Infrastructure & Assets Department. Access provision shall be incorporated in road design plans where these are required as a condition of development.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

20. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:

The provision of a stormwater system with water quality control facilities which may include Water Sensitive Urban Design Techniques for the treatment of stormwater runoff and discharge from the development to the satisfaction of Council.

Advice: All works to be approved by Council prior to the release of the Subdivision Certificate.

Reason: To provide appropriate stormwater drainage within the development and to minimise downstream environmental affects.

21. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval to provide:

A single all weather vehicle access way incorporating a vehicle shake down device within the property generally in accordance with the “Stabilised Site Access” design criteria in the latest Managing Urban Stormwater publication (the blue book), extending from the existing formation of Allyn River Road OR the use of cattle type grid structures OR a combination of both so as to provide appropriate access to the site which will minimise the potential for erosion to occur and for materials to be tracked onto the road by vehicles.

Reason: To minimise the tracking of sediment from the site during the construction phase.

22. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval to provide:

Erosion and Sediment Control facilities to deal with all aspects of earthworks associated with the development. The detailed plans shall be in accordance with Dungog Council’s Erosion and Sediment Control Plan Guidelines and the latest edition of Managing Urban Stormwater publication (the blue book). Sediment control measures shall be provided for the duration of the works and until the site is stabilised.

Reason: To ensure all sediment is contained on the development site and appropriate environmental control are in place pre, during and post civil engineering works.
23. The developer shall arrange for details of the following to be submitted to Council for approval:

Details for the disposal of any spoil gained from the site and or details of the source of fill, heavy construction materials and proposed routes to and from the site.

**Reason:** To ensure spoil is disposed of in a satisfactory environmental method and the proposed routes are recorded for possible damage caused by construction vehicles.

24. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval which shall include but not limited to the following:

a. A sealed ‘BAR’ and ‘BAL’ intersection with Allyn River Road to conform to the sign posted speed limit along Allyn River Road.
b. Associated line marking.
c. Advanced intersection signage together with intersection signage.
d. Lighting of the intersection.
e. Provision of a Street name blaze.
f. Sealed bus stop areas in Allyn River Road including an area for standing/waiting opposite and adjacent the intersection.
g. Provision of a “GIVE WAY” sign.
h. Associated stormwater drainage details.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development and to conform to Council requirements.

25. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:

The provision at no cost to Council of Kerb and guttering, road shoulder sealing construction and associated stormwater drainage from the end of the existing kerb and gutter in Durham Road to the full street frontage of the development site (Lots 23 & 24) in accordance with the latest AUS-SPEC standards and to the satisfaction of Council.

**Advice:** All works to be approved by Council prior to the release of the Subdivision Certificate.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

26. Prior to issue of Construction Certificate, the developer will provide for Council Staff approval an Environmental Management Plan (EMP) that details work and maintenance schedules to be implemented within the subdivision. The plan must incorporate the recommendations from the various reports provided in the assessment process and any other conditions imposed on the development by other authorities or outlined in other approvals relating to the development. The plan must include but not limited to:

- the various recommendations of reports submitted by the applicant in relation to ecology and erosion remediation and control works. In particular the recommendations of the Flora and Fauna Assessment prepared by Ecobiological;
- Details of the retention and improvement of the Endangered Ecological Communities identified on the property;
- Remediation of the riparian areas;
- Landscape maintenance schedule;
- Management of companion animals
• Proposed Management Plan for Noxious weeds, in particular Giant Parramatta Grass
• Stormwater management plan;
• Geotechnical requirements;
• Proposed mechanism for transfer of responsibility for any maintenance required to the property owner.
• Elements of the Environmental Management System and specific ongoing issue management
• The relevant Standards/Guidelines to be utilised
• Actions – Monitoring, Review, Reporting and Evaluation associated with environmental management
• Sustainability, Ecosystem and Environmental Justice
• Risk, Governance and Participation/Engagement
• Social Learning and Adaptive Management

Advice: The EMP should provide a framework for managing and mitigating any environmental impacts associated with the proposed development. In particular, it should address ongoing vegetation management and protection of the riparian areas. Further, the EMP should ensure the commitments made in the DA and the requirements imposed by Council and other Government authorities are fully implemented.

27. Prior to issue of a Construction Certificate a Landscaping / Revegetation Management Plan shall be prepared and submitted to Council for approval. The plan must:

(a) Incorporate the latest subdivision layout;
(b) Provide for retention of existing vegetation with supplementary planting of indigenous species to form a vegetated buffer along the Allyn River Road/Park Street frontage.
(c) Provide for supplementary planting of a vegetation screen along the rear (northern) boundaries of Lots 1-5.
(d) Provide a vegetation buffer, adjacent the easement for water, along the western boundary of proposed Lots 20, 21, 22 & 23 to mitigate any potential conflicts with the adjoining agricultural use.
(e) Identification of any proposed Vegetation within road reserves;
(f) Identification of all Endangered Ecological Communities, all hollow bearing trees, the 20m buffer around the threatened ecological community Freshwater Wetland of the Coastal Floodplains and all Slaty Red Gum found across the site.

Reason: To ensure the landscaping is designed in accordance with Council’s requirements.

Prior to Issue of Subdivision Certificate

28. Submission of an original plan of survey by a Registered Surveyor and six (6) copies to Council for subdivision approval.

Reason: Statutory requirement.

Advice: The final plans must conform generally to the subdivision proposal shown on the concept plan submitted with the Development Application dated 4 June 2010 and incorporate Council’s requirements. Council's fee covers the cost of providing copies of the plan of survey to relevant internal Council departments and to Government departments as required.

29. Application for a Subdivision Certificate is to be submitted to and approved by Council prior to release of the final linen plan of subdivision.
Reason: To ensure compliance with Council’s requirements.

Advice: The fee for a Subdivision Certificate is $220.00.

30. The developer is to pay $550 for each new road/street names within the development. This needs to be paid prior to proceeding with advertising in accordance with Council’s policy.

Reason: To ensure future road naming is carried out as per Council policy.

31. Prior to issue of the Subdivision Certificate, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to the Principal Certifying Authority.

Reason: To conform with other authorities.

32. Pursuant to section 7.11 of the EP&A Act and in accordance with the Dungog Local Infrastructure Contributions Plan 2019 (adopted April 2019), a contribution of $10,100.00 per new lot created shall be paid to Council.

The contribution is for the following:

- Open space and recreation $2,017.00
- Road and traffic facilities $7,934.00
- Plan administration $149.00

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions in section 6.3 of the Dungog Local Infrastructure Contributions Plan 2019. The contribution is to be paid prior to the release of any Construction Certificate, linen plan or Subdivision Certificate.

Reason: This development results in increased demand on existing amenities or services that has been identified in respective contribution plans. These plans are available for inspection at Council’s offices, Dowling Street, Dungog. Council will hold the money payable under this condition and utilize these funds to upgrade amenities or services in the future.

Advice: Copies of the Contributions Plan are available for inspection and purchase at Council’s Administration Building, Dungog. The applicant and / or subdivider must contact Council prior to the payment to determine the current rate of contribution, as the rates are revised quarterly. Staging of payments is permitted if staging of development is approved by the terms of this consent.

33. Suitable arrangements being made with an energy provider to ensure that:

(a) electricity will be available to each allotment created by the subdivision when and if development is proposed on the land;
(b) that any transmission lines or other assets of an energy provider on private land be “protected” by an easement; and
(c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with an energy provider for such relocation to be carried out.

Reason: To ensure that the interests and responsibilities of energy provider and Dungog Council with regard to the timely supply of power connections are satisfied.
Advice: An energy provider is responsible for the supply of electricity to this land. The applicant must contact an energy provider on all matters concerning electricity supply.

A letter from an energy provider stating that satisfactory arrangements have been made for the supply of electricity in the subdivision is to be submitted to Council, and accepted, prior to the release of the linen plan of subdivision.

34. Suitable arrangements being made with a telecommunications carrier to ensure that:-

(a) communication will be available to each allotment created by the subdivision when and if development is proposed on the land;
(b) that any transmission lines or other assets of a telecommunications carrier on private land be “protected” by an easement; and
(c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with a telecommunications carrier for such relocation to be carried out.

Reason: To ensure that the interests and responsibilities of a telecommunications carrier and Dungog Council with regard to the timely supply of telephone connections are satisfied.

Advice: For details of arrangements pertaining to the land, applicants must contact a telecommunications carrier direct.

A letter from a telecommunications carrier stating that suitable arrangements have been made is to be submitted to Council, and accepted, prior to release of the linen plan of subdivision.

35. Pursuant to section 88B of the Conveyancing Act easements and restrictions as-to-user shall be created to achieve the following purposes:

(a) Implementation and maintenance of the approved Environmental Management Plan (EMP) and approved Landscape Plan (LP);
(b) All rights of carriageway;
(c) Prohibit construction of buildings outside the identified building envelopes incorporating;

(1) a 15 metre front setback for all lots within Zone R5 Large Lot Residential;

(2) a 20 metre rear setback to lots 13,14 & 15 so as to accommodate a 5 metre wide landscape mound along the site frontage to Allyn River Road; and

(3) a setback from Allyn River Road to Lot 1 of 20 metres to also accommodate a 5 metre wide landscape mound along the site frontage to Allyn River Road.

(e) Prohibit clearing of native vegetation except in accordance with a PVP from the Hunter Central Rivers CMA;

(f) Provide that no boundary fence shall be erected other than a fence which permits the movement of native fauna across the site and is free from ‘netting’ type material.

(g) Provide that the Vegetated buffer shall be maintained on Lots 20, 21, 22 & 23;

(h) Prohibiting direct vehicle ingress or egress to and from Durham Road other than at the vehicle access points for proposed Lot 23 and Lot 24

(i) Prohibiting use of the existing Right of Carriageway 10.06 wide, except in the case of an emergency access.

(j) Prohibiting the installation of gates along the rear boundaries of Lots 1, 2, 3, 4, 5, 16, 17, 19 & 20 onto the existing right of carriageway.
(k) To ensure that cats and dogs are managed (in accordance with the EMP) to minimise impacts on native fauna, livestock and rural amenity.

(l) To prohibit the use of recreational motor vehicles/motorbikes on these lots.

Advice: The EMP should provide a framework for managing and mitigating any environmental impacts associated with the proposed development. In particular, it should address ongoing vegetation management and protection of the riparian areas. Further, the EMP should ensure the commitments made in the DA and the requirements imposed by Council and other Government authorities are fully implemented.

Reason: To ensure the potential environmental impacts are appropriately mitigated and managed.

36. All Landscaping shall be completed and maintained in accordance with an approved Landscaping / Revegetation Management Plan.

Reason: To ensure compliance with Council’s requirements.

37. Boundary fencing shall be installed by the developer between the existing right of way and the rear boundaries of Lots 1-5 & 16-20. Boundary fencing shall also be installed by the developer around all boundaries of Lots 14 &15 and the identified Endangered Ecological Community in accordance with Council and the Hunter Central Rivers Catchment Management Authority’s requirements.

Reason: To ensure these areas are clearly identified to prospective purchasers.

38. Vehicular and pedestrian access from Lots 1-5 (Stage 1) to the right of carriageway located beyond the northern boundary of the site is strictly prohibited other than via the fire trail in the event of a bushfire emergency.

39. The developer shall construct the following to the satisfaction of Council: -

All internal roads including associated stormwater drainage and erosion/sediment controls, in accordance with approved Construction Certificate design plans to meet the standards set out in AUS-SPEC and to the satisfaction of Council to include but not limited to the following: -

(a) 20 metre wide road reserve.
(b) Formation width 8.5 metres.
(c) Minimum sealed carriageway width of 6.5 metres.
(d) Minimum compacted selected gravel base of 350mm thick.
(e) 2 coat bitumen seal or 40mm AC.
(f) Minimum spray seal shoulder widths 1.0 metres.
(g) Minimum table drain width of 1.5 metres (use of Water Sensitive Urban Design (WSUD) techniques would be supported throughout the subdivision).
(h) Cut and fill batters not exceeding 1:1 (cut) and 1.5:1 (fill).
(i) Cycleway of 1.5 metres minimum width (Council’s preferred option is to extend the 6.5 metre wide carriageway. The cycleway is to be suitably line marked and highlighted as such.
(j) Strategically positioned bus bays and shelters.
(k) Associated stormwater (including subsoil) drainage.
(l) Erosion and Sediment controls.
(m) A permanent turning facility at the end of proposed road No2 and proposed road No 1to accommodate the turning path of a single unit truck (garbage truck / standard school bus).
(n) Appropriate road line marking.
Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

40. The developer shall construct the following to the satisfaction of Council:

Kerb and guttering, road shoulder sealing construction and associated storm water drainage from the end of the existing kerb and gutter in Durham Road to the full street frontage of the development site (Lots 23 to 24) in accordance with the latest AUS-SPEC standards and to the satisfaction of Council. 

Advice: All works to be approved by Council prior to the release of Subdivision Certificate.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

41. The developer shall construct the following to the satisfaction of Council:

The installation of a sealed entrance to proposed Lots 9, 10, 19, 20, 22, & 25 complying with the requirements of Council's standard drawing number SD0015 titled “Private Entrance - Rural Bitumen Roads – July 2000” as amended in accordance with the approved Construction Certificate plans. The entrance shall be constructed so as not to impede the flow of water in any table drain.

A copy of Council’s specification is available from Council’s Infrastructure & Assets Department. Access provision shall be incorporated in road design plans where these are required as a condition of development.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

42. The developer shall construct the following to the satisfaction of Council:

The provision of a stormwater system with water quality control facilities which may include Water Sensitive Urban Design Techniques required treating stormwater runoff and discharge from the development in accordance with the approved Construction certificate plans to the satisfaction of Council.

Advice: All works to be approved by Council prior to the release of the Subdivision Certificate.

Reason: To provide appropriate stormwater drainage within the development and to minimise downstream environmental affects.

43. The developer shall construct the following to the satisfaction of Council:

A single all weather vehicle access way incorporating a vehicle shake down device within the property generally in accordance with the “Stabilised Site Access” design criteria in the latest Managing Urban Stormwater publication (the blue book), extending from the existing formation of Allyn River Road OR the use of a cattle type grid structure OR a combination of both so as to provide appropriate access to the site which will minimise the potential for erosion to occur and for materials to be tracked onto the road by vehicles.

Reason: To minimise the tracking of sediment from the site during the construction phase.
44. The developer shall construct the following to the satisfaction of Council:

Erosion and Sediment Control facilities to deal with all aspects of earthworks associated with the development. The works shall be in accordance with Dungog Council’s Erosion and Sediment Control Plan Guidelines and the latest edition of Managing Urban Stormwater publication (the blue book). Sediment control measures shall be provided for the duration of the works and until the site is stabilised.

**Reason:** To ensure all sediment is contained on the development site and appropriate environmental control are in place pre, during and post civil engineering works.

45. The developer shall construct the following to the satisfaction of Council:

- A sealed ‘BAR’ and ‘BAL’ intersection with Allyn River Road to conform to the sign posted speed limit along Allyn River Road.
- Associated line marking.
- Advanced intersection signage together with intersection signage.
- Lighting of the intersection.
- Provision of a Street name blaze.
- Sealed bus stop areas in Allyn River Road including an area for standing/waiting opposite and adjacent the intersection.
- Provision of a “GIVE WAY” sign in proposed road No 1.
- Associated stormwater drainage details.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development and to conform to Council requirements.

46. The developer shall ensure that satisfactory arrangements have been made with Council for the supply and erection of property identification numbers in accordance with Council’s Rural Addressing Program.

**Reason:** To ensure that property addressing is of a uniform nature.

**Advice:** A payment of $82.50 to Council for each lot created is required for rural addressing purposes.

47. The plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the constructed road in use, and known as Allyn River Road over the frontage of proposed Lots 1, 13, 14 & 15 & 17 and Lots 23 & 24 with frontage to Durham Road. In the event existing fencing is located within the dedicated road reserve, the developer will be responsible for relocating those fences onto the surveyed alignments. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.

**Reason:** To rectify encroachments as part of the subdivision.

48. All civil engineering works to be transferred to Council ownership shall be covered by a 12 months Maintenance Bond in accordance with Council’s Bonding Policy. The 12 months Maintenance Bond shall commence from the Practical Completion date identified by Council or until registration of the subdivision plan, whichever is greater. The 12 Months maintenance Bond also attracts a Bond Administration Fee as identified in Council’s Fees and Charges at the time of preparation of the Bond.

**Reason:** To ensure all civil engineering works being transferred to Council ownership are at an acceptable standard when transferred.
49. The provision of Work as Executed information prior to release of the Subdivision Certificate. The information is to be submitted in hard copy and in electronic format compatible with AutoCAD. This information is to be approved by Council prior to issue of the Subdivision Certificate.

**Reason:** To ensure Council has documentary proof of all their assets to complete appropriate records.

50. The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.

**Reason:** To ensure Council's assets are maintained to good engineering standards.

51. The plan of subdivision and associated Section 88B instrument shall establish the following restrictive covenants with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.

**A: On proposed Lots 1, 13, 14 and 15:**

a. Prohibiting direct vehicle ingress or egress to and from Allyn River Road.

**Reason:** To ensure the development does not increase individual traffic movement onto a main type road.

52. All fees, Section 7.11 and other Contributions will need to be adjusted in accordance with Council's Fees & Charges applicable at the time of payment.

**Reason:** To ensure all Fees & Charges are paid at the correct rate at the time of payment.

53. A Subdivision Certificate will not be issued nor the final plan signed and released by Council until all conditions of consent have been complied with to Council’s satisfaction.

**Reason:** To ensure compliance with Council's requirements.

**Special Conditions – Other Authorities**

**NSW RFS**

**Asset Protection Zones**

54. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s), to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

**Water and Utilities**

55. Water, electricity and gas are to comply with section 4.1.3 of ‘Planning for Bushfire Protection 2006’.
Access

56. Public road access shall comply with section 4.1.3(1) of ‘Planning for Bushfire Protection 2006’.

57. The existing right of carriageway (within the property) in the northern portion of the site shall comply with the following requirements of section 4.1.3(2) of ‘Planning for Bushfire Protection 2006’.

1. Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes;
2. Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge);
3. A minimum carriageway width of 4 metres;
4. Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m;
5. A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
6. The crossfall is not to exceed 10 degrees;
7. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;

DEPARTMENT OF ENVIRONMENT CLIMATE CHANGE AND WATER

NSW Office of Water

58. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation listed below, relating to DA 62/2010 and provided by Council:


Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

59. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank of the watercourses.

60. The consent holder must prepare or commission the preparation of:

(b) Civil design/Construction Plans for Road and Watercourse Crossings
(c) Vegetation Management Plan
(d) Erosion and Sediment Control Plan
61. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.water.nsw.gov.au/water_trade/rights_controlled.shtml

   i. Vegetation Management Plans
   ii. Riparian Corridors
   iii. Outlet structures
   iv. Watercourse crossings

62. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water

63. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water

64. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

65. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

66. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
DA 62/2010 (Stage2)

Conditions of the Development Consent

This consent is subject to the following conditions: -

**Advisory conditions:**

1. All native vegetation on site shall be retained and protected unless the proposed clearing complies with the *Native Vegetation Act 2003* and *Native Vegetation Regulations 2005*.

   **Advice:** Any clearing of Native Vegetation will require separate approval from the Hunter-Central Rivers Catchment Management Authority under the *Native Vegetation Act 2003*. Clearing of native vegetation is not to commence until formal approval from the Catchment Management Authority, in the form of a Property Vegetation Plan (PVP), has been obtained.

2. The developer is advised that the Australian Government is in the process of commencing the roll out of the National Broadband Network. You are to make your own enquiries as to whether this will apply to your development and/or what the appropriate serving provision standards may be.

   **Reason:** For information purposes.

**General**

3. The subdivision of Lot 21 DP 816421, No 59 Allyn River Road, East Gresford being carried out in accordance with the following information submitted with development application 100/2009, except as modified by the conditions of this consent:

   - Limited Geotechnical Investigation for stage 1, dated 23 April 2009 prepared by Barker Harle;
   - Geotechnical Report No 90213 dated May 2010 prepared by Barker Harle;
   - Bushfire Protection Assessment, dated 19 June 2009 prepared by Australian Bushfire Protection Planners;
   - Aboriginal Cultural Heritage Assessment, dated November 2009 prepared by Junburra Aboriginal Consultancy Services;
   - Flora and Fauna Assessment, dated February 2010 prepared by Ecobiological
   - Traffic Assessment Report, dated February 2010 prepared by Hill Top Planners; and
   - Visual Assessment, dated February 2010 prepared by Hill Top Planners.

   **Reason:** To ensure all works are carried out in accordance with the submitted and approved plans.

4. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowing disturbs an aboriginal site or relic is liable to prosecution under the *National Parks and Wildlife Act 1974*.
Reason: To ensure that any potential sites or relics are properly identified and appropriate action taken.

5. All future on-site sewage management systems on the site must comply with the design specifications provided in the Barker Harle Geotechnical Report No 90213 of May 2010.

Reason: To ensure effluent disposal is carried out in an environmentally sound manner and as per the submitted reports.

6. An application to install and operate a sewage management system must be submitted to Council prior to the approval of any development requiring sewage disposal.

Reason: To ensure effluent disposal is carried out in an environmentally sound manner and considered on a specific basis at a later date.

7. The land may be subject to flooding and if it is flooded Council will not, pursuant to Section 733, Local Government Act 1993, incur any liability in respect of the granting of this consent.

Reason: Advisory condition regarding flooding.

8. Any relocation or alterations of public utilities made necessary as a result of the development are to be carried out at no cost to Council.

Reason: To ensure that the development is serviced by all public utilities at no cost to Council.

9. If any lot on the subdivision is to be filled by over 0.2 metres depth, the entire depth of fill is to be compacted to 95% standard in accordance with AS1289-E(1.1) and certified as such by a practising civil engineer or geotechnical consultant. Appropriate erosion and sediment control measures shall be utilised and maintained until adequate grass cover has established.

Reason: To ensure that the development complies with Council requirements

10. The developer being responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.

Reason: To ensure appropriate servicing to the lots.

11. All works are to comply with the Building Code of Australia 2010.

Reason: To ensure compliance with the BCA 2010 and to ensure all servicing is constructed in an appropriate manner.

12. The applicant shall ensure that arrangements are made for the Principal Certifying Authority, Council or Private Certifier, to carry out STAGE INSPECTIONS indicated as follows in bold.

Request for Council inspections may be made either by telephone or in person. Forty-eight (48) hours notice must be given for inspections.

Applicants are required to nominate the relevant Construction Certificate Number and location prior to the inspection request being granted.
Note: STAGE INSPECTIONS are required to be carried out in order to ensure that a Subdivision Certificate can be issued. In the event that any stage inspection is not carried out, a Subdivision Certificate cannot be issued.

(a) After stripping of topsoil from roads and fill areas, all Erosion & Sediment Control devices and Traffic Control signs (new intersection with Allyn River Road) shall be installed at this stage.
(b) After completion and compaction of the road sub grade.
(c) After placement and compaction of each layer of gravel pavement material prior to sealing.
(d) After laying and jointing of all stormwater drainage pipelines prior to backfilling.
(e) During application of bitumen seal or asphaltic concrete wearing surface.
(f) After restoration and completion of all works.
(g) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls and conditions of Development Consent.

It should be noted that Council charge fees for inspections and Compliance Certificates. These inspection fees must be paid prior to release of the Construction/Subdivision Certificate associated with the Development Consent. At the time of issuing this Development Consent Council’s Inspection Fee was $125.00 per inspection.

Compliance (Inspection) Fees will be adjusted in accordance with Council’s Fees & Charges operating at the time of inspection. In the event further additional inspections are required those inspections will attract inspection fees.

Reason: To demonstrate that development works are carried out in conformity with the Construction Certificate issued development conditions and to appropriate technical engineering standards.

Consultation

13. Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council’s Infrastructure & Assets department to discuss the extent and scope of all works and details required on the design plans. Some of the issues to be discussed and incorporated in the design plans include but not limited to the following:

- Location of bus bays and shelters.
- Erosion & sediment controls.
- Stormwater drainage.
- Pavement standards including carriageway widths etc.
- Earthwork details including quantities and stockpiling.
- Traffic control details.
- Restoration details.
- Cycle way requirements

Reason: To ensure appropriate levels of works and engineering design details are satisfactorily addressed.

Prior to Commencement of Works

14. A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Reason: Required by the Environmental Planning and Assessment Act.
15. Prior to the commencement of works the developer shall undertake the initial treatment of Giant Parramatta Grass in accordance with Council’s Noxious Weed Officer or other suitably qualified person’s recommendations.

**Reason:** To limit the spread of Noxious Weeds.

**Prior to Release of Construction Certificate**

16. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.

**Reason:** Required under the Water Management Act 2000.

17. Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 prior to the issue of any Construction Certificate which includes any works within a Council road reserve. For any such works, detailed engineering design plans must be submitted to Council for approval prior to issue of the Construction Certificate.

**Reason:** Required under the Roads Act 1993.

18. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval addressing all internal roads including associated stormwater drainage and erosion/sediment controls, in accordance with the standards set out in AUS-SPEC and to the satisfaction of Council to include but not limited to the following:-

   - (o) 20 metre wide road reserve.
   - (p) Formation width 8.5 metres.
   - (q) Minimum sealed carriageway width of 6.5 metres.
   - (r) Minimum compacted selected gravel base of 350mm thick.
   - (s) 2 coat bitumen seal or 40mm AC.
   - (t) Minimum spray seal shoulder widths 1.0 metres.
   - (u) Minimum table drain width of 1.5 metres (use of Water Sensitive Urban Design (WSUD) techniques would be supported throughout the subdivision).
   - (v) Cut and fill batters not exceeding 1:1 (cut) and 1.5:1 (fill).
   - (w) Cycleway of 1.5 metres minimum width (Council’s preferred option is to extend the 6.5 metre wide carriageway. The cycleway is to be suitably line marked and highlighted as such.
   - (x) Strategically positioned bus bays and shelters.
   - (y) Associated stormwater (including subsoil) drainage.
   - (z) Erosion and Sediment controls.
   - (aa) Provision of a temporary vehicle turning facilities to accommodate the turning path of a single unit truck (garbage truck/standard school bus) generally at the western boundaries of proposed Lots 5 & 6 on proposed road No 1.
   - (bb) A permanent turning facility at the end of proposed road No 2 to accommodate the turning path of a single unit truck (garbage truck/standard school bus)
   - (cc) Appropriate road line marking.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

19. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for:

   - The installation of a sealed entrance to proposed Lot 13 complying with the requirements of Council’s standard drawing number SD0015 titled “Private Entrance - Rural Bitumen Roads – July 2000” as amended. The entrance shall be constructed so as not to impede the flow of water in any table drain.
A copy of Council’s specification is available from Council’s Infrastructure & Assets Department. Access provision shall be incorporated in road design plans where these are required as a condition of development.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

20. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: -

The provision of a stormwater system with water quality control facilities which may include Water Sensitive Urban Design Techniques for the treatment of stormwater runoff and discharge from the development to the satisfaction of Council.

**Advice:** All works to be approved by Council prior to the release of the Subdivision Certificate.

**Reason:** To provide appropriate stormwater drainage within the development and to minimise downstream environmental affects.

21. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval to provide: -

A single all weather vehicle access way incorporating a vehicle shake down device within the property generally in accordance with the “Stabilised Site Access” design criteria in the latest Managing Urban Stormwater publication (the blue book), extending from the existing formation of Allyn River Road OR the use of cattle type grid structures OR a combination of both so as to provide appropriate access to the site which will minimise the potential for erosion to occur and for materials to be tracked onto the road by vehicles.

**Reason:** To minimise the tracking of sediment from the site during the construction phase.

22. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval to provide: -

Erosion and Sediment Control facilities to deal with all aspects of earthworks associated with the development. The detailed plans shall be in accordance with Dungog Council’s Erosion and Sediment Control Plan Guidelines and the latest edition of Managing Urban Stormwater publication (the blue book). Sediment control measures shall be provided for the duration of the works and until the site is stabilised.

**Reason:** To ensure all sediment is contained on the development site and appropriate environmental control are in place pre, during and post civil engineering works.

23. The developer shall arrange for details of the following to be submitted to Council for approval:

- Details for the disposal of any spoil gained from the site and or details of the source of fill, heavy construction materials and proposed routes to and from the site.

**Reason:** To ensure spoil is disposed of in a satisfactory environmental method and the proposed routes are recorded for possible damage caused by construction vehicles.

24. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval which shall include but not limited to the following: -
i. A sealed ‘BAR’ / ‘BAL’ intersection with Allyn River Road to conform to the sign posting speed limit along Allyn River Road.

j. Associated line marking.

k. Advanced intersection signage together with intersection signage.

l. Lighting of the intersection.

m. Provision of a Street name blaze.

n. Sealed bus stop areas in Allyn River Road including an area for standing/waiting opposite and adjacent the intersection.

o. Provision of a “GIVE WAY” sign.

p. Associated stormwater drainage details.

q. Construction of a Fire Trail from near to the end of Road No 1 to the north connecting with the right of carriageway located along the northern boundary of the site. The fire trail shall comply with the requirements of section 4.1.3(2) of ‘Planning for Bushfire Protection 2006’.

**Reason:** To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development and to conform to Council requirements.

25. Prior to issue of Construction Certificate, the developer will provide for Council Staff approval an Environmental Management Plan (EMP) that details work and maintenance schedules to be implemented within the subdivision. The plan must incorporate the recommendations from the various reports provided in the assessment process and any other conditions imposed on the development by other authorities or outlined in other approvals relating to the development. The plan must include but not limited to:

- the various recommendations of reports submitted by the applicant in relation to ecology and erosion remediation and control works. In particular the recommendations of the Flora and Fauna Assessment prepared by Ecobiological;
- Details of the retention and improvement of the Endangered Ecological Communities identified on the property;
- Remediation of the riparian areas;
- Landscape maintenance schedule;
- Management of companion animals;
- Proposed Management Plan for Noxious weeds, in particular Giant Parramatta Grass;
- Stormwater management plan;
- Geotechnical requirements;
- Proposed mechanism for transfer of responsibility for any maintenance required to the property owner.
- Elements of the Environmental Management System and specific ongoing issue management
- The relevant Standards/Guidelines to be utilised
- Actions – Monitoring, Review, Reporting and Evaluation associated with environmental management
- Sustainability, Ecosystem and Environmental Justice
- Risk, Governance and Participation/Engagement
- Social Learning and Adaptive Management

**Advice:** The EMP should provide a framework for managing and mitigating any environmental impacts associated with the proposed development. In particular, it should address ongoing vegetation management and protection of the riparian areas. Further, the EMP should ensure the commitments made in the DA and the requirements imposed by Council and other Government authorities are fully implemented.
26. Prior to issue of a Construction Certificate a landscaping / revegetation management plan shall be prepared and submitted to Council for approval. The plan must:

(a) Incorporate the latest subdivision layout;
(b) Provide for retention of existing vegetation with supplementary planting of indigenous species to form a vegetated buffer along the Allyn River Road/Park Street frontage;
(c) Provide for supplementary planting of a vegetation screen along the rear (northern) boundaries of Lots 16-20;
(d) Identification of any proposed Vegetation within road reserves;
(e) Identification of all Endangered Ecological Communities, all hollow bearing trees, the 20m buffer around the threatened ecological community Freshwater Wetland of the Coastal Floodplains and all Slaty Red Gum found across the site.

Prior to Issue of Subdivision Certificate

27. Submission of an original plan of survey by a Registered Surveyor and six (6) copies to Council for subdivision approval.

Reason: Statutory requirement.

Advice: The final plans must conform generally to the subdivision proposal shown on the concept plan submitted with the Development Application dated 24 August 2009 and incorporate Council’s requirements.

Council’s fee covers the cost of providing copies of the plan of survey to relevant internal Council departments and to Government departments as required.

28. Application for a Subdivision Certificate is to be submitted to and approved by Council prior to release of the final linen plan of subdivision.

Reason: To ensure compliance with Council’s requirements.

Advice: The fee for a Subdivision Certificate is $220.00.

29. The developer is to pay $550 for each new road/street names within the development. This needs to be paid prior to proceeding with advertising in accordance with Council’s policy.

Reason: To ensure future road naming is carried out as per Council policy.

30. Prior to issue of the Subdivision Certificate, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to the Principal Certifying Authority.

Reason: To conform with other authorities.

31. Pursuant to section 7.11 of the EP&A Act and in accordance with the Dungog Local Infrastructure Contributions Plan 2019 (adopted April 2019), a contribution of $10,100.00 per new lot created shall be paid to Council.

The contribution is for the following:

- Open space and recreation $2,017.00
- Road & traffic facilities $7,934.00
- Plan administration $149.00
The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions in section 6.3 of the Dungog Local Infrastructure Contributions Plan 2019. The contribution is to be paid prior to the release of any Construction Certificate, linen plan or Subdivision Certificate.

**Reason:** This development results in increased demand on existing amenities or services that has been identified in respective contribution plans. These plans are available for inspection at Council’s offices, Dowling Street, Dungog. Council will hold the money payable under this condition and utilize these funds to upgrade amenities or services in the future.

**Advice:** Copies of the Contributions Plan are available for inspection and purchase at Council’s Administration Building, Dungog.

The applicant and / or subdivider must contact Council prior to the payment to determine the current rate of contribution, as the rates are revised quarterly. Staging of payments is permitted if staging of development is approved by the terms of this consent.

32. Suitable arrangements being made with an energy provider to ensure that:-

(a) electricity will be available to each allotment created by the subdivision when and if development is proposed on the land;

(b) that any transmission lines or other assets of an energy provider on private land be “protected” by an easement; and

(c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with an energy provider for such relocation to be carried out.

**Reason:** To ensure that the interests and responsibilities of energy provider and Dungog Council with regard to the timely supply of power connections are satisfied.

**Advice:** An energy provider is responsible for the supply of electricity to this land. The applicant must contact an energy provider on all matters concerning electricity supply.

A letter from an energy provider stating that satisfactory arrangements have been made for the supply of electricity in the subdivision is to be submitted to Council, and accepted, prior to the release of the linen plan of subdivision.

33. Suitable arrangements being made with a telecommunications carrier to ensure that: -

(a) communication will be available to each allotment created by the subdivision when and if development is proposed on the land;

(b) that any transmission lines or other assets of a telecommunications carrier on private land be “protected” by an easement; and

(c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with a telecommunications carrier for such relocation to be carried out.

**Reason:** To ensure that the interests and responsibilities of a telecommunications carrier and Dungog Council with regard to the timely supply of telephone connections are satisfied.

**Advice:** For details of arrangements pertaining to the land, applicants must contact a telecommunications carrier direct.

A letter from a telecommunications carrier stating that suitable arrangements have been made is to be submitted to Council, and accepted, prior to release of the linen plan of subdivision.
34. Pursuant to section 88B of the Conveyancing Act easements and restrictions as-to-user shall be created to achieve the following purposes:

(a) Implementation and maintenance of the approved Environmental Management Plan (EMP) and approved Landscape Plan (LP);
(b) All rights of carriageway;
(c) Prohibit construction of buildings outside the identified building envelopes incorporating;

(1) a 15 metre front setback for all lots within Zone R5 Large Lot Residential;

(2) a 20 metre side setback on along the western boundary of proposed lots 23 and 20 and a 50 metre front setback from the frontage of Lots 23 & 24 to Durham Road);

(d) Prohibit direct vehicle ingress or egress to and from Allyn River Road on Lots 1, 13, 14 and 15;
(e) Prohibit clearing of native vegetation on Lots 14 & 15 except in accordance with a PVP from the Hunter Central Rivers CMA;
(f) Provide that no fence of any kind shall be erected other than a fence which permits the movement of native fauna across the site and is free from ‘netting’ type material.
(g) Provide that the Vegetated mound 5m wide shall be maintained on Lots 1, 13, 14 and 15.
(h) Prohibiting use of the existing Right of Carriageway 10.06 wide, except in the case of an emergency access.
(i) Prohibiting the installation of gates along the rear boundaries of Lots 1, 2, 3, 4 and 5 onto the existing right of carriageway.
(h) To ensure that cats and dogs are managed (in accordance with the EMP) to minimise impacts on native fauna, livestock and rural amenity.
(i) To prohibit the use of recreational motor vehicles/motorbikes on these lots.
(o) An easement is to be created over the Fire Trail from near to the end of Road No 1 to the north connecting with the right of carriageway located along the northern boundary of the site. The fire trail shall comply with the requirements of section 4.1.3(2) of ‘Planning for Bushfire Protection 2006’.

Advice: The EMP should provide a framework for managing and mitigating any environmental impacts associated with the proposed development. In particular, it should address ongoing vegetation management and protection of the riparian areas. Further, the EMP should ensure the commitments made in the DA and the requirements imposed by Council and other Government authorities are fully implemented.

Reason: To ensure the potential environmental impacts are appropriately mitigated and managed.

35. All Landscaping shall be completed and maintained in accordance with an approved Landscaping / Revegetation Management Plan.

Reason: To ensure compliance with Council’s requirements.

36. Boundary fencing shall be installed by the developer between the existing right of way and the rear boundaries of Lots 1, 2, 3, 4 and 5. Boundary fencing shall also be installed by the developer along the rear boundaries of lots 13, 14 & 15 and the identified Endangered Ecological Community in accordance with Council and the Hunter Central Rivers Catchment Management Authority’s requirements.

Reason: To ensure these areas are clearly identified to prospective purchasers.
37. Vehicular and pedestrian access from Lots 16-20 (Stage 2) to the right of carriageway located beyond the northern boundary of the site is strictly prohibited other than via the fire trail in the event of a bushfire emergency.

38. The developer shall construct the following to the satisfaction of Council: -

All internal roads including associated stormwater drainage and erosion/sediment controls, in accordance with approved Construction Certificate design plans to meet the standards set out in AUS-SPEC and to the satisfaction of Council to include but not limited to the following: -

(p) 20 metre wide road reserve.
(q) Formation width 8.5 metres.
(r) Minimum sealed carriageway width of 6.5 metres.
(s) Minimum compacted selected gravel base of 350mm thick.
(t) 2 coat bitumen seal or 40mm AC.
(u) Minimum spray seal shoulder widths 1.0 metres.
(v) Minimum table drain width of 1.5 metres (use of Water Sensitive Urban Design (WSUD) techniques would be supported throughout the subdivision).
(w) Cut and fill batters not exceeding 1:1 (cut) and 1.5:1 (fill).
(x) Cycleway of 1.5 metres minimum width (Council’s preferred option is to extend the 6.5 metre wide carriageway. The cycleway is to be suitably line marked and highlighted as such.
(y) Strategically positioned bus bays and shelters.
(z) Associated stormwater (including subsoil) drainage.
(aa) Erosion and Sediment controls.
(bb) Provision of a temporary vehicle turning facilities to accommodate the turning path of a single unit truck (garbage truck/standard school bus) generally at the western boundaries of proposed Lots 5 & 6 in proposed road No 1.
(cc) A permanent turning facility at the end of proposed road named Camry Allyn Close to accommodate the turning path of a single unit truck (garbage truck/standard school bus)
(dd) Appropriate road line marking.
(ee) A Fire Trail from near to the end of Road No 1 to the north connecting with the right of carriageway located along the northern boundary of the site. The fire trail shall comply with the requirements of section 4.1.3(2) of ‘Planning for Bushfire Protection 2006’. The Fire Trail shall be gated and locked at each end to prevent unauthorised access by the public with RFS having keys to the locks.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.

39. The developer shall construct the following to the satisfaction of Council: -

The installation of a sealed entrance to proposed Lot 13 complying with the requirements of Council’s standard drawing number SD0015 titled “Private Entrance - Rural Bitumen Roads – July 2000” as amended in accordance with the approved Construction Certificate plans. The entrance shall be constructed so as not to impede the flow of water in any table drain.

A copy of Council’s specification is available from Council’s Infrastructure & Assets Department. Access provision shall be incorporated in road design plans where these are required as a condition of development.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development.
40. The developer shall construct the following to the satisfaction of Council: -

The provision of a stormwater system with water quality control facilities which may include Water Sensitive Urban Design Techniques required treating stormwater runoff and discharge from the development in accordance with the approved Construction certificate plans to the satisfaction of Council.

Advice: All works to be approved by Council prior to the release of the Subdivision Certificate.

Reason: To provide appropriate stormwater drainage within the development and to minimize downstream environmental affects.

41. The developer shall construct the following to the satisfaction of Council: -

A single all weather vehicle access way incorporating a vehicle shake down device within the property generally in accordance with the “Stabilised Site Access” design criteria in the latest Managing Urban Stormwater publication (the blue book), extending from the existing formation of Allyn River Road OR the use of a cattle type grid structure OR a combination of both so as to provide appropriate access to the site which will minimise the potential for erosion to occur and for materials to be tracked onto the road by vehicles.

Reason: To minimise the tracking of sediment from the site during the construction phase.

42. The developer shall construct the following to the satisfaction of Council: -

Erosion and Sediment Control facilities to deal with all aspects of earthworks associated with the development. The works shall be in accordance with Dungog Council’s Erosion and Sediment Control Plan Guidelines and the latest edition of Managing Urban Stormwater publication (the blue book). Sediment control measures shall be provided for the duration of the works and until the site is stabilised.

Reason: To ensure all sediment is contained on the development site and appropriate environmental control are in place pre, during and post civil engineering works.

43. The developer shall construct the following to the satisfaction of Council: -

a. A sealed ‘BAR’ and ‘BAL’ intersection with Allyn River Road to conform to the sign posted speed limit along Allyn River Road.

b. Associated line marking.

c. Advanced intersection signage together with intersection signage.

d. Lighting of the intersection.

e. Provision of a Street name blaze.

f. Sealed bus stop areas in Allyn River Road including an area for standing/waiting opposite and adjacent the intersection.

g. Provision of a “GIVE WAY” sign in proposed road No 1.

h. Associated stormwater drainage details.

Reason: To provide an appropriate standard of vehicle access to the land to accommodate the traffic likely to be generated from the development and to conform to Council requirements.

44. The developer shall ensure that satisfactory arrangements have been made with Council for the supply and erection of property identification numbers in accordance with Council’s Rural Addressing Program.
Reason: To ensure that property addressing is of a uniform nature.
Advice: A payment of $82.50 to Council for each lot created is required for rural addressing purposes.

45. The plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the constructed road in use, and known as Allyn River Road over the frontage of proposed Lots 1, 13, 14 & 15. In the event existing fencing is located within the dedicated road reserve, the developer will be responsible for relocating those fences onto the surveyed alignments. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.

Reason: To rectify encroachments as part of the subdivision.

46. All civil engineering works to be transferred to Council ownership shall be covered by a 12 months Maintenance Bond in accordance with Council’s Bonding Policy. The 12 months Maintenance Bond shall commence from the Practical Completion date identified by Council or until registration of the subdivision plan, whichever is greater. The 12 Months maintenance Bond also attracts a Bond Administration Fee as identified in Council’s Fees and Charges at the time of preparation of the Bond.

Reason: To ensure all civil engineering works being transferred to Council ownership are at an acceptable standard when transferred.

47. The provision of Work as Executed information prior to release of the Subdivision Certificate. The information is to be submitted in hard copy and in electronic format compatible with AutoCAD. This information is to be approved by Council prior to issue of the Subdivision Certificate.

Reason: To ensure Council has documentary proof of all their assets to complete appropriate records.

48. The making good to the satisfaction of Council, or payment of the costs incurred by Council in making good, any pavement damage or structural deterioration caused to Council’s roads by the use of such roads as haulage routes for materials used in construction or the operation of the approved development.

Reason: To ensure Council’s assets are maintained to good engineering standards.

49. The plan of subdivision and associated Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.

A: On proposed Lots 1, 13, 14 & 15:

a. Prohibiting direct vehicle ingress or egress to and from Allyn River Road.

Reason: To ensure the development does not increase individual traffic movement onto a main type road.

50. All fees, Section 7.11 and other Contributions will need to be adjusted in accordance with Council’s Fees & Charges applicable at the time of payment.
**Reason:** To ensure all Fees & Charges are paid at the correct rate at the time of payment.

51. A Subdivision Certificate will not be issued nor the final plan signed and released by Council until all conditions of consent have been complied with to Council’s satisfaction.

**Reason:** To ensure compliance with Council’s requirements.

**Special Conditions – Other Authorities**

**NSW RFS**

**Asset Protection Zones**

52. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s), to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bushfire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

**Water and Utilities**

53. Water, electricity and gas are to comply with section 4.1.3 of ‘Planning for Bushfire Protection 2006’.

**Access**

54. Public road access shall comply with section 4.1.3 (1) of ‘Planning for Bushfire Protection 2006’.

(a) The terminus of Road No1 shall provide a temporary turning head for emergency service vehicles capable of carrying a load of 15 tonnes. The proposed turning head should be 15 metres deep from the centre line of the road, 6 metres wide and have an internal turning radius of no less than 6 metres.

55. The existing right of carriageway (within the property) in the northern portion of the site shall comply with the following requirements of section 4.1.3(2) of ‘Planning for Bushfire Protection 2006’.

1. Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes;
2. Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge);
3. A minimum carriageway width of 4 metres;
4. Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m;
5. A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
6. The crossfall is not to exceed 10 degrees;
7. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;

56. Any further development application for class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to a separate application under section 79Ba of the EP&A Act and address the requirements of Planning for Bushfire Protection 2006.
4. DEVELOPMENT APPLICATION – 37/2018

<table>
<thead>
<tr>
<th>FILE NO:</th>
<th>TPA 1705/2</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNEXURES:</td>
<td>A Amended Application/Latest Submissions</td>
</tr>
<tr>
<td></td>
<td>B Proposed Conditions of Refusal</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>Town Planner</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Hill Top Planners Pty Ltd</td>
</tr>
<tr>
<td>OWNER:</td>
<td>Mr Richard Green</td>
</tr>
<tr>
<td>PROPOSAL:</td>
<td>Flood Refuge Mound for stock Holding Yard</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>LOT: 3 DP: 251382, 135 Martins Creek Road, PATERSON</td>
</tr>
<tr>
<td>ZONE:</td>
<td>Zone E3 Environmental Management</td>
</tr>
</tbody>
</table>

OFFICERS RECOMMENDATION:

That Council refuse Development Application 37/2018 subject to reasons as set out in Annexure ‘B’.

Background

An application for consent to construct an Earthen Mound for a Cattle Refuge in Flood Time-Stock Holding Yard (DA 37/2018) was lodged with Council on 23 March 2018.

The applicant initially sought to use “recovered fines” to construct the mound but was advised on 13 April 2018 that Council would be unable to approve the application if “recovered fines” were to be used as fill material for the mound as Clause 7.2.6 of the Environmental Protection Authority’s (EPA) “Continuous Process” Recovered Fines Exemption 2014 does not permit the application of such waste to land used for agricultural purposes.

Given these circumstances the applicant was encouraged to withdraw their application and receive a partial refund of the fees paid in accordance with Council’s Refunds Policy however the applicant did not take up the offer of withdrawal instead on 13 April 2018 he amended the proposal to exclude the use of “recovered fines” from the proposal.

This latest amendment of the application is seeking once again to rely on the use of both Virgin Excavated Material (VENM) and Excavated Natural Material (ENM) despite ENM having the potential to be contaminated fill.

Additional information was requested from the applicant so that a full assessment of the application could be undertaken and one of the matters for which additional information was sought was in relation to flooding and the potential effect construction of the mound could have on flood behaviour.
Council advised the applicant that the adopted 2017 Flood Study for the Paterson River had modelled the flood characteristics in the area of the subject site and indicated that the site was within the High Hazard Floodway and subject to extensive flooding including significant depth and flows.

On 8 August 2018 the applicant submitted a one dimensional Flood Study for the proposed development however other information sought by Council had still to be provided.

Council’s Development Engineer reviewed the applicant’s flood study and concluded that Council not support the proposal for filling within the floodway as the proposed development is:

- not consistent with Section 6.3 (3) (b) of the Dungog LEP,
- not consistent with Section C8 of the Dungog DCP ‘Managing Our Floodplains”, and
- not consistent with the NSW Government Floodplain Development Manual.

Considering the likely impacts of any filling within the high hazard floodway and potential cumulative impacts of similar development elsewhere within the floodway, it was referred to Council for determination at its meeting of 20 March 2019 with a recommendation that the application be refused.

The applicant sought that Council defer their decision on the matter pending a site inspection.

Following the site inspection the matter was set to be determined at Council’s meeting of 17 April 2019 however the applicant again sought Council’s further deferral of the matter to allow for an amended application to be made.

Council agreed to a further deferment of the matter and the applicant has subsequently submitted an amended application seeking approval for a smaller cattle mound 20m x 40m as opposed to the original 20 x 65m mound.

The height of the mound has also been reduced from RL 13.0m AHD to RL 11.7m AHD and having its overall footprint reduced such that the mound height has generally been lowered from around 5 metres in height to around 3 metres in height.

A thorough assessment of the amended development application has been undertaken in accordance with the provisions of the Act and it is recommended that Council refuse the application for the reasons set out in this report as the application is contrary to the terms of Council's Local Environmental Plan 2014, is contrary to Council DCP No 1, is contrary to the recently adopted Paterson River Floodplain Risk Management Plan, is contrary to the NSW Floodplain Development Manual and may result in Council losing its indemnity for liability under Sect 733 of the Local Government Act 1993.

The Subject Site

The subject site is located on the western side of Martins Creek Road at Paterson and is identified as Lot 3 DP 251382, No.135 Martins Creek Road, Paterson. The site has as its rear boundary the Paterson River and is south of and opposite Tucker Park in the township of Paterson. (See figure 1 Site Diagram over)

The site is located within Zone E3 Environmental Management under the Dungog LEP 2014. (See figure 2 Extract Dungog Local Environmental Plan 2014 Zone Map over) and it encloses an area of 3.815 Hectares.

The land is around 7.00 to 8.00 metres AHD as depicted on survey plans supplied by the applicant and drops down below the 6 metre contour as it approaches the Paterson River.
The land is vacant and is mainly cleared pasture. (See Figure 3 Aerial Photograph over)

**The Development**

The amended proposal is for a cattle mound which is to be located about 70m from the Paterson River (to the toe of the mound) and 50m from the high bank of the Paterson River.

The toe of the mound is proposed to be 48m from the Martins Creek Road frontage and 38 metres from the southern boundary.

The soil mound is proposed to be 20m x 40m at finished level, plus batters with a finished height of 11.70 metres AHD which is equivalent in finished height to a 1:100 year ARI flood in the Paterson River (11.6m AHD).
Figure 3. Aerial Photograph of subject site

Figure 4. Plan of proposed new cattle mound
STATUTORY CONSIDERATIONS

Section 4.15 of the Act (EP&A) mandates key heads of consideration for the assessment of development applications. The application has been assessed against the relevant heads of consideration.

The main considerations are addressed as follows:

**Provisions of any environmental planning instrument.**

**Dungog Local Environmental Plan 2014**

The subject site is within **Zone E3 Environmental Management** under Dungog Local Environmental Plan 2014 and the cattle mound is permissible with consent being considered to be allied/ancillary to the use of the site for “extensive agriculture” meaning “any of the following:

(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
(b) the grazing of livestock for commercial purposes,
(c) bee keeping,
(d) a dairy (pasture-based).”

The objectives of **Zone E3 Environmental Management** are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.

In accordance with **Clause 2.3(2) Zone objectives and Land Use Table** of the LEP 2014 Council must have regard to the objectives for development in a zone when determining a development application.

**Comment**

In consideration of the first Zone Objective the applicant in the latest iteration of the proposal states that “it could not scientifically concluded that this area of the site (sic the mound) could be classified as having “special ecological, scientific, cultural or aesthetic value” and on that basis he concluded that the proposal will not adversely impact on the zone objectives.

The applicant also advised that there is no proposal to construct fencing or shedding on the mound accordingly the development will not be detrimental in the preservation of scenic landscape values.

The **Local Area Plan (LAP) for Paterson** states that:

“Part of Paterson's charm and attraction base lies in its setting. Key features of this setting are the Paterson River, the fertile river plains to the north and south of the town and the surrounding forested ranges - the Hungry Hill - Red Hill - Kurrikaba Hill ranges to the east and the Mount Johnstone range to the west.”

The LAP notes that the retention of the historic and rural character and the appearance of the Paterson area are very important to the Paterson community and Shire residents.
Further that the appearance and setting of Paterson is also important for the tourism industry in the Shire.

The LAP identifies areas of **High Visual Significance** to include the Floodplain immediately to the east of the village – being the narrow strip of floodplain extending between the river and Martins Creek Road from the intersection of Martins Creek and Woodville Roads to just north of the 'horse-shoe' bend in the River.

This identified area of "**High Visual Significance**" encompasses the subject site.

The LAP emphasis is directed at protecting the character and visual identity of the Paterson area and the desired outcomes sought under that LAP were the retention of the rural and historic character and setting of Paterson which included the retention of areas of high scenic value, including, the rural vistas on the access roads into Paterson.

The LAP also calls for a visual and view shed analysis ahead of development as part of the planning process however no view shed analysis has been provided for this development.

The applicant was requested to provide a "visual and view shed analysis" as was required under the DCP however in response he stated that the DCP was of no value and where the DCP was in conflict with the LEP the LEP prevailed, as such no visual analysis would be provided.

Contrary to the applicant’s stated position the terms of a **Development Control Plan** are to be taken into account in the determination of a development application as is clearly expressed in **Section 4.15 (1) (a) (iii)** of the **Environmental Planning and Assessment Act 1979**.

In this matter there is no conflict between the LEP and the DCP provisions, Council’s **DCP** expresses in more detail its concerns for the visual amenity of the area of Paterson Village and surrounds and is a valid head of consideration in this application upon which Council must have regard relevant to the zone objectives.

Further the inclusion of the subject lands in **Zone E3 Environmental Management** was directed at restricting development of riparian lands and lands subject to the 1:100 year Flood so as to enable the lands to be maintained or restored to their original state and thus serving to protect, manage and restore those areas such that the aesthetic value was preserved or enhanced.

The construction of an earth mound will be quite visible on the site from both the Village of Paterson including from the main access road (Maitland Road) and from Martins Creek Road and clearly won’t present as a natural part of the landscape.

Based upon the reasoning as set out above the proposed development is not seen as "**serving to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values**", and as such is contrary to the first Zone objective for **Zone E3 Environmental Management**.

As the development does have the potential to have an adverse effect on the first Zone Objective it is therefore contrary to the second zone objective that is:

"**To provide for a limited range of development that does not have an adverse effect on those values. (listed in the first Objective)**"

The development is considered to be inconsistent with the final Zone objective as the development is likely to detract from the rural amenity and scenic landscape values of the area.
Any future structures such as fencing or sheds that would be expected to be erected upon a mound to function as a cattle refuge would likely cause the development to be silhouetted against the skyline on a man made structure some 3 metres above the surrounding ground.

The applicant states that there is no intention to erect any shedding or fencing on the mound however the guidelines issued by the Department of Industry & Investment recommend that facilities such as fencing, water tanks, feed troughs and other Flood Mound infrastructure be provided to contain and service the animals away from the flood waters. (Pages 3 & 4 of Primefacts Document October 2009 “Live stock flood refuge mounds”)

In these circumstances where the applicant advises that no infrastructure is to be provided upon the mound its effectiveness as a flood refuge mound needs is bought into question.

The following clauses of **Dungog LEP 2014** are also relevant to the proposed development:

**6.1 Acid sulfate soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The subject land is identified as **Class 4** potential acid sulphate soils. (See Figure 5 over, Extract Acid Sulfate Soils Map from Dungog LEP 2014.)

The area of filling is located within **Class 4** lands but will not result in works beyond 2 metres below the natural ground surface, or works by which the watertable is likely to be lowered to any point beyond 2 metres below the natural ground surface.

It is considered that the proposed development in unlikely to impact on potential ASS as no excavation is proposed.
6.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Council in deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

The proposed development is located within the High Hazard Floodway Zone and therefore is expected to have the potential to disrupt and or cause detrimental effect on drainage patterns and soil stability in the locality of the development in the time of flood or severe rain events.
From the **Paterson Flood Study** the whole of the site is designated as floodway during the 1 in 100 year event.

The **NSW Government Floodplain Development Manual** defines a floodway as “those areas of the floodplain where a significant discharge of water occurs during floods… .

**Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.**

The **NSW Government Floodplain Development Manual** also states that the cumulative effect of development must be considered.

Whilst a single flood mound in isolation may not have an significant adverse impact on flood behaviour, the cumulative impact of multiple proposals in close proximity to one another will reduce the floodway area available for the conveyance of flows and reduce the area available for flood storage.

Considering the likely impacts of any filling within the high hazard floodway and potential cumulative impacts of similar development elsewhere within the floodway, the proposal to place fill within the floodway is not consistent with the requirements of the **NSW Government Floodplain Development Manual**.

The Flood Study initially provided by the applicant does not address the circumstances of the now modified and reduced mound on local flood behaviour the fact remains the development is within the high hazard floodway and Council’s own adopted Policies direct that such development should not take place.

The observations in the applicant’s flood study are that flood flows in the main channel (table 1 HEC RAS model page 5 GCA Flood Study 2016) are 2.63 metres per second and floodwaters with such a velocity are destructive and hazardous to people, stock, vehicles and structures during the 1:100 Flood event or greater.

The reference to velocities of 1 metres per second by GCA are in reference to the over bank area and relate only to the 1:50 (2%) Flood event and not the 1:100 year event or the PMF (where peak flows are expected to be in the order of 3m/s.)

The overbank Peak flood flows in the 1:100 and PMF events were not modeled in the GCA report.

The applicant contends that the subject site is subject to low flows in flood events up to and including the 1:100 Year Flood event, (see Page 4 of the revised Statement of Environmental Effects) by suggesting that the 2015 Flood Event was equivalent to the 1:100 year event and that flows in the overbank area were relatively still.

The applicant’s own flood study identifies at Page 3 item 1.5.4 that the 2015 event was at the 2% (1:50) flood level not the 1% (1:100) year event as now suggested by the applicant.

Further, the velocities of flow identified at page 5 of that same GCA Report identify velocities of 2.63m/s in the main channel of the river and that study never modeled or expressed a view on the velocities in the over bank area for either the 1% (1:100) year event or the PMF event.

With velocities of water in the 1% (1:100) year Flood event at 2.63m/s and 3.00m/s for the PMF the safety of humans, stability of vehicles and damage to structures are likely when assessed using the **NSW Flood Plain Development Manual 2005’s Figures L1 and L2** (see over) showing that the site is **HIGH HAZARD FLOODWAY** and not Low Hazard as incorrectly suggested by the applicant.
The use by the applicant of anecdotal evidence and comments from locals about flooding whilst interesting should not out way the extensive and adopted flood study data for the Paterson River.

![Figure 6: Figures L1 and L2 NSW Flood Plain Development Manual 2005](image)

(c) the quality of the fill or the soil to be excavated, or both,

The applicant has not identified where the likely source of fill for the construction of this cattle mound referring only to material to be sourced from construction sites in the Hunter Valley.

This advice is at odds with the advice of the owner in March 2018 who advised Council in writing that he did not have access to a sufficient source of fill material to complete the construction of his Cattle refuge Mound on his adjoining property at 179 Martins Creek Road?

It was at that time that the owner sought to have the consent to his cattle mound at 179 Martins Creek Road modified to allow for the filling of the mound with “Recovered Fines”.

The modification to allow for the use of “Recovered Fines” as the source of fill for that cattle mound was refused by Council 29 August 2018 on the basis that the “Recovered Fines” were potentially contaminated and on advice from the EPA that it is unable to be used to fill agricultural lands.
In this amended application the applicant seeks to reintroduce the use of both Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM).

Whilst Council would allow for the use of VENM for land filling generally it does not endorse the application of ENM for fill purposes as it has the potential to be contaminated.

VENM is “virgin excavated natural material” that has not been processed nor modified and as such should contain no contaminants whereas ENM is material that may have been excavated possibly as VENM but has been stored and or used for other purposes where in that storage or intervening use period there is a risk that the material may have been contaminated with other materials such as oils, dumped asbestos etc. and needs to be tested before re use.

Given that the owner has been unable to source sufficient fill material for the completion of the mound approved on 179 Martins Creek Road since March 2018 the expected completion date of these works must also be questioned.

The fears that the material proposed to be used in the construction of this mound will be other than VENM are heightened by a glut of excavation material available free or cheaply from the Sydney Region which is potentially contaminated.

Of recent times many of the Lower Hunter Council’s have been alerted to attempts for this material to be disposed of in the Hunter Valley and have been asked to be vigilant to this potential by the EPA.

(e) the source of any fill material and the destination of any excavated material,

As previously stated the applicant has not identified the source of fill for the construction of this cattle mound and is now pressing that the use of both VENM and ENM be allowed.

Such request brings with it the potential for site contamination and the use of ENM for a structure within a floodway cannot be supported.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The applicant has provided a statement that sedimentary (sic sediment) fencing will be placed around the site so as to mitigate any potential impact on the riparian area of the Paterson River.

No detail showing the location of such fencing has been provided nor have there been any details of likely sedimentation ponds that would be expected to be required on site to retain silt rich run off from accessing the Paterson River via the creek to the south of the site.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

As with the issue above the applicant has provided a statement that sedimentary (sic sediment) fencing will be placed around the site so as to mitigate any potential impact on the riparian area of the Paterson River.

The applicant has proposed no measures to avoid, minimise or mitigate the impacts of the development other than a commitment to grass the mound upon completion and that “Filling will not occur during periods of windy weather”.

There is no detail of sediment ponds to be used to contain silt laden stormwater and run off from the mound during construction and before the mound is completed and turfed.
The applicant admits at paragraph 6 on page 5 of the Statement of Environmental Effects under the heading “3. Environmental Impacts” that:

“The proposed development has the potential to impact the environment through increase(d) traffic movements during construction; impact the flow of flood water during major flood event(s); and alter the landscape viewed from adjoining properties.”

Despite his acknowledging these impacts the applicant offers no measures to avoid, minimise or mitigate the impacts of the development beyond a statement that sedimentary (sic sediment) fencing will be provided.

The subject site falls towards Martins Creek Road and to the south directing stormwater flows to the property to the south and thereon into a creek which flows directly into the Paterson River.

The absence of any sedimentation ponds or methods of retaining and treating silt laden run off prevents Council from determining this matter as Council must consider this aspect of the development and its inability to do so presents a statutory barrier to the determination of this application, this matter cannot be left to a later date to be determined or be subject to a condition.

The applicant also advised at Page 5 Paragraph 8 under the heading “3.2 Access/Traffic during fill operation” of their Statement of Environmental Effects that;

“Material will be imported using large Truck and Dog Combinations or semi trailers in a number of campaigns ranging from a couple of days to a few weeks. The entrance to the property will be widened to facilitate safe access for these vehicles if necessary. Trucks will generally travel to the site from the south using Tocal Road, Paterson Road and Martins Creek Road. Up to twenty truck deliveries will be made on any given day within the hours of delivery between 6.30am and 6.00pm Monday to Saturday subject to available daylight. Depending on the availability of fill, it is estimated the mound will be completed within 18 months. Filling will not occur during periods of windy weather”.

The applicant was requested to provide details of the means of access to the site and confirmation of the ability of the site to accommodate heavy vehicle movements into and out of the site and has in response provided aerial photographs and commentary on the capacity of the existing driveway to accept heavy vehicle movements however the applicant has not provided any detailed plans of the intended widening of this entrance.

Council is unable to properly assess the capacity of the intersection to provide for the safe movement of heavy vehicles into or out of the site on the information provided by the applicant.

The need exists for Council to be able to determine what works may need to be undertaken to mitigate the impacts of heavy vehicles slowing to turn into the site in an 80kph zone as well as for heavy vehicles to exit the site in a southerly direction.

The road pavement and shoulder along the frontage of the site is narrow and the shoulder drops steeply down to the site and will likely require significant earth works within the Council Road Reserve to ease access down to the paddock level and to allow for the deceleration of semi trailers or Truck and Dogs before they turn at this location.
The applicant confirmed that at the time of lodgment of the initial application they were unaware if the existing entrance was suitable for the movement of trucks in and out of the site.

In the absence of accurate design drawings to confirm the ability of the sites entrance to accept heavy vehicle turning movements and have appropriate site line distance in each direction this component of the development application is unable to be assessed.

The applicants statements as to the length of the driveway and the holding capacity for large trucks is another aspect of the application which cannot be verified as the aerial photographs are not dimensioned and cannot be scaled.

Whilst the site has good visual sight lines to the south, the existing entrance driveway has poor visual sight lines to the north around a bend in an 80 km/h speed zone. (See Figure 7 below)

![Figure 7. Photograph looking north past entrance to 135 Martins Creek Road Paterson.](image)

Whilst the applicant states that "Horizontal sight distances are 255m to the south and 182m to the north" and that "These sight distances exceed the guidelines provided for in Part 4A: Unsignalised and Signalised Intersections for 80km/h roadways - Guide to Road Design - Austroads - 2010." he has provided no survey or design drawings which can be evaluated to verify his statements.

**Figure 7** above identifies that vehicles approaching the site from the north cannot be seen around the bend to the north and the horizontal alignment north of the site entrance dips down which further adds to the restriction in site line distances at this location.

In these circumstances Council cannot reasonably satisfy itself that access to and from the site is capable in a safe and orderly fashion and what works if any need to be undertaken at this location to mitigate the impacts of the truck movements at this location.

### 6.3 Flood planning

The objectives of this clause are:

(a) to minimise the flood risk to life and property associated with the use of land,
(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

Development consent must not be granted to development on land to which this clause applies unless the Council is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment

The subject site is identified as being “Flood Prone Land” on the Flood Prone Land Mapping from the Dungog LEP 2014 (See Figure 8 Extract Flood Prone Land Mapping from the Dungog LEP 2014, under.

![Figure 8. Extract Flood Prone Land Mapping from the Dungog LEP 2014](image)

The most recent Paterson River Floodplain Study identifies the totality of the property as being within the High Risk Zone - Floodway and it is noted that Risk is based upon both depth of flooding and velocity of water.
The main level area of the site and the location of the filling for the mound is generally around 7-8 metres AHD whereas the calculated 1:100 year flood event is around 11.6m AHD.

The finished surface level of the mound is now proposed to be 11.70m AHD which would still see the mound overtopped in events beyond the 1:100 year flood event. In these circumstances the use of the mound as a Cattle refuge will only be temporary in events up to but not exceeding the 1:100 year flood event.

In accordance with the requirements of the NSW Government Floodplain Development Manual, any flood study submitted should consider the full range of flood events up to and including the Potential Maximum Flood (PMF).

The applicants Flood study does not address flood events beyond the 1:100 year Flood and as such does not address the impact of the events leading up to the PMF and the mound becoming a flood island which will be cut off early in the flood event creating problems with the feeding and possible rescue of stock and or humans from the mound in major flood events.

Flood events within any river system can exceed the 1:100 Year level chosen in this matter for the finished level of the proposed Cattle Refuge Mound, flood events beyond the 1:100 year and PMF events could see the mound overtopped to a level of 16 m AHD or 4.3 metres above the finished level of the proposed mound which would see any cattle seeking refuge on this mound being drowned and or carried away by floodwaters travelling at velocities of in excess of 2 metres per second.

The creation of an artificial island within a floodway is described in the NSW Government Floodplain Development Manual as a “Flood Island” where refuge can be initially sought but escape routes by road are cut off early in the flood event and where the flood event continues past the expected level, in this case the 1:100 year Flood Level those seeking refuge are lost or in need of rescue. This could apply to humans who may be feeding or tending stock on the mound during a flood event and the cattle as well.

The NSW Government Floodplain Development Manual does not support the creation of flood islands.

In this matter Council’s Development Engineer has also advised as follows:

The proposed development does not give sufficient consideration to the role of the NSW Government Floodplain Development Manual with regard to floodplain risk management and its application to development.

The proposed development site falls within the study area of the Paterson River Flood Risk Management Plan. Chapter 2 of the NSW Government Floodplain Development Manual sets out this Floodplain Risk Management Process which has been recently completed in full by Council.

The process is summarised in Figure 2-1 of the manual shown over.

Completion of the Paterson River Flood Risk Management Process has resulted in the adoption of the Paterson River Flood Study by the current Dungog Council, and amendment of Section C8 of Dungog DCP No.1.

In considering development within the flood risk management plan, from Section 3.1.3(c) - Development Requiring Consent:
“A fundamental principle of floodplain risk management is to assess development applications within the strategic framework of a floodplain risk management plan and not in isolation or individually.”

Information submitted by the applicant only serves to confirm that the flow, velocity and depth of flooding at the site during the flood planning event must be considered high hazard flooding.

Consistent with the Paterson River Flood Risk Management Plan inclusive of the Paterson River Flood Study, recent amendment of and recent amendment of Section C8 of the DCP any application for filling within the high hazard flood way should not be supported by Council.

Councils Paterson River Floodplain Risk Management Plan, inclusive of the Paterson River Flood Study, Clause 6.3 of Dungog LEP 2014 and recent amendment of Section C8 of the DCP have been made and adopted in accordance with the Guidelines provided for in the Floodplain Development Manual, in so doing Council is afforded Exemption from Liability by Section 733 of the Local Government Act 2013 in its determining development applications on flood liable land.

Council does not incur any liability in respect of the granting or refusal of consent to a development application, under the Environmental Planning and Assessment Act 1979, in circumstances in which a Council has acted in good faith substantially in accordance with the principles contained in the Floodplain Development Manual

In the document entitled “Live stock flood Refuge Mounds” published by the NSW Department of Primary Industries (DPI), it is stated that Flood refuge mounds may not be valid for all properties; for instance, consent authorities may not approve a flood mound that significantly affects flood flows, (such as in this matter).

Further the “Live stock flood Refuge Mounds” publication states that in some circumstances it may also not be feasible to build flood refuge mounds to cope will all likely flood events, (again as in this matter).
This particular parcel was historically subdivided such that it is now isolated from the high ground to the east where it would have historically had access for refuge in flood events.

*The publication* entitled “*Live stock flood Refuge Mounds*” published by the NSW Department of Primary Industries (DPI), recommends that if sufficient high ground is not available on a site the farmer should be prepared to move livestock to higher ground.

In respect of the amended smaller flood mound no information has been provided by the applicant as to the number of head of cattle, the breed and their area requirements for an extended flood. It must be considered that given access to the mound will be unrestricted from normal grazing then it will have limited feed reserves during flood events. Therefore there will either be a need for the installation of mound infrastructure as listed by DPI which may have a visual impact or alternately humans will have to traverse the floodway to service the stock with fresh water and fodder during the flood event.

Having regard to the considerations undertaken in this matter it is considered that the proposed development is contrary to the provisions of *Clause 6.3 Flood Planning* of the LEP 2014 insofar as it does not seek to:

- to minimise the flood risk to life and property associated with the use of land,
- to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
- to avoid significant adverse impacts on flood behaviour and the environment.

The development is incompatible with the flood hazard of the land, and has the potential to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

The proposal does not seek to incorporate appropriate measures to manage risk to life from flood and by seeking to place livestock on a flood island without infrastructure it is likely to result in a social and economic cost to the community.

The applicant owns the adjoining parcel of land to the north where his house is erected upon a mound and upon which site he has an approval from Council to erect a flood mound for cattle refuge purposes. In these circumstances the applicants need for a refuge mound is already met by the approved mound on 179 Martins Creek and the need for second mound cannot and has not been justified.

In the circumstances of this matter and given the lengthy warning times available for stock to be moved to high ground during flood events an additional cattle mound cannot be supported on this site.

**Any development control plan**

**Dungog Shire Development Control Plan No 1**

**Part C – Administration**

**A.4 – Notification and advertising of applications**

The application has been neighbour notified and advertised according to Council policy and no submissions were received.

**C8 Managing our Floodplains.**

This section of the DCP aims to:-
Dungog Shire Council
Ordinary Meeting Agenda 17 July 2019

(a) Provide detailed controls for the assessment of applications on land affected by potential floods;
(b) To minimise the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors;
(c) Specific criteria for consideration of applications lodged in accordance with the Environmental Planning and Assessment Act 1979;
(d) Alert the community to the hazard and extent of land affected by potential floods;
(e) Inform the community of Council's policy in relation to the use and development of land affected by potential floods;
(f) Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods;
(g) Deal equitably and consistently with applications for development on land affected by potential floods, in accordance with the principles in the Floodplain Development Manual issued by the New South Wales Government;
(h) Increase public awareness of the potential floods greater than the 1% AEP flood and to ensure essential services and land uses are planned in recognition of all potential floods;
(i) Encourage the development and use of land which is compatible with the indicated flood hazard;
(j) Provide different guidelines, for the use and development of land subject to all potential floods in the floodplain, which reflect the probability of the flood occurring and the potential hazard within different areas;
(k) Apply a "merits-based approach" to all development decisions which takes account of social, economic and ecological as well as flooding considerations;
(l) To control development and other activity within each of the individual floodplains having regard to the characteristics and level of information available for each of the floodplains, in particular the availability of floodplain management studies and floodplain management plans prepared in accordance with the Floodplain Development Manual.

Comment

The subject site as previously advised is located within the Floodway –High Hazard area of the Paterson River in that inundation depths are greater than 4m in 1% AEP event.

Chapter C8 of the DCP identifies 3 Flood Plain Management Zones (see under)

<table>
<thead>
<tr>
<th>FLOODPLAIN MANAGEMENT ZONES</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Floodway –High Hazard area</td>
<td>Classified as Floodway or flood storage in a flood study or has depth &gt; 4m in 1% AEP event. Areas which are responsible for conveyance of flood water or temporary storage of floodwater during an event. Change in these areas has the potential to affect flood levels and flood behaviour</td>
</tr>
<tr>
<td>2. Flood fringe</td>
<td>Part of flood planning area outside of the floodway which is between the Flood Planning Level and the High Hazard area.</td>
</tr>
<tr>
<td>3. Outer Floodplain</td>
<td>Remaining part of the Flood Planning area which is above the Flood Planning level but below the EF(extreme flood level)</td>
</tr>
</tbody>
</table>

Using the Floodplain Management Zones table together with the Floodplain Planning Matrix Controls contained in Schedule 2 of the DCP it is identified that filling of land is unsuitable for this category of land use. (See under)
Following the Matrix Controls to the far right of the table in the purple heading identified as FLOODWAY HIGH HAZARD AREA the red vertical bars identify that Subdivision and Filling of land (fifth column form the right) are unsuitable uses at this location within the Flood Plain.

<table>
<thead>
<tr>
<th>Development Control Consideration</th>
<th>Floodplain Management Zone</th>
<th>Floodplain Areas Planning Matrix Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outer Floodplain</td>
<td>Flood Fringe</td>
</tr>
<tr>
<td></td>
<td>Above the PPL to EF</td>
<td>Between High Hazard Area to PPL</td>
</tr>
<tr>
<td></td>
<td>Floodway High Hazard Area</td>
<td></td>
</tr>
<tr>
<td>Comm. Facilities</td>
<td>Essential Utilities</td>
<td>Commercial or Industrial</td>
</tr>
<tr>
<td>Subdivision and Filling</td>
<td>Environmental Controls</td>
<td>Recreation or Agricultural</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essential Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural Soundness</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Flood Affliction</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Evacuation/Access</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Flood Awareness</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Management and Design</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

Schedule 2 –Floodplain Areas Planning Matrix Controls

As previously stated in relation to Clause 6.3 Flood planning of the Dungog Local Environmental Plan 2014 Council’s DCP dealing with Managing our Floodplains is a document made and adopted (in August 2018) in accordance with the Floodplain Development Manual, Paterson River Flood Risk Management Plan inclusive of the Paterson River Flood Study and Council is bound to follow the recommendations of that document in determining this development application if it is to maintain its indemnity under S733 of the Local Government Act 2013.

Council’s only course of action in this matter is the refusal of the application; otherwise Council may become liable for any loss or injury sustained by third parties as a result of the development.

The suitability of the site for the Development

Having regard to the investigations carried out as part of the assessment of this application the site is considered to be unsuitable for the building of the Cattle Flood Mound as proposed.
Any submissions made in accordance with this Act or the Regulations

The development application was subject to the notification requirements of Council's Neighbour Notification Policy.

No submissions were received.

The public interest

The application does not comply with the requirements of Council's LEP 2014, does not comply with the provisions of Council's DCP, does not comply with the Guidelines set out in the Floodplain Development Manual and may result in the loss of Council’s Indemnity under Section 733 of the Local Government Act 1993 and liability for any loss or injury sustained by third parties as a result the development may pass to the Council (Community).

In the circumstances of this matter approval of the development application is likely to have a detrimental impact on the public interest.
DUNGOG SHIRE COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

LIVESTOCK FLOOD REFUGE MOUND

Lot 3 DP 251382
135 Martins Creek Road Paterson

Hill Top Planners Pty Ltd
PO Box 469
MAITLAND NSW 2320
hillop@hunterlink.net.au

Tel: 0427 938 250

April 2019
STATEMENT OF ENVIRONMENTAL EFFECTS
LIVESTOCK FLOOD REFUGE MOUND
Lot 3 DP 251382 - 135 Martins Creek Road Paterson

1. Proposed Development:

Hill Top Planners have been commissioned by the owner of the subject site, Richard Green, to prepare and submit a Development Application for the construction of a Livestock Flood Refuge Mound on a rural property at Paterson.

The subject site comprises an area of approximately 3.8 hectares and is described as Lot 3 DP 251382 and known as 135 Martins Creek Road Paterson. The property has a frontage to Martins Creek Road of 235 metres and a depth to the high water mark of the Paterson River varying from 156 to 195 metres. Pursuant to Dungog Local Environmental Plan (LEP) 2014 the subject site is zoned E3 Environmental Management.

The earth mound (20m x 40m plus batters) will have a finished level of 11.70m AHD which is the determined 1:100 year ARI flood level as supplied by Council. This will provide a safe refuge for cattle and other livestock which would become isolated during a major flood event. The size of the mound provides for the housing of livestock for up to 14 days as per the advice of NSW Agriculture. (see Primefacts – Livestock flood refuge mounds). The mound has a top surface area of 800m² which will provide adequately for livestock during a flood event and will ensure the ground remains reasonably firm underfoot.

The site is located between Martins Creek Road and the Paterson River and ranges in elevation from 7m AHD to 9m AHD. Parts of the mound will be in excess of 3m above the existing ground level. The batters will be greater than 1 in 4.

Figure 1: Details of the proposed livestock flood refuge mound
Figure 2  Plan of the proposed mound

Being located central to the property, the toe of the earth mound will be located 38m from the southern boundary, 48m from Martins creek Road, 100m from the northern boundary and 70m from the mean high water mark and 50m from the high bank of the Paterson River. Figure 2 provides details of the location of the mound and setbacks.

The mound will be constructed using approximately 5000m3 of imported fill, being either VENM or ENM will be utilised in constructing the mound.

In constructing the mound, topsoil will be removed and stockpiled for use as an outer layer upon completion of filling. This will ensure the mound is grassed over in a relative short period of time and available to produce fodder for livestock.

2. PLANNING CONTROLS

2.1 Statutory Considerations

The site is zoned E3 Environmental Management pursuant to Dungog LEP 2014. Extensive agriculture is a permissible land use in the E3 zone. The property is currently used for extensive grazing and the proposed earth mound is considered to be an ancillary land use as it is a facility required for the safe management of livestock.
The objectives of the E3 zone are as follows:

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
• To provide for a limited range of development that does not have an adverse effect on those values.
• To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.

Based upon the existing vegetation on the subject site, the open agricultural grazing paddock, it could not be scientifically concluded that this area of the site could be classified as having “special ecological, scientific, cultural or aesthetic value”. As the site does not possess those values, the proposal will not adversely impact on those values. There is no proposal to construct any fencing or shedding on the mound and accordingly the propose development is not detrimental in the preservation of scenic landscape values.

The proposed development is therefore not antipathetic to the objectives of the E3 zone and the grassing over of the mound will ensure the rural amenity and landscape values of the area are not materially affected, once land filling has been completed.

2.2 Acid Sulphate Soils – Clause 6.1

The proposal will involve the removal of up to 500mm of topsoil to be set aside for top dressing of the mound so as to promote pasture growth on the mound. The subject site is identified as Class 4 potential acid sulphate soil. As no work is proposed to be undertaken beyond 2 metres below natural surface, and no impact is foreseen on the watertable, the provisions of this clause are satisfied.

2.3 Earthworks - Clause 6.2

Clause 6.2 of DLEP 2014 sets out provisions where earthworks are proposed to be undertaken on land. The provisions of this clause are as follows:

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
(b) the effect of the development on the likely future use or redevelopment of the land,
(c) the quality of the fill or the soil to be excavated, or both,
(d) the effect of the development on the existing and likely amenity of adjoining properties,
(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing relics,
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
Consideration of the matters as provided for pursuant to Clause 6.2(1), indicates that the provisions of Clause (3)(a) are pertinent to the proposed development. In assessing the likely impact, hydrological engineers were engaged to determine the extent of localised impacts of the proposed mound on the flow of water and the impact on adjoining properties.

The report concluded that the impact would be insignificant.

2.4 Flood Planning – Clause 6.3

1) The objectives of this clause are as follows:
   (a) to minimise the flood risk to life and property associated with the use of land,
   (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
   (c) to avoid significant adverse impacts on flood behaviour and the environment.

2) This clause applies to:
   (a) land identified as “Flood planning area” on the Flood Planning Map, and
   (b) other land at or below the flood planning level.

3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
   (a) is compatible with the flood hazard of the land, and
   (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and
   (c) incorporates appropriate measures to manage risk to life from flood, and
   (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
   (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 9) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

5) In this clause, flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard.

In order to best understand the likely impact the proposed mound may have on the flow of flood water on the site, a flood study was prepared by hydrological engineers GCA. The mound studied was a larger size mound of 20m x 65m.

The location where the mound is proposed to be constructed is in an area of the river where velocity is low. The area of high velocity is concentrated in the normal river channel, where flood water will be the deepest. Photographic evidence and commentary from local residents confirms that during the 2015 flood, which is likely to be a 1% flood, floodwaters which stretched outside of the main river channel was relatively still, and gradually subsided as the flood water in the main channel fell.

In assessing the flood hazard of the land, consideration needs to be given to site topography, and the localised nature of flooding. While the subject site may broadly fall within a ‘high hazard’ category, the localised characteristics of the site confirm that flood velocity is low on those lands situated above the high bank of the site.

The study concluded that the proposed mound would have a insignificant impact on the flow of water in the near vicinity of the mound.
The mound will provide flood free refuge for cattle up to floods of 1% intervals. This is considered to be an appropriate level of safety for cattle. The mound will have the capacity to accommodate up to 10 cows and calves for a period of up to two weeks. The mound is required as there is no dwelling on the site and the owner resides some 30kms away. By providing an elevated mound the owner can feel comfortable that in a fast rising flood (as occurred in 2015), or a flood occurring at night time, the cattle will be safe. This measure will ensure the owner is not required to urgently travel to the site during a flood event, bringing with it the likelihood of having to cross swollen rivers, etc and the taking of unnecessary risks to human life.

It is concluded that the Council may be satisfied that the proposal meets the requirements as set out in Clause 6.3.

2.5 Dungog DCP

Part C8 Managing our Floodplains

The primary consideration in relation to the management of floodplains is the protection of human life and property, eg dwellings. The subject development is ancillary to agriculture. The proposal does not increase risk to human life. In fact, the mound will improve the risk to human life as it will provide a safe refuge for stock, and provide comfort to the owner of the stock that they are safe during a major flood event. The owner of the stock currently is required to race against time to remove the stock to higher ground. In so doing this places the owner at a heightened risk of injury or death.

The flood study concludes that the proposed mound will not impact on downstream property and therefore the provisions of the DCP are satisfied.

Clause (k) requires Council to apply a ‘merits based approach’ to all development decisions for activities in the floodplain taking account of social, economic and ecological considerations. The construction of a flood mound will not only provide a safe refuge for stock on a parcel of land which contains no high ground, but also improve the economic outcome through reducing stock losses during significant flood events.

3. ENVIRONMENTAL IMPACTS

The proposed development has the potential to impact the environment through increase traffic movements during construction; impact on the flow of flood water during a major flood event; and alter the landscape which viewed from adjoining properties.

3.1 Locality

The rural site is located opposite to a low lying area in the township of Paterson. The nearest dwelling to the proposed mound is 130 metres.

3.2 Access / Traffic during fill operation

The site has direct access to Martins Creek Road. Material will be imported using large truck and dog combinations or semi trailers in a number of campaigns ranging from a couple of days to a
few weeks. The entrance to the property will be widened to facilitate safe access for these vehicles if necessary. Trucks will generally travel to the site from the south using Tocal Road, Paterson Road and Martins Creek Road. Up to twenty truck deliveries will be made on any given day within the hours of delivery between 6.30am and 6.00pm Monday to Saturday subject to available daylight. Depending on the availability of fill, it is estimated the mound will be completed within 18 months. Filling will not occur during periods of windy weather.

3.3 Native Vegetation

The land has not been identified as Critical Habitat pursuant to the provisions of the Threatened Species Conservation Act 1995. The site does not contain land which is characterised as being of ‘special ecological or scientific value’. There are no trees located within the area proposed to be utilised for filling or access. Three trees are located near the boundary with Lot 4 DP 251382, and one tree is located 15m clear of the toe of the proposed mound. These trees will not be impacted by the development. The mound does not interfere with any vegetation located along the high bank of the Paterson River. No threatened species, populations, or ecological communities, or their habitats will be impacted by the proposed development.

3.4 Visual Impact

While the mound will be visible during the filling operation, once completed and the grass has taken hold, the visual impact is considered to be minor.

3.5 Impact on Flood Water

A flood study has been prepared by GCA Engineering Solutions and has concluded that the impact of flood flows during both modest and high flood events will be insignificant and will not impact on properties located downstream of the proposed mound.

4. CONCLUSION

The proposed livestock flood refuge mound can be constructed so as not to materially impact on the immediate environment. The mound is an ancillary land use to an ongoing and established land use, and when completed, will not materially impact on the rural amenity of the locality.

The proposed development is not antipathetic to the provisions of Dungog LEP 2014, Council’s DCP, or the NSW Floodplain Development Manual.

We recommend that Council consents to the proposed development.

Richard Bennett
BTP (NSW), B LegS (Macq), MPIA
Certified Practicing Planner

16th April 2019
Paterson River Flood April 2015
Good Morning Garry

Further to Council’s correspondence dated 28 May 2019 and received on 30 May 2019, we respond as follows:

**Item 1 - Paterson LAP - High Visual Significance**

We have undertaken a forensic review of the Paterson LAP (PLAP) which is included in Dungog DCP No. 1 and have formed the opinion that the LAP has minimal or no status in planning law. The nomenclature used in the PLAP does not appear in the Dungog LEP 2014. In Part A of the DCP, at Clause 1.3, the following provides the legal status of the DCP:-

A DCP does not have the same legal force as an environmental planning instrument (such as the Dungog LEP 2014 or various State Environmental Planning Policies). In the event of any inconsistency between this DCP and an environmental planning instrument, the *Environmental Planning and Assessment Act 1979* states that the environmental planning instrument shall prevail.

As the provisions of PLAP had there origins in 2004, which predated both DLEP 2006 and DLEP 2014, it is concluded that the PLAP is outdated and without value because of the numerous inconsistencies between the two documents.

The subject site is not a parcel of land identified on the PLAP as being captured by the provisions of the PLAP.

We therefore conclude that no weight can be given to the provisions of PLAP is the assessment of applications for development on the subject site.

Consequently no further comment is provided on this Item.

**Item 2 Clause 6.2 Dungog LEP 2014 - Earthworks**

The following information is provided:

(b) the effect of the development on the likely future use or redevelopment of the land,

The proposed earth mound will be covered in pasture grasses so as to provide for the feeding of livestock. As a result of raising an area of land, the total surface area of the property is increase through batters, with an additional area calculated at 78m2 of surface area will be available for feed production and stock grazing. The site will continue to be used for the grazing of cattle and the proposed development will not have any impact on either the existing or future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both
The fill material will be certified VENM or ENM. Prior to fill material being delivered to the site, EPA compliant certificates will be supplied to the owner which will authenticate the material as VENM or ENM.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

The flood study prepared by GCA was undertaken at the request of Council so as to identify any potential or likely impacts on the flow of flood water on adjoining properties. This study concluded that the impacts on adjoining properties will be insignificant.

(e) the source of any fill material and the destination of any excavated material,

The VENM and ENM material will be sourced from construction sites in the Hunter Valley. It is expected that most of the material will be sourced from within the Maitland LGA. Either Newcastle Civil Haulage Pty Ltd or Woodbury Civil Pty Ltd will be engaged to undertake the supply and delivery of material and form up the mound. Sedimentary fencing will be placed around the site of the works so as to mitigate impact of soil erosion.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The subject site is not located within a drinking water catchment. The area where the earth mound is proposed to be constructed is cultivated grazing land. No trees are required to be removed to accommodate the proposed development. The mound is situated 50 metres from the high bank of the Paterson River. Sedimentary fencing will be placed around the site so as to mitigate any potential impact on the riparian area of the Paterson River. The proposed development will not result in any adverse impacts on the riparian vegetation on the Paterson River, either during construction, or post construction.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Sedimentary fencing will be placed around the site so as to mitigate any potential impact on the riparian area of the Paterson River. Following the placement of fill, the mound will be covered with a layer of top soil, seeded and watered so as to promote pasture for livestock.

**Item 3 Clause 6.3 Dungog L EP 2014 - Flooding**

The following information is provided:

**(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.**

An extract from the Flood Study prepared by GCA (page 6) is reproduced below:

"The relevant head of consideration for Council to consider is subclause 6.3 (3) (b):

*Development consent*

*must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties.*
"To that end, it is submitted that the 20mm increase in flood level in the upstream direction is insignificant and does not represent significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties. The closest property is rural in nature and the dwelling has significant freeboard to the 1% AEP event. It should be noted that the closest upstream dwelling is part of the same land holding as the site of the proposed mound.

"The potential benefits of the flood mound provide a higher-level stock security for the property and therefore contribute to the property’s viability in the local rural economy.

"It is therefore considered that benefits of the proposed stock mound outweigh the insignificant impact in increase in rare event flood levels and accordingly, the development application should be approved."

The proposed mound is located on a parcel of land which is mapped as ‘high hazard’. A survey provided with the application confirms that the proposed location where the mound is proposed is the highest point on the site and as such the depth and velocity of flood water over the subject development area is significantly less than on land located closer to the high bank of the Paterson River. The high hazard’ classification is derived from a combination of depth and velocity. The purpose of undertaking the flood study was to model the proposed earth mound so as to ascertain the level of impact the works would have on flood behaviour. The study concluded that the proposed works would result in a very minor impact.

In situations where development is proposed in areas mapped via large scale mapping as ‘high hazard’ the preparation of a flood study, having regard to the topography and characteristics of the site. The findings of the study prepared by GCA satisfies objective (b) of Clause 6.3 in that it confirms that even though the site is mapped as ‘high hazard’ the proposed placement of an earth mound, so configured in the submitted plans, will not result in significant impacts on the movement or height of flood water on or near to the proposed mound during a major flood event.

(c) to avoid significant adverse impacts on flood behaviour and the environment.

The flood study which accompanied the application concluded that the proposed mound would result in an upstream impact by increasing the height of the water level in a 1% flood by 20mm. This is considered to represent an ‘insignificant’ level of impact (Page 6 GCA Flood Study) on upstream properties. This impact is not ‘adverse’.

The mound will reduce down stream flood levels by 30mm in close proximity of the mound plus an increased velocity around the mound. Extract from Page 5 GCA Flood Study is provided below:

The proposed stock refuge mound causes a 30mm draw down in the water surface level at the site of the mound. This is a result of the necessary increase in velocity due to the decreased cross sectional area required to carry the same flow rate. In accordance with the basic principles of fluid dynamics, the increase in kinetic energy (increase in velocity) results in a decrease of elevation head and
therefore lower water surface level at the site of the stock mound.

Water levels upstream of the stock mound increase by 20mm to supply sufficient energy to force the water to flow around the mound. This manifests as a 20mm afflux upstream of the mound. There is little to no recovery of the afflux in the upstream direction within the site.

It is concluded from the above that the proposed flood mound, now being of a smaller size than the mound that was modelled in the flood study, will not result in causing a significant adverse impact on the flood behaviour in the locality or cause an adverse impact on the environment of the immediate environs of the proposed mound.

---

Item 4 - Access

At the time of writing our SoEE we were unaware that an existing entrance suitable for the movement of trucks in and out of the site was in place.

Please see below a recent aerial photo (3 Feb 2019) showing the existing access to the site. This entrance allows for the safe entry and exist from the site for truck and trailer combinations (19m maximum) and semi trailers (15.5m long). These vehicles can park fully off the roadway in front of the gates so as not to impede the flow of traffic. The 10m wide entrance at the property boundary provides for the safe movement of heavy vehicles. The double set of gates (6m wide) are setback 26m from the property boundary which allows for the safe standing of trucks off Martens Creek Road. This entrance was safely used by trucks transporting material for the construction of the approved flood mound on the adjoining allotment.
Horizontal sight distances are 255m to the south and 182m to the north. These sight distances exceed the guidelines provided for in Part 4A: Unsignalised and Signalised Intersections for 80km/h roadways - Guide to Road Design - Austroads - 2010.

It is concluded that the existing entrance provides safe vehicle access for delivery trucks without reducing vehicle safety on Martins Creek Road.
Conclusion

We are of the opinion that the above information addresses the matters raised in Council’s correspondence.

If Council staff are of the opinion that the proposed development should not be approved, it would be appreciated if a meeting could be arranged with Council planning staff to discuss the outstanding concerns prior to reporting the matter to Council.

Regards
Richard Bennett
Bill Tim Planners
PO Box 469
Maitland NSW 2320
Phone 02 49390288
Mobile 0427 928 280
Town Planning Consultant

On 30 May 2019, at 5:19 pm, Garry Warrens <Garry.W@dungog.nsw.gov.au> wrote:

Richard,

As best as I can determine I do hope so.
ANNEXURE ‘B’

The application be **REFUSED** for the following reasons:

1. The development is contrary to the provisions of **Clause 6.2 Earthworks** of the **Dungog LEP 2014** in that it does not seek to:
   
   (a) have regard to the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

   (c) have regard to the quality of the fill or the soil to be excavated, or both, and seeks to utilise potentially contaminated soils (ENM) for the construction of the mound,

   (d) have regard to the effect of the development on the existing and likely amenity of adjoining properties,

   (e) have regard to the source of any fill material,

   (g) have regard to the proximity to, and potential for adverse impacts on, the Paterson River,

   (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

2. The development is contrary to the provisions of **Clause 6.3 Flood planning** of the **Dungog LEP 2014** in that it does not seek to:

   (a) to minimise the flood risk to life and property associated with the use of land,

   (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,

   (c) to avoid significant adverse impacts on flood behaviour and the environment.

3. The development:

   (a) is incompatible with the flood hazard of the land, and

   (b) will have the potential to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

   (c) does not incorporate appropriate measures to manage risk to life from flood, and

   (d) is likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

   (e) is likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

4. The development is contrary to the provisions of Dungog **DCP No.1 Chapter 8 Managing our Flood Plains**.

5. The development is contrary to the provisions of the **NSW Government Floodplain Development Manual**.
6. Approval of the proposed development contrary to the principles contained in the NSW Floodplain Development Manual would result in the loss of Council’s Indemnity under Section 733 of the Local Government Act 1993 and liability for any loss or injury sustained by third parties as a result the development will likely pass to the Council (Community) and for the reasons given above approval of the application would not be in the public interest.
5. DEVELOPMENT APPLICATION – 64/2019 – TEMPORARY EVENT

FILE NO: DA64/2019

ANNEXURES:
A Draft conditions of consent
B Supporting documentation
C Submissions

AUTHOR: Development Planner

APPLICANT: Dungog Shire Community Centre

OWNER: Various

PROPOSAL: Temporary Event (Run Dungog) to be held over two days in August for a 5 year period.

LOCATION: Various

ZONE: Various

OFFICERS RECOMMENDATION

It is recommended that partial consent be granted under Section 4.16(4)(b) of the Environmental Planning and Assessment Act 1979. This being development consent being granted for that development, except for a specified part or aspect of that development. In this regard, it is recommended that the 5, 10 and 20km race events and ancillary activities be approved subject to conditions as they will be wholly contained within the Dungog Common.

Precis:

The application is required to be reported to Council for determination due three (3) or more public submissions, representing objections, being received.

**********

EXECUTIVE SUMMARY:

Council is in receipt of Development Application No. 64/2019 which is seeking approval for a temporary event to be held for 2 days in August over a five year period. The temporary event is to be known as Run Dungog and comprises of a number of long distance runs and some ancillary activities.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was notified for a minimum 14 day period. During that time 4 submissions of objection were received and 14 submission stating support for the event.

Based on the assessment, it is recommended that the Development Application be partially approved.
LOCATION AND AERIAL MAP

Extract from Council’s mapping program showing the zoning of the subject lands
Development Application No. 64/2019 seeks approval for a temporary event being Run Dungog for two days per year over a 5 year period.

The Run Dungog event is a trail running festival which is proposed to be held on 3 and 4 August 2019. It is expected the event will bring approximately 280 competitors over the two days and will require approximately 48 volunteers. The event proposes to commence at 8.30am on both mornings and finish approximately 5pm on the Saturday and 12 noon on Sunday.

The event proposes to have the following distances available to competitors:
- 5km
- 10km
- 20km
- 50km

It is proposed that the 5, 10 and 20km races will be contained entirely within the Dungog Common. The 50km race is proposed to start and finish at the Dungog Common. The information provided indicates the 50km run will traverse through private land, along a formal public road and along a public road reserve.

The supporting documentation states the start and finish line will be located on the Dungog Common. There will be four tents erected for the event, which will be for registration, food, beverages and live music. The tents will be approximately 3m x 3m and 3m high. Carparking will be available for approximately 100 vehicles.
ENvironmental Planning and Assessment Act 1979

In addition to the above matters considered under Section 4.15(1), the following further sections of the Act are applicable to the assessment of the proposed development.

SECTION 4.46 – INTEGRATED DEVELOPMENT

In accordance with Section 4.46 of the Environmental Planning and Assessment Act, 1979 the proposed development does not require approval from any external agency.

SECTION 4.15(1) PLANNING ASSESSMENT

In determining a Development Application, the consent authority is to take into consideration the following matters as detailed in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (the Act) as follows:

(a)(i) ANY ENVIRONMENTAL PLANNING INSTRUMENT (EPI)

State Environmental Planning Policies (SEPP)

The below SEPPs are applicable to the proposed development.

<table>
<thead>
<tr>
<th>Description</th>
<th>Applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 36 – Manufactured Home Estates</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 44 – Koala Habitat Protection</td>
<td>Yes</td>
</tr>
<tr>
<td>Comment: The overall land area where the event will be carried out will be over 1 hectare in area. In this regard, the SEPP applies. The proposal is for a temporary event being a trail run. The applicant has indicated there will be no clearing or construction being carried out. In this regard, there will be no impact on feed species trees</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 50 – Canal Estate Development</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 55 – Remediation of land</td>
<td>Yes</td>
</tr>
<tr>
<td>Comment: The event will be carried out over a number of allotments. The majority of these allotments have been used for agricultural / rural purposes. As the proposal will not be disturbing the soil, a preliminary site assessment is not warranted in this case.</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 64 – Advertising and Signage</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment development</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Affordable Rental Housing) 2009</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Educational Establishments and Child Car Facilities) 2017</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</td>
<td>Yes</td>
</tr>
<tr>
<td>Comment: - The event will require the placement of temporary event signage to direct competitors and spectators.</td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Infrastructure) 2007</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Primary Production and Rural Developments) 2019</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (State and Regional Development) 2011</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy (State Significant Precincts) 2005</td>
<td>N/A</td>
</tr>
<tr>
<td>State Environmental Planning Policy ( Vegetation in Non- rural areas) 2017</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Dungog Local Environmental Plan 2014 (DLEP 2014)

The DLEP 2014 applies in this instance and the below clauses are applicable to the application.
### Clause | Comment
--- | ---
**Part 2 Permitted and Prohibited development**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Land use zoning</td>
<td>The subject site has a number of different zonings as it will be carried out over a number of different lots within the LGA. The zonings that relate to the proposal are RU1 Primary Production, E3 Environmental Management and R5 Large Lot Residential. The proposed development is defined as a temporary event and is permissible within the zones subject to Clause 2.8.</td>
</tr>
<tr>
<td>2.3 Zone objectives and Land use Table</td>
<td>The subject development is consistent with the objectives of the RU1 Primary Production, E3 Environmental Management and R5 Large Lot Residential.</td>
</tr>
<tr>
<td>2.5 Additional permitted uses for particular land</td>
<td>Schedule 1 describes land on which development consent may be granted for a particular use.</td>
</tr>
<tr>
<td>2.6 Subdivision</td>
<td>The application does not propose a subdivision.</td>
</tr>
<tr>
<td>2.7 Demolition requires consent</td>
<td>The application does not propose any demolition.</td>
</tr>
<tr>
<td>2.8 Temporary use of land</td>
<td>Clause 2.8 provides for the temporary use of land, provided that the use does not result in any detrimental impacts. The application provides for the temporary use of the subject land for the purposes of RunDungog Trail run for a period of two days in the month of August and is consistent with the requirements of this clause. The proposed development will not result in an impact upon the future use of the land or result in any detrimental impact on adjoining land uses. On completion of the temporary use, the site will be return to the pre-use state.</td>
</tr>
</tbody>
</table>

### Part 4 Principal development standards

<table>
<thead>
<tr>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Minimum subdivision lot size</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.1AA Minimum subdivision lot size for community title scheme</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.1A Exceptions to minimum subdivision lot sizes for certain split zones</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.1B Exception to minimum subdivision lot size for lot boundary adjustments in Zone RU1</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.2 Rural subdivision</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.2B Minimum subdivision lot size for strata plan schemes in certain rural and environmental protection zones</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.4 Floor Space ratio</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.5 Calculation of floor space ratio</td>
<td>Not adopted</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>Not applicable to this application.</td>
</tr>
</tbody>
</table>

### Part 5 Miscellaneous Provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Relevant acquisition authority</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>5.2 Classification and reclassification of public land</td>
<td>The subject land is classified as operational land. As such the proposed development is able to be considered over Council owned land.</td>
</tr>
<tr>
<td>5.3 Development near zone boundaries</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>5.4 Controls relating to miscellaneous permissible uses</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>5.5 Repealed</td>
<td>Repealed</td>
</tr>
</tbody>
</table>
5.6 Architecture roof features | Not adopted
5.10 Heritage conservation | Not applicable to this application.
5.11 Bushfire hazard reduction | Noted
5.12 Infrastructure development and use of existing buildings of the Crown | Not applicable to this application.
5.13 Eco Tourist facilities | Not applicable to this application.
5.14 Siding Spring Observatory – maintaining dark sky | Not adopted
5.15 Defence communications facility | Not adopted
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones | Not applicable to this application.
5.17 Artificial waterbodies in environmentally sensitive areas | Not adopted
5.18 Intensive livestock agriculture | Not applicable to this application.
5.19 Pond – based, tank – based and oyster aquaculture | Not applicable to this application.

**Part 6 Additional Local Provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Not applicable to this application.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.3 Flood planning</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.4 Stormwater management</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.5 Drinking water catchments</td>
<td>This clause refers to the “Williams River Catchment Area</td>
</tr>
<tr>
<td>6.6 Riparian land and watercourses</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.7 Erection of rural worker’s dwelling in Zone RU1 and Zone E3</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.8 Essential services</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.9 Development in proximity to a rail corridor on Verge Street</td>
<td>This clause applies to Lot 41 DP 802112</td>
</tr>
<tr>
<td>6.10 Williams River catchment</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.11 Dual occupancies in Zone RU1</td>
<td>Not applicable to this application.</td>
</tr>
<tr>
<td>6.12 Protection of rural landscapes in rural and environment protection zones</td>
<td>Not applicable to this application.</td>
</tr>
</tbody>
</table>

(a)(ii) **ANY DRAFT EPI**

There are no draft EPI’s applicable to the subject site or proposed development.

(a)(iii) **ANY DEVELOPMENT CONTROL PLAN**

The Dungog Development Control Plan (DCP) applies to the land. The applicable parts and their chapters, as well as their relevance to the assessment of the application, are considered below.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Control</th>
<th>Discussion</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1 Residential Development</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.2 Development in Rural Residential Zones</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.3 Building Line Setbacks</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.4 Erection of Farm Buildings and Outbuildings – Sheds</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.5 Bushfire</td>
<td></td>
<td>The various sites are located within bushfire prone land. The development is a temporary event and no permanent structures will be constructed in relation to the proposal. The applicant has provided an Event Emergency Management Plan which addresses potential</td>
<td>Yes, to be conditioned.</td>
</tr>
<tr>
<td>C.7 Buffer Zones</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.8 Managing Our Floodplains</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.9 Employment Development</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.11 Tourist Development</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.12 The Keeping of Dogs for Commercial Purposes</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.14 Building over of Near sewer</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.15 Contaminated land</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.16 Biodiversity</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.17 Heritage</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.18 Water Efficiency</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.19 Wind Energy Generation Facilities</td>
<td>Not applicable to this application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.20 Off Street Parking</td>
<td>No controls provided in relation to temporary events</td>
<td>The supporting documentation submitted with the application, indicates there will be approximately 100 carparking spaces available during the event. These carparking spaces will be located wholly within the Dungog Common.</td>
<td>Yes, to be conditioned.</td>
</tr>
<tr>
<td>C.22 Signage</td>
<td>The applicant has not identified any signage for the temporary event. However, the development may erect <em>Temporary event signs</em> in accordance with Clause 2.103 of State Environmental Planning Policy (Exempt and Complying Development Codes).</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>C.23 Onsite sewage management</td>
<td>The Dungog Common does not have any existing toilet facilities available for use. In this regard, the event will need to provide toilet facilities for the duration of the event. Should the application be approved, a condition will be imposed on the consent with regard to the number of toilets that are required.</td>
<td>Yes, to be conditioned</td>
<td></td>
</tr>
<tr>
<td>C.24 Site Waste Minimisation and Management</td>
<td>The applicant has not provided a waste management plan. However, the application was referred to Council’s Environmental Health Officer for consideration with regard to the disposal of waste. They have supported the application subject to conditions relating to waste disposal and collection.</td>
<td>Yes, to be conditioned</td>
<td></td>
</tr>
</tbody>
</table>

**(a)(iiiia) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT**

There is no planning agreement or draft planning agreement that has been entered into under Section 7.4 of the Act that relates to the subject site.
(a)(iv) ANY MATTERS PRESCRIBED IN THE REGULATIONS

Division 8 of Part 6 of the *Environmental Planning & Assessment Regulation 2000* (The Regulations) identify the matters prescribed for the purposes of this part. There are no clauses relevant to the application.

(b) THE LIKELY IMPACTS OF THE DEVELOPMENT

The proposed development is not expected to result in any significant impacts to the natural and built environment, or detrimental social or economic impacts in the locality.

However, the following matters need to be addressed in more detail:

**Access**

The application was referred to Council’s Development Engineer for consideration and the following comments have been received:

*It is noted the applicant has quoted section 5 of the Roads Act (which states that members of the public have a right of passage along public roads) as justification of the proposal.*

*However, information submitted with the application is not sufficient to assess:*  
  1. whether the road reserve is public (this being not private land or crown road),  
  2. that the event will be held wholly within the reserve (not stray onto private land without permission); and  
  3. that permission has been provided for access through all private land between sections of road reserve.

As a result, the applicant has not satisfactorily demonstrated that the event will be wholly located within public road reserves and private property from whom permission has been obtained. In this regard, approval will only be granted for events occurring within the Dungog Common. Hence, no approval is given for the 50km race.

Further to the above, the application was referred to Council’s Executive Manager - Infrastructure and Assets in relation to what would be required to undertake a survey of the road reserve to ensure the 50km route was wholly within the road reserve. The following response was provided:

*From a survey of road boundaries perspective, there is a specific section of the Roads Act 1993 which deals with such matters:*-

**Part 3 – Road Boundaries and Road Levels**

**Division 1 – Identification of Road Boundaries**

18 *Surveys may be carried out to identify boundaries of public road*

1. A roads authority may cause surveys to be carried out to identify the boundaries of a public road if those boundaries have not previously been properly identified or if the survey marks used to identify those boundaries cannot be located or ascertained.

2. If the surveys are conducted on the application of a person other than a public authority, the applicant is liable to pay to the roads authority the costs incurred in carrying out the surveys.

19 *Public notice to be given of proposed boundaries*

1. On completing the surveys, the roads authority must cause notice of the proposed boundaries:
   a. to be published in a local newspaper, and
b. to be served on the owner of each parcel of land affected by the proposed boundaries.

2) The notice:
   a. must identify the survey plan that indicates the proposed boundaries of the road concerned, and
   b. must indicate the place at which, and the times during which, the survey plan is available for inspection by members of the public, and
   c. must state that any person is entitled to make submissions to the roads authority with respect to the proposed boundaries indicated by the survey plan, and
   d. must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

3) The roads authority must ensure that copies of the survey plan are available for inspection by members of the public at the place, and during the times, specified in the notice.

20 Public submissions

Any person may make submissions to the roads authority with respect to the proposed boundaries indicated by the survey plan.

21 Decision on proposed boundaries

1) After considering any submissions that have been duly made with respect to the proposed boundaries, the roads authority may approve the survey plan, either with or without alteration.

2) The roads authority must lodge the survey plan with the Registrar-General for registration and, on registration, the boundaries identified by the survey plan become the boundaries of the public road.

3) As soon as practicable after the survey plan is registered, the roads authority:
   a. must cause a notice of the effect of the survey plan with respect to the boundaries of any land to be served on the owner of the land, and
   b. must lodge a copy of the survey plan with the Valuer-General and, if the authority is not a council, with the council concerned.

4) No compensation is payable to any person with respect to any loss or damage arising from the operation of this section.

Points to note:

1) The above information is based upon “surveys to be carried out to identify the boundaries of a public road if those boundaries have not previously been properly identified or if the survey marks used to identify those boundaries cannot be located or ascertained”. Given the circumstances and angst being experienced by some of the landholders, I would suggest that the actual physical locations of these road reserves is not accurately known and this section of the Roads Act would therefore apply.

2) There is a long process for this to be fully undertaken including notifications, advertising periods, etc.

3) If Council were to undertake this work, given that we don’t know accurate locations and would be likely to encroach on private land during the identification surveys, we would contact all relevant owners and provide a “Permit to Enter” document which would require the property owner approval to allow us to undertake the surveys.

The main issues therefore are:

1) Undertaking the surveys where accurate locations are not known;
2) Encroachment onto private land may be likely and therefore the requirement for consent from the property owners;
3) The surveys would need to be at the request of the property owner or at the direction of the relevant Roads Authority (in this case, Council). I don’t believe a Third Party should be doing this work without one or both of these consents;
4) Ensuring surveys are undertaken by Registered Surveyors;
5) The ensuing process that then must be followed under the Act.

The images below are extracts which indicate the approximate location of the 50km run route in relation to the road reserves. As shown, there are parts of the route which appear to be located outside the road reserves. In this regard, it is noted that the owners (which have been identified by the below number) of these parcels where the route deviates from the reserve, have not provided owners consent.
In this regard, as the applicant has not provided owners consent for all properties along the proposed route, and it cannot be confirmed that the route will be wholly within the road reserve, Council staff cannot support the 50km race in its current form.

Potential impact on adjoining properties
The submitted information states the 50km race route is proposed to be run over Council's public road reserve and private property. Upon review of the application, it was noted that owners consent has not been provided for a number of properties which the route will traverse.

The particular land for which owners consent has not been provided is as follows:
- Lot 64 DP 752457 – Mr B Kellner
- Lot 166 DP 752457 – Mr B Kellner
- Lot 2 DP 522516 – Mr B Kellner
- Lot 1 DP 522516 – Mr J Landers
- Lot 98 DP 752457 – Mr J Landers
- Lot 2 DP 436347 – Mr D O’Neil
- Lot 42 DP 752457 – Mr J Landers
- Lot 43 DP 752457 – Mr J and Ms K Landers
- Lot 45 DP 752457 – Mr D O’Neil
- Lot 204 DP 877990 – Cangon Pty Ltd
Further, a number of submissions were received from property owners along the proposed route which identified potential biosecurity issues, damage to property and public liability concerns. The submissions will be addressed further in the report.

The below matters have been considered elsewhere in the report where relevant.

<table>
<thead>
<tr>
<th>Context and Setting</th>
<th>Waste</th>
</tr>
</thead>
<tbody>
<tr>
<td>Built Form</td>
<td>Energy</td>
</tr>
<tr>
<td>Public Domain</td>
<td>Noise and Vibration</td>
</tr>
<tr>
<td>Utilities</td>
<td>Technological Hazards</td>
</tr>
<tr>
<td>Heritage</td>
<td>Safety, security and Crime Prevention</td>
</tr>
<tr>
<td>Other Land resources</td>
<td>Social Impact on the locality</td>
</tr>
<tr>
<td>Water</td>
<td>Economic Impact on the locality</td>
</tr>
<tr>
<td>Soils</td>
<td>Site and internal design</td>
</tr>
<tr>
<td>Air and Microclimate</td>
<td>Construction</td>
</tr>
<tr>
<td>Flora and Fauna</td>
<td>Cumulative impacts</td>
</tr>
</tbody>
</table>

(c) THE SUITABILITY OF THE SITE

The development, without the 50km run, can be integrated into the locality without any significant adverse impacts. The site is therefore considered suitable for the proposed development.

(d) ANY SUBMISSIONS MADE

Public Submissions
The development application and accompanying information were placed on public exhibition for a minimum period of 14 days from 12 June 2019 to 27 June 2019. As a result of the notification process a total of 18 submissions were received. Of the 18 submissions received, 4 were in objection and 14 were in support of the development.

The following discussion addresses the issues and concerns raised in the submissions:
<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent from all affected land owners has not been given</td>
<td>It is noted that owners consent has not been provided for all the affected properties. In this regard, it is recommended that only the race events to be located on the Dungog Common be supported. Hence, it is recommended that the 50km race not be approved.</td>
</tr>
<tr>
<td>Part of the crown road to be used has been closed and is in private ownership</td>
<td>A search of Council’s records indicates that a number of sections of the Crown road reserves have been closed and transferred to private ownership. However, the property details provided with the application do not include any of these “closed road” lots. In this regard, this concern is not applicable to the application.</td>
</tr>
<tr>
<td>Parts of the proposed route are non-trafficable and do not permit all weather access</td>
<td>This is noted and the documentation submitted with the application states the 50km run is a trail running event. In this regard, it is expected that part of the track would be non-trafficable to vehicles. However, as land owner consent has not been provided for all the impacted properties, it is recommended that only the race events to be located on the Dungog Common be supported. Hence, it is recommended that the 50km race not be approved.</td>
</tr>
<tr>
<td>Parts of the track have been unused by the public and non-maintained by Council for over 70 years</td>
<td>From reviewing Council’s mapping information, it appears that Wallaringa Road is not constructed and therefore not maintained by Council.</td>
</tr>
<tr>
<td>Recommend that a detailed survey be supplied to confirm the track will be within the crown road reserve</td>
<td>Part of the 50km track is proposed to be located within the public road reserve. However, Council’s Executive Manager – Infrastructure and Assets has super imposed the route over an aerial and cadastre (see extracts above) which appears to show the track outside the public road reserve. From reviewing Council’s mapping information, it appears that Wallaringa Road is not constructed and therefore not maintained by Council. In this regard, due to the temporary nature of the event, the construction of Wallaringa Road is not warranted in this instance.</td>
</tr>
<tr>
<td>Biosecurity concern over the spread of disease and weeds</td>
<td>Council notes the concerns raised in regard to potential biosecurity issues.</td>
</tr>
<tr>
<td>Liability to the private landowners, Council and the Crown should an accident / injury occur</td>
<td>As part of the application, Council requires the applicant to provide a copy of their public liability insurance up to $20 million. In this instance, the applicant has supplied a copy of their policy.</td>
</tr>
<tr>
<td>Emergency service vehicles cannot access all areas of the track</td>
<td>The applicant has provided an Emergency Management / Response Plan for the event. The supporting documentation also states they have been in discussions with the Local Brigades regarding the event. However, as not all the property owners along the 50km run route have provided owners consent, Council staff cannot support the 50km run component of the race.</td>
</tr>
<tr>
<td>Potential loss of stock and damage to property</td>
<td>The 50km run will be held over 1 day. The applicant has indicated there will be volunteers stationed throughout the course. Should the application be approved, conditions will be imposed on the consent requiring the properties to be left in the same manner as they were prior to the event.</td>
</tr>
<tr>
<td>Lack of consultation with the Committee</td>
<td>This concern is not a planning consideration. Council has exhibited the application in accordance with Part A of the Dungog Development Control Plan.</td>
</tr>
</tbody>
</table>

As a result of the submissions received and concerns raised, it is suggested the application not be supported in its entirety. In this regard, the submissions did not raise any concerns with the component of the event being held at the Dungog Common. Therefore, it is recommended that only part of the application, which is proposed to be held at the Dungog Common, be supported.
(e) THE PUBLIC INTEREST

The proposed development is not wholly in the public interest. Should the event be approved, there will be a minimal economic benefit to the town of Dungog as there will be additional visitors to the town.

SECTION 7.11 – DEVELOPER CONTRIBUTIONS

In accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, Council is satisfied that the development would not require the provision or increase demand for public amenities. Therefore developer contributions are not required.

SECTION 7.12 – FIXED DEVELOPMENT CONTRIBUTIONS

The site has not had section 7.11 contributions imposed in the past. In this regard, Section 7.12 contributions are applicable to the subject site. However, as the estimated cost of development is less than $100,000 not additional payment will be required.

INTERNAL REFERRAL ASSESSMENT

The application was referred to the following internal sections of Council for consideration and comment. The outcomes of the referrals are outlined below.

<table>
<thead>
<tr>
<th>Section</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>The component of the application to be carried out on the Dungog Common was supported with the inclusion of additional conditions. The 50km race route was not supported. Refer to discussion earlier in the report.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Council’s EHO has supported the application subject to the inclusion of a number of conditions relating to food, waste and toilet facilities. Should the application be approved, these will be included in the development consent.</td>
</tr>
</tbody>
</table>

EXTERNAL REFERRAL ASSESSMENT

The application was not required to be referred to Government Agencies for consideration and comment.

CONCLUSION

An assessment of the application has been carried out in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Following this assessment, the following concerns have been raised with regard to the 50k route:
- Owners consent from all the impacted properties has not been provided
- Inconsistent / conflicting information being provided within supporting documentation as to the land to be used and the route.
- Assurance that the route will be wholly within the unformed public road reserve.

As a result of the assessment, it is recommended that partial consent be granted under Section 4.16(4)(b) of the Environmental Planning and Assessment Act 1979. This being development consent being granted for that development, except for a specified part or aspect of that development. In this regard, it is recommended that the 5, 10 and 20km race events be approved subject to conditions as they will be wholly contained within the Dungog Common.
ANNEXURE ‘A’

Recommended Conditions

General

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

<table>
<thead>
<tr>
<th>Plan Ref No.</th>
<th>Prepared by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application Information – Temporary Event (As amended)</td>
<td>Applicant</td>
</tr>
<tr>
<td>Crown Account Search</td>
<td>Land and Property Management Authority</td>
</tr>
<tr>
<td>Statement of Environmental Effects (As amended)</td>
<td>Applicant</td>
</tr>
</tbody>
</table>

2. This consent is limited to a once only two (2) day event to be held on 3 and 4 August 2019. Further Development Applications will be required to hold the event in future years.

3. No approval is given for the 50km race to be held.

4. No approval is given for camping at the Dungog Common for the duration of the event.

Conditions to be complied with prior to the event

5. An Emergency Response Plan is to be prepared by suitably qualified persons and submitted to emergency services seven (7) days prior to holding an event.

6. The applicant must notify the details of the event to ambulance, fire brigades/Rural Fire Services and SES within seven (7) days prior to holding the event.

7. Prior to each event, it will be necessary to consult with the Local Police Commander and the Local Area Traffic Supervisor.

8. A list of contact personnel and their respective mobile phone numbers shall be provided to Council seven (7) days prior to the event.

9. Council’s Temporary Food Event Registration Application, which is to include a list of all stall holders and their Temporary food premises application forms, is to be supplied to Council’s Environmental Services Department a minimum of seven (7) days prior to the event for approval.

10. All food stall operators are required to have a current Dungog Shire Council approval to operate a temporary food business and shall be available for viewing at the time of the event if requested by a Council Officer. No food stall operator shall be permitted to sell foods at the event if this approval has not been granted by Council.

11. The applicant must have a minimum $20 million public liability insurance to cover the event. This public liability
12. Traffic marshals shall be provided at all entrances and exits to the parking area, to assist with the smooth passage of traffic. The traffic marshals shall be in the parking areas for the duration of the event.

13. Toilet facilities shall be provided in accordance with the requirements of the Guidelines for Safe and Healthy Mass Gatherings (Published by the Australian Institute for Disaster Resilience). The number of WC’s, Urinals and Handbasins required is provided in the following table.

<table>
<thead>
<tr>
<th>Patrons</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WC’s</td>
<td>Urinals</td>
</tr>
<tr>
<td>&lt;500</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

14. The toilet areas shall be closely supervised in order to effectively maximise the use of the facilities. The following issues are to be adhered to when managing temporary toilet facilities:
   a) Facilities shall be supplied and serviced (if required) by an experienced contractor.
   b) Facilities shall be removed immediately after the event.
   c) Facilities shall be provided with lighting adequate for night time use and be suitably signposted.
   d) Temporary units shall be secured or so installed in a manner so as to avoid tipping.
   e) Hand washing facilities with soap and paper towels to be provided in or immediately near the toilets.
   f) Toilets to be periodically cleaned and resupplied with toilet paper as appropriate.

15. All toilets and public facilities are to be maintained throughout the duration of the event to ensure they are kept in a clean and tidy condition.

16. A minimum of one (1) accessible toilet is to be provided.

17. The removal of rubbish is to be carried out in accordance with Run Dungog’s development application information, with all waste to be disposed of at a licensed landfill facility.

18. A minimum of one (1) qualified first aid officer located at the Dungog Common for the duration of the event.

Conditions to be complied with after the event

19. All Event associated signage is to be removed at least 2 days after the event.

Conditions to be complied with at all times

20. The safety of all road users and personnel on / or affected by the site/event is the responsibility of the event organiser.

21. A designated off street parking area with sufficient capacity to cater all vehicles attending the event shall be provided. On street parking within Council’s road reserves shall not be permitted.
22. On street parking shall be discouraged on both sides of Common Road in the vicinity of the site through the use of barrier mesh (parawebbing), bunting or similar. Temporary “No Stopping” signage shall also be erected.

23. An area of parking in the closest proximity to the venue should be set aside for disabled parking.

24. Access to and within the site for emergency vehicles and service vehicles must be maintained at all times.

25. The preparation, storage, handling and sale of all food and beverages is to be carried out in accordance with Council’s Temporary Food Premises Guidelines. All sales are to be from approved stalls which comply in full with the requirements as specified within the referred Guideline.

26. All food stall operators are only to sell foods which have been prepared or partly prepared in a commercial grade kitchen or within the food stall designed in accordance with the Hunter Central Coast Food Surveillance Group Temporary Food Premises Guidelines.
Supporting documentation

Run Dungog Community Trail Running

**Event Name:** Run Dungog, previously known as the Dungog Dash & Dawdle  
**Date:** Saturday 3rd & Sunday 4th August, 2019  
**Host:** Dungog Shire Community Centre  
**Purpose:**
- Bring people, especially those in the Dungog Shire, together.  
- Provide a platform for well-being, health, fitness and positivity.  
- Showcase the Dungog Common and the Dungog Shire as an adventure tourism destination and attract visitors to the Shire.  
- Raise funds to invest back into community initiatives.

**Event Format**

**Saturday 3rd August:** The Run Dungog Ultra Run - An ultra is a race over 42km in distance. The 50km trail running event will start and finish in the Dungog Common. The 50km course would traverse through the Common, private land and council road to a high section on the land of Brian McGuigan, before returning to the Dungog Common. *(Map of this course and required information to follow.*) We are expecting 30 runners to take part in the 50km trail run.

During the run we will be hosting a free community outdoor picnic at the Dungog Common, where we will have music, local produce and activities. This will take place from noon to 5pm. We are expecting between 80 to 100 people to attend this event. Proceeds from the picnic will be invested in the Community Centre.

**Sunday 4th August:** We will be hosting 5km, 10km and 20km trail events within the boundaries of the Dungog Common. This event will take place between 8:30am and 12:30pm. During the event we will have a local coffee cart and breakfast catering. All kids run free during this event and our focus is on bringing families together.

**Registrations:** We are expecting the following number of people to take part in these events

- 50km: 30 runners  
- 20km: 40 runners  
- 10km: 60 runners  
- 5km: 80 runners  

**Total runners across the weekend:** 210 runners.  
**Total Attendees:** 280
Benefits to the Community from Run Dungog

**Community:** At the heart of this event is community - we want to bring people together.

**Economic:** Run Dungog has been gathering data in the registration process. 60 percent of registrations received to date are from outside the Dungog Shire, with these participants budgeting $500 to invest in the region over the weekend. Most people are booking local accommodation for a two night period. We are estimating a total of $30,000 investment within the Shire on the weekend of August 3&4.

**Marketing:** We are actively promoting Dungog to a wider audience, which attracts visitors. We have 1341 Facebook followers and 295 Instagram followers. Our marketing is professional and is showcasing Dungog in a very positive way. We believe the Run Dungog brand will be one that people within the Shire will be proud of.

**Mental Health & Wellbeing:** These events are critical to the mental health and wellbeing of our community - we need to bring people together and provide opportunities to unite. We have a mental health crisis unfolding across the country, especially in regional areas and research suggests that bringing communities together and providing opportunities like this can create healthier communities. Running and mental health have a positive relationship and we believe we can grow this brand and event within the Shire to have a more positive impact on the mental health of our community.

**Environmental:** We want to share our natural environment with others in the most sustainable way. Trail running has a low environmental footprint and through our partnership with Single Use Plastic Free Dungog, Boomerang Bags, and others, we are creating an environmentally friendly and sustainable event.

**The Dungog Common:** The Dungog Common is an incredible resource to the community and we want to share it with people and make sure they understand the recreational opportunities available to them within the Dungog Common. It will build awareness as to this resource.

**Health and Fitness:** Since May 2019 Run Dungog has offered 4 free fitness sessions per week for those training for a Run Dungog event - these are hosted at Dungog Fitness and at the Dungog Common and is an example of our desire to create healthy communities.

**Community Projects:** Proceeds from the event will be allocated to the Dungog Shire Community Centre to support our most vulnerable. As well as donations to RFS.
To whom it may concern,

Run Dungog is the only, annual, fundraising event for Dungog Shire Community Centre.

Run Dungog is a community running festival held on the first week of August each year.

The aim of the event is to raise much needed funds for the community centre, allowing the centre to support and care for the most vulnerable and isolated members of our shire community.

DSCC provide a range of services and programs to the community, all of which are free. Some activities are funded; however many are not and the money raised from Run Dungog provided financial certainty for these programs and supports — such as Clarence Town Outreach, Doug the Reading Bug, community access computers and internet services and support programs for families with young children under 5.

The money raised through Run Dungog also enables the Community Centre to invest this money in developing new opportunities, support and assistance programs to ensure that emerging needs and issue can be addressed in a timely and accessible manner.

Without the money raised from Run Dungog many supports and programs would not be able to be provided to the community, adding to the disadvantage and vulnerability of many people living in the Dungog Shire.

Warm regards

Sarah U’Brien
Manager
Dungog Shire Community Centre
VOLUNTEERS

**Rural Fire Service:** Flat Tops and Wallarobba Rural Fire Service - up to 20 volunteers
**Boomerang Bags:** Up to 10 volunteers
**General Public:** We have over 18 volunteer registered to assist during the weekend

A total of 48 volunteers across the weekend.

SPONSORS & PARTNERS

The following organisations and groups are supporting Run Dungog

THE DUNGOG COMMON

Car Parking.

The parking of vehicles will be in the space between the Hunter Water water pipe and Burton Street, as seen in the image. The access is off Common Road, which is the main public entry to the Dungog Common - clearly signposted. We will have a volunteer in this area directing vehicles - this area is only for car parking - no outdoor activities or events will be hosted within the parking area.

Amenities

The Dungog Common Recreational Trust is currently in the process of constructing bathroom facilities, which will be completed in time for Run Dungog. This includes disabled bathroom facilities. These facilities are being built behind Sheltons Bus Shelter, as seen in the image here. These amenities are within 200m of the car parking area and 300m of the event start and finish line.

If the construction of the bathrooms are not completed in time for August 3rd and 4th, we will have four portable toilets located at event HQ.
EVENT HQ - THE DUNGOG COMMON

The event start and finish is 300m from the amenities, which is 200m from the car parking. We can provide disabled access all the way to the event HQ, if required. The Event HQ is on safe open ground on the ridge line, with sweeping views across the region.

In this location we will have the following

- Registration Tent
- Catering Tent
- Beverage Tent
- Live music weather protection

The tents we are using are borrowed from community groups and will be erected by volunteers - they are like the tent pictured here.

Rubbish & Waste

Run Dungog is a plastic free event - there will be no single use plastic items at the event. We will provide adequate rubbish bins and recycling solutions for event waste
DUNGOG COMMON TRAIL RUNNING COURSES

The 5km, 10km and 20km events are all hosted within the Dungog Common. The Dungog Common is Crown Land and we have been working with the Common Land Manager to design these courses, which will then be signposted to remain as permanent trail running courses for the community and visitors to the region.

There will be three aid stations with volunteers across the courses with water, first aid and bananas.

5km Course: Dungog Common

The 5km course is held within the Dungog Common on clearly marked trails.

10km Course

The 10km course is held within the Dungog Common on clearly marked trails.

20km Course

The 20km course is two laps of the 10km course - again, all within the Dungog Common and clearly signposted.
The 50km ultra course is an 50km out and back - leaving the Dungog Common, across private Land (Mitchell and Mackay) to Hanley’s Creek Road (council road).

At the end of Hanley’s Creek Road it will join Wallaringa Road (council). It will run for 5.5km along Wallaringa Road until it meets at a junction with Cox’s Creek Road and Wallaringa Road. The course then joins private land, owned by Brian McGuigan, and traces his boundary line in a loop before reconnecting with Cox’s Creek Road and following the same route back into Dungog.

The majority of the course, over 26kms will be on Brian McGuigan’s private property, and the remaining majority on council land.

To access the course live and zoom in and out of area - link [here](#)
The first several kilometers are through the Dungog Common across private property (Mackay and Mitchell) towards Hanley’s Creek Road. We would cross through these two private properties with their permission.

MACKAY (LEFT MAP): LOT 204 DP877990 ADDRESS: HANLEYS CREEK ROAD
MITCHELL (RIGHT MAP) LOT 200 DP871605 ADDRESS: 80 CEMETERY ROAD
Once the course joins Hanley’s Creek Road it is on council road - Hanley’s Creek Road to Wallaringa Road to the junction of Wallaringa / Cox’s Creek Road. This section of the course is public access as council road and will be monitored by the Flat Tops Rural Fire Service and the Wallarobba Rural Fire Service.

This 5.5kms of the course, which traverses through properties on public access council road is Wallaringa Road - as mapped here.

We have discussed this road with Crown Land and they confirmed it was a Dungog Council road, with public access, as per Road Act, pasted later in this document.

We will be following this exact course, as shown on the map and will not deviate from the allocated 20m wide council road area.
The maps on the following pages show clearly the 5.5kms of this council road and the lots it passes through. As mentioned, the Wallarobba and Flat Tops Rural Fire Service will be monitoring gates and ensuring runners remained on course and not on private property on this section of the run. This road can clearly be seen on Google Maps / Six Maps.

LOT 11 DP865027
LOT 1 DP572935
LOT 45 DP752457
LOT 43 DP752457
LOT 42 DP752457
LOT 2 DP436347
LOT 98 DP752457
LOT 1 DP522516
LOT 2 DP522516
LOT 166 DP752457
LOT 64 DP752457
At the junction of Wallaringa Road and Cox’s Creek road we turn onto Cox’s Creek Road and run towards private property.

Along Cox’s Creek road we have the written permission of Paul Espie LOT 83 DP880 111

At the end of Cox’s Road it joins the private land holding of Brian McGuigan, where the course will remain on his private land and follow his land boundary in a loop before returning the way it came back to the Dungog Common.

Brian McGuigan Private Property
LOT 61 LOT 2 LOT 164 LOT 62 LOT 79 LOT 246 DP1122782
LOT 152 LOT 256 LOT 255 LOT 247 LOT 113 LOT 71 LOT 72 DP752457

We have permission from Brian McGuigan for access to his land on Cox’s Creek Road - as per the map of this land holding, pasted below.
BRIAN MCGUIGAN - PRIVATE LAND

RFS - FLAT TOPS & WALLAROBBA LOCATIONS
TRAFFIC MANAGEMENT PLAN

RunDungog Traffic Management Plan
3rd and 4th August 2019

AIM: To make the event as safe as humanly possible for all who are involved or effected by the event.

RISK ASSESSMENT FOR 50km Ultra Trail (Saturday 3rd AUGUST)
The only Council Roads to be used for the 50km Ultra Trail Run will be Hanleys Creek Rd and Wallaringa Rd. Both of these roads are very quiet rural roads. The Dungog Golf Club could potentially cause more traffic if they are having a Golf day.
All cross country or trail running has obvious risks such as trip hazards and wildlife etc. Global warming has seen the fire season starting earlier. If there is a bush fire risk we will take advice from the Dungog RFS and cancel the event if necessary. Less than 50 runners are expected for this event.

MANAGING RISKS
1. Dungog Shire Council, Police, Ambulance, SES and the hospital will be notified of the event.
2. A letter box drop will inform residents of the event. The local radio and media will also announce the event.
3. Runners will have covered about 6 kms before they enter Hanleys Creek Rd. So they will be already spread out so as not to cause unusual problems for traffic.
4. In the briefing and on the entry forms runners will be asked to agree to obey the road rules. REMEMBER WHEN USING PUBLIC ROADS THE RULES REQUIRE YOU TO RUN ON THE RIGHT SIDE OF THE ROAD FACING ONCOMING TRAFFIC. LOOK BEFORE CROSSING ANY ROADS AND GIVE WAY WHERE NECESSARY.
5. Flat tops and Wallarobba RFS will be patrolling both roads to ensure runners safety and provide assistance if needed.
6. A manned SES vehicle will be on course for the duration of the events.
7. The course will have trained volunteer marshals (mobile and stationary).
8. Marshals will be equipped with PPE, water and sugary foods and annotated map
9. Communication will be via mobile phones and UHF.
10. SES and volunteers will be made aware of the dangers and their duty of care before the event.
11. If the SES is unavailable due to an emergency, volunteer vehicles will be used and manned by volunteers with current first aid qualifications.
12. Participants will receive a briefing (please see below) just prior to the start. This briefing will be on the website prior to the Event.
13. All participants will be warned at the start to obey the directions of the marshals.
14. All participants will sign a disclaimer and acknowledge that they will obey the road rules when using public roads.
15. A condition of entry is that: “Any child under 10 years of age must be accompanied by a responsible adult”. It was decided that 1 parent should be responsible for no more than 3 under 10 year olds.
16. See the **Common Sense** Safety briefing below.

**RISK ASSESSMENT FOR DASH (10Km) AND DAWDLE (5km) AND DOUBLE DASH (20km) ON Sunday 4th August.**

The courses for these 3 events will be on existing tracks within the Dungog Common and on the southern side of Common road.

The obvious risks are the usual with cross country or trail running, that is, trip hazards, wild life etc.

**MANAGING RISKS**

Dungog Shire Council, Police, Ambulance, SES and the hospital will be notified of the event.

A manned SES vehicle will be on course for the duration of the events.

The course will have trained volunteer marshals (mobile and stationary).

Marshals will be equipped with PPE, water and sugary foods and annotated map

Communication will be via mobile phones and UHF.

SES and volunteers will be made aware of the dangers and their duty of care before the event.

If the SES is unavailable due to an emergency, volunteer vehicles will be used and manned by volunteers with current first aid qualifications.

Participants will receive a briefing (please see below) just prior to the start. This briefing will be on the website prior to the Event.

All participants will be warned at the start to obey the directions of the marshals.

All participants will sign a disclaimer and acknowledge that they will obey the road rules when using public roads.

A condition of entry is that: “Any child under 10 years of age must be accompanied by a responsible adult”. It was decided that 1 parent should be responsible for no more than 3 under 10 year olds.

Allen Shrimpton for RunDungog organizing committee

3 July 2019
COMMON SENSE SAFETY
MC briefing notes

1. THE COURSES ARE WELL MARKED, SO FOLLOW THE ARROWS, WITCHES HATS AND BUNTING.

2. REMEMBER WHEN USING PUBLIC ROADS THE RULES REQUIRE YOU TO RUN ON THE RIGHT SIDE OF THE ROAD FACING ONCOMING TRAFFIC. LOOK BEFORE CROSSING AND GIVE WAY WHERE NECESSARY.

3. IF ANYONE IS HURT STAY WITH THEM (YOUR TIME WILL BE ADJUSTED) AND ASK ANOTHER COMPETITOR TO TELL A MARSHAL AND IF NECESSARY CALL TRIPLE ZERO.

4. IT IS A CROSS COUNTRY EVENT. SO PREPARE ON UNEVEN SURFACES – LOOK AFTER YOUR ANKLES AND RUN WITHIN YOUR OWN ABILITIES.

5. KEEP YOURSELF HYDRATED, YOUR ENERGY AND ELECTROLYTES TOPPED UP.

6. IF YOU SEE A SNAKE OR ANY OTHER ANIMAL – LEAVE IT ALONE.

7. IF BITTEN - IMMOBILIZE THE LIMB; AND CALL TRIPLE ZERO FOR HELP.

8. ANY PROBLEMS? SEE ONE OF OUR FRIENDLY MARSHALS.

9. REMEMBER: HAVE FUN - RUN SAFELY.
WRITTEN ACCESS PERMISSION FROM LANDOWNERS

Dungog Shire Council
198 Dowling Street
Dungog, NSW, 2420

RE: RUN DUNGOG

To Dungog Shire Council.

I, Alan Mitchell, give permission for Run Dungog, an event organised by the Dungog Shire Community Centre, to access my private property, 80 Cemetery Road, Dungog, for the Run Dungog trail running event in August, 2019.

Kind regards,

Signature: [Signature]

17th May 2019
Dungog Shire Council
198 Dowling Street
Dungog, NSW, 2420

RE: RUN DUNGOG

To Dungog Shire Council,

PAUL ESPIE

I, ........................................, give permission for Run Dungog, an event organised by the Dungog Shire Community Centre, to access my private property, 583 Wallaringa Road, Dungog, for the Run Dungog trail running event in August.

Kind regards,

Signature: ........................................
982 Hermitage Road Pokolbin NSW 2320

Dungog Shire Council
198 Dowling Street
Dungog, NSW, 2420

RE: RUN DUNGOG

15 May 2019

To Dungog Shire Council.

I, Brian McGuigan, give permission for Run Dungog, an event organised by the Dungog Shire Community Centre, to access my private property, 200 and 204 Cox’s Creek Road, Dungog, for the Run Dungog trail running event in August.

Kind regards,

Brian McGuigan A.M
Submissions - Objections

Ms Coralie Nichols
The General Manager
Dungog Shire Council

4th June, 2019

Dear Ms Nichols,

Urban Fun Run Group’s Demand to Traverse Five commercial Rural businesses

We the undersigned have been advised that Council is considering a request from a running group spearheaded by Alan Shrimpton to traverse the O’Neil’s Ethical Chicken Growing property and the Landers Commercial beef property at Hanleys Creek inter alia.

The Fun Run, if we are correct from the little formal information supplied by Shrimpton, is to commence at the Common and then via the Mackay’s adjoining private lands (n.b. formal consent to traverse that property has now been withdrawn by the Mackay’s) and thence onto Hanleys Creek Road and beyond the non- maintained, non- all weather section of a track to Wallaringa.

The track via O’Neil’s and Landers was used by horse traffic prior to the extension of Wallaringa road in the 1940s.

The track is now unnecessary for people living on lands adjoining Wallaringa Road and Hanleys Creek Road.

The various authorities including Crown Lands and NPWS and the Fire Brigade have limited access from Wallaringa road to the Pilchers Mountain Animal and Bird Sanctuary at the top of Pilchers Mountain. We hereby object to any support by (or any other government authority) for the following reasons:

1. The path the fun runners wish to take is at best a goat track and for the most part impassable.

2. The track has been unused by the public and non- maintained by Council for over 70 years as Wallaringa Road was extended to what is now owned by McGuigan’s

3. The track is in a state of disrepair and blocked by boulders, fallen trees and land slide rubble. As soon as runners attempt to make a detour they will be trespassing on private lands.

4. In the event of an accident to Fun Run participants, 4WD Rescue vehicles cannot access this track.

5. It is not an all-weather road and is non -trafficable even on horse- back.

6. As you would be aware the Biosecurity Act was enacted in 2016 and in accordance with its provisions, primary producers with a property Identification Code are to comply with the provisions to prevent the spread of disease and weeds. Further, producers have to provide evidence that they comply with the seven elements of the LPA standards including property risk assessment; animal treatment records; agricultural chemical usage and stock feeds; preparation of livestock; livestock movements and transactions; biosecurity and animal welfare. Most producers including the Landers, Mackay’s, O’Neil’s, Kelliner’s and Richardson’s have recently been assessed by the LPA (Livestock Production Assurance Authority) to comply with its requirements.
7. Biosecurity of our livestock and pasture is the prime concern as are feral animals/weeds and trespass by ignorant recreationists. As you know Giant Parramatta Grass is prolific in the Dungog Common and adjoining property owners, the Landers and Mackay’s are constantly doing battle in their attempts to exterminate the pestilence. The Kellner’s and Richardson’s are also doing battle with Giant Parramatta Grass and other weeds along the path sought by the runners.

The Biosecurity legislation appears to have been ignored by Alan Shrimpton (as an office holder of the Common Trust) notwithstanding the Common is subject to the legislation. There is also the issue of liability given the runners will be traversing both private lands and Crown Property.

It is understood that the “track” is vested in Council’s control but as Crown Land the Crown Lands Office may also be liable for any injury to Fun Run participants or support personnel. In May 2016 about 30 rescue personnel (including police, ambulance, rural fire and fire and rescue and SES members) took 5 hours to retrieve a woman disabled whilst walking in the Pilchers Mountain Bird and Animal Sanctuary gorge. All rescue vehicles were left about 2kms away, off Wallaringa Road due to the impossible vehicular access.

We object to Council’s consent of access by fun run participants to any Crown Land in the locality in view of the liability issue.

Further, we submit the strongest objection to Council issuing its formal consent to the fun run via private lands which are subject to provisions of the Biosecurity legislation and all that entails.
From: Coralie Nichols <CoralieN@dungog.nsw.gov.au>
To: Steve Gorton
Cc: Coralie Nichols
Subject: FW: DA 64/2019 objection

From: Dominic O'Neil [mailto:Dominic@EthicalFarmers.com.au]
Sent: Tuesday, 25 June 2019 6:47 PM
To: Jacqui Tupper
Cc: Coralie Nichols
Subject: DA 64/2019 objection

Fun Run DA 64/2019 - Dungog Community Group

Dear jacqui,

I am writing to object to the proposed 50km Fun run in dungog on August 3-4 2019. My property is not listed on the letter from council dated 7th June even though it comes through my property. I object to this for a number reasons.

1. There is no clear path of the Wallanranga rd though my property and also the Landers property. The last owner of my land made a new path though there some time ago after the road was washed away. There is no clear path now I am not sure that the proposed route the runners will go is actually on public road. I need to see the new surveyed map.

2. I am concerned of the bio security hazard. I do not want nor can I have just anyone coming onto my land.

3. The insurance and liability are also issues. This is something that I am not going to accept. If someone is injured and has to be removed and they have to come on my land.

4. This is private land and we already have problems with people coming on our land leaving gates open, disturbing the cattle and our dogs. Once the run is finished we will get more and more people doing this. When one of our dogs bites a runner or someone who comes on my land what happens? I have to bear the cost of mustering the cattle that have been scared or let out and fix fences etc.

5. Myself, Mr landers, Mr.Kellner, Mr Richardson and Mr Mckay all signed a letter sent to council June 4 clearly stating our objections. Two of those (Richardson and Mckay) have clearly not given permission for the runners to access their private land, and they do not have so called "public roads" that the runners will use.

I am all for raising funds for the community and promoting Dungog however this should not be done at the expense of farmers. I would love to get involved with this but not at the risk of my business and property. The farming community is a huge part of the dungog shire and very important to the future of the area. As a land owner I am very concerned with the lack of consultation by the committee and the attitude that "we don't need your approval as it's a public road" is not on and something I hope council take into consideration when they determine this DA and ultimately refusing it. I am concerned that the council are supporting this 50km run and don't seem to be considering the impact on us land holders. There are plenty of other areas in the community that could be used for this run that have no impact on us land holders and rate payers. This is not very "community" minded.

Regards
Dominic O'Neil
391 Hanleys Creek Rd Dungog
Attention Ms Jacquie Tupper
Manager Planning
Dungog Council

Hi Jacquie
I have attached our letter of objection to the above DA

It is self-explanatory

Also enclosed is letter from the General manager of Hunter Land Services Brett Miners regarding producers obligations under the Biosecurity Act @2016

I also have enclosed a copy of the co-signed letter by ourselves, Dominic O’Neil, Bruce Kellner, Jock Mackay and Robert Richardson submitted to Council by email on 4th June, 2019

As discussed I have difficulty scanning the co-signed document so therefore have organised to have a copy of the co-signed letter of 4th June, 2019 delivered by hand to Council by close of business on Friday 28th June, 2019

Kindest regards
Suzanne Landers
for JJ & SP Landers
Ms Jacqui Tupper  
Manager Planning  
Dungog Shire Council PO Box 95  
DUNGOG NSW 2420  
26th June, 2019  

Dear Ms Tupper,  

Re Fun Run DA 64/2019 by members of Dungog Community Group  

I refer to your letter of 7th June, 2019 regarding the above application to Council to consent to a Fun Run 3rd August, 2019.  

We note that the Landers and Bruce Kellner and Dominic O’Neil are not listed on the application by the Dungog Community Centre as land owners affected by the run notwithstanding the runners will traverse and no doubt trespass on our lands due to the dilapidated condition of the track.  

As advised in our letter to the General Manager on 4th June, 2019 the designated “road” or track that traverses our lands at Hanleys Creek and our neighbours Dominic O’Neil and Bruce Kellner is not passable in certain sections and actually deviates off the gazetted alignment.  

It is noted that we have not had a reply to date to our letter of 6th June, 2019.  

We object to the above DA for the following reasons:  

1. It appears somewhat naive of Council not to take into consideration the impact and objections by affected land owners listed before accepting the DA- two organisers of the Run Alan Shrimpton and James Mackay had been informed on several occasions to objections by all primary producing businesses listed in this letter;  

2. No official plan produced by the Crown lands Office has been supplied with the DA in respect of the designated “road/s” that traverses Dominic O’Neil’s, the Landers country and Bruce Kellner’s’. In fact, part of the former designated road has been purchased and closed by Bruce Kellner. The sections through the O’Neil’s and Landers lands are in the most part non-trafficable and do not permit all weather access to vehicles or runners. As you may know there has been considerable flooding and landslips where the road used to be 70 years ago. In one section it is sheer rock (75% gradient) for some distance. Council and or the applicant will therefore need to supply a registered survey plan/s that clearly show the designated “road” or track to be used by the runners and support vehicles in order for the four objecting adjoining land owners listed in the letter to Council on 4th June, 2019 before Council considers such an application.  

3. We have attached a letter of 21st June, 2019 from the General Manager Hunter Local land Services who states that “The Biosecurity Act was enacted in 2016 and in accordance with the provisions; primary producers with a Property Identification Code are to comply with the provisions to prevent the spread of disease and weeds. Mr Miners says that “the primary objective of the Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, carriers and potential carriers”. The runners and support vehicles are deemed potential carriers of weeds and disease. He adds that “the Act’s objective is to promote biosecurity as a shared responsibility between government, industry and communities”. Government in this instance being Dungog Council, Industry being primary industry and Communities, the applicant. Mr Miners adds that the legislation also provides a framework for effective management of pests, diseases, contaminants.  

4. Liability is another issue. Council, the Crown and adjoining affected land owners the Landers, Dominic O’Neil, Bruce Kellner, Robert Richardson and Jock Mackay will clearly have liability for potential accident/injury to runners and support workers of the SES and Fire brigade.  

5. Further, how can Council even accept such an application if it has not the consent of landowners on the 50km route where there is no crown road access, namely Robert
Both Messrs Richardson and Mackay have signed the letter of 4th June, 2019 that they clearly did not consent to runners or vehicles accessing their lands. The letter was emailed to Council on 4th June before Ms Tupper’s advice of 7th June, 2019.

There is a clear case of trespass to all land owners mentioned and the legal liability that is attached thereto.

Yours Sincerely
JJ and SP Landers
442 Hanleys Creek Road
HANLEYS CREEK 2420
Attention Jacqui Tupper
Dungog Shire Council

Hi Jacqui
I omitted sending the Local Land Services letter of 21st June, 2019 with our objection today to the Fun Run DA 64/2019 so have attached herewith
I have also attached the co-signed letter of 4th June, 2019

Kindest regards
Suzanne Landers

From: Jo Melville on behalf of Brett Miners [mailto:brett.miners@lls.nsw.gov.au]
Sent: Friday, 21 June 2019 5:52 PM
To: suzannelanders@gmail.com
Subject: Biosecurity Legislation
Ms Suzanne Landers  
442 Hanley’s Creek Road  
Hanley’s Creek NSW 2420  
suzannahlanders@gmail.com

Dear Suzanne

Biosecurity Legislation

I write in relation to your draft correspondence to Dungog Shire Council regarding the urban fun run dated 4 June 2018 and your associated email request regarding clarity around LLS’s responsibilities in regard to the new Biosecurity/Production Assurance property management plans.

Whilst I acknowledge and understand your concerns regarding the proposed fun run, the issues of trespass, personal injury and control of Crown lands are not matters of biosecurity risk. As they are separate issues I suggest they should be addressed separately with Council. As such, I will only provide information in relation to points six and seven of your letter to Dungog Shire Council.

6. As you would be aware the Biosecurity Act was enacted in 2016 and in accordance with its provisions, primary producers with a property identification code are to comply with the provisions to prevent the spread of disease and weeds. Further, producers have to provide evidence that they comply with the seven elements of the LPA standards including property risk assessment, animal treatment records, agricultural chemical usage and stock feeds, preparation of livestock, livestock movements and transactions, biosecurity and animal welfare. Most producers including the Landers, Mackay’s, O’Neill’s, Kellner’s and Richardson’s have recently been assessed by the LPA (Livestock Production Assurance Authority) to comply with its requirements.

7. Biosecurity of our livestock and pasture is the prime concern as are feral animals/weeds and trespass by ignorant recreationists. As you know Giant Parramatta Grass is prolific in the Dungog Common and adjoining property owners, the Landers and Mackay’s are constantly doing battle in their attempts to exterminate the pest. The Kellner’s and Richardson’s are also doing battle with Giant Parramatta Grass and other weeds along the path sought by the runners.

The Livestock Production Assurance (LPA) program is the Australian livestock industry’s on-farm assurance program covering food safety, animal welfare and biosecurity. It provides evidence of livestock history and on-farm practices when transferring livestock through the value chain and uses a risk assessment approach to identify food safety issues.
In relation to the *Biosecurity Act*, I note the following:

The primary objective of the Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, carriers and potential carriers. The other relevant objectives of the Act include:

a) to promote biosecurity as a shared responsibility between government, industry and communities;

b) to provide a framework for the timely and effective management of the following:

  I. pests, diseases, contaminants and other biosecurity matter that are economically significant for primary production industries,

  II. threats to terrestrial and aquatic environments arising from pests, diseases, contaminants and other biosecurity matter,

c) to provide a framework for risk-based decision-making in relation to biosecurity.

You will be aware there was significant effort put into developing farm-based biosecurity plans during 2017, with the intent of supporting landholders to establish and maintain effective biosecurity measures on their properties. This effort has subsequently been supported by the Stop Weeds at the Gate initiative, which provides a range of advisory materials on best practice approaches to managing weed risk entering properties. I have included the relevant fact sheet to this correspondence.

My suggestion is to consider the *Stop Weeds at the Gate* material to provide best practice approaches to farm biosecurity for any discussions you may have with the proponent of the fun run and with your local Council.

Yours sincerely

[Signature]

Brett Miners
General Manager

Attachment: Fact Sheet – Weed Hygiene
Ref DA 64/2019-lgf
25/6/2019

The General Manager and Councillors

Dear Sir/Madam,

Regarding the DA application from Run Dungog Common group, I am a property owner of 600 Walleringa Rd for which the run has proposed to come through.

I strongly object to the run entering my property and it needs to be brought to your attention that at no point in the application from the Run Dungog group there has been any mention of the strong objections from property owners along Hanleys Creek road for which the group intend to run through.

I have great concerns with this event coming through my property and the way the committee members from the group have approached myself and other property owners from the Hanleys Creek road section of the run proposal.

Please do not think for 1 minute that I am not all for community events, which is far from the case. The concerns I have are:

Biosecurity legislation has meant changes in the way we manage movement of people within my property to comply, what the running group propose contradicts directly the best management practices, i.e. minimise vehicle and foot traffic at all times. I have ongoing issues with Giant Parramatta Grass on grassed road area before entering road cutting from foot traffic accessing Pitchers reserve which despite continued spraying programs over the last 5-6 years has now spread onto surrounding areas within that vicinity.

Public liability is also of great concern that I have:

We acknowledge and understand the definition of public roads, but if a map is going to be publicised, it must be a current map that shows clearly what is public and private land including a legend identifying closed crown roads that are now private property, as the general public are also viewing this through the groups advertisement. It raises liability insurance issues as some of the so-called public roads still pass through private property, so how can there be assurances given that competitors and volunteer’s only traverse the public roads and do not trespass onto private property?

It is the ongoing problems that I will be left with if access is promoted and allowed from Hanleys Creek road, such as the general public and other user groups wandering through private land causing breaches of Biosecurity, trespassing, gates left open, cattle forced through fences, campers and at times theft. I deal with these issues on a daily basis already with the public entering my property from Walleringa Rd.

It would be much appreciated if we could meet to discuss this in person

Kind Regards

Bruce Kellner

Ph. 0427401570

Email brucekellner@live.com.au
Dear Dungog Council
I would like to see Run Dungog proceed in our Shire. Every opportunity to encourage all of our community to be more active is needed. We want our community to be healthy and engaged with one another and this event will really help. We have a great facility for this event and a great team of organisers wanting to go ahead with it. Dungog Common is such an attractive area and people should be encouraged to use it more often than they do. Run Dungog would attract visitors and locals to come and enjoy this area. It would encourage locals to use it at other times as well, having had a group introduction to it.

Kind regards
Barbara Dummer
939 Flat Tops Road
Dungog
49921788
To the General Manager, Dungog Shire Council,

I am so excited that the Dash and Dawdle that I went in, in it’s first year, has progressed to become ‘Run Dungog’ offering a number of runs for people of all ages and abilities. Also what started as a local event, to now be a event that brings tourists into town and has potential to be a prime feature event for Dungog.

Dungog provides a perfect location for attracting Trail Running - clean air, scenic routes, little traffic, rail line, many accommodation options, great little cafes, friendly town.

It is also a perfect event for our area, having little to no environmental impact and one that only has a positive impact on the people. It is an event that brings the community together as well - very social event for volunteers, organisers and participants. And it is one that promotes healthy living - something we all need.

We fully support this event and really hope the volunteers who run it get the support they need to make sure this fantastic event can continue.

Sincerely
Nikki Brown
Ph: 0412216485
Gresford 2331
Just a brief note in support of the Run Dungog Event this year. We have been keen participants in the previous Dash and Dawdle event and are looking forward to bringing friends along to this year's Run Dungog. A great way to encourage outdoor activity for young and old, professionals and just amateur walkers.

Regards

Anne Higgins and Barbara Fisher
271 Wallarobba Brookfield Rd
Brookfield 2420.
To the General Manager,
Reference DA 64/2019

I hope you are well.

I would love to see Run Dungog proceed in the Shire. We have already seen the success of the Dungog Dash and Dawdle for bringing community together, promoting health, attracting tourists and showcasing the natural beauty of our region.

Trail-running is a popular sport that treads lightly on the environment in terms of impact. This one day event is organised by dedicated volunteers wishing to create healthy new ways for locals and visitors of all ages to enjoy the bush. In particular, people can get to know and value the Dungog Common, its amazing bush regeneration program and its trails, initiated to a great extent by the vision of the late Jason Hile.

Your faithfully,
Helen Rubeli
I am aware of this DA
I wish to indicate the support of DRT for this event
Cameron

A C Archer AM
Chair
DRT Inc
M: 0427 202 948
To whom it concerns,

I refer to DA 64/2019, the “Run Dungog” event.

In my opinion, the Run Dungog event will be an asset to the town as it will provide an opportunity for our town and community to showcase itself and the region in a healthy, positive and environmentally friendly way. It will be an asset for future tourism, which Dungog desperately needs.

It will also provide a boost in a town’s economy both during the event and in the future.

I see this event only having positive benefits for our town.

Kindest regards,
Philippa Hudson
To the General Manager,
Dungog Shire Council

Dear Manager,

The Lions Club of Dungog wishes to support the DA 64/2019 application for the running event called “Run Dungog”. It is an important, healthy event which showcases both the Common and the town. Many runners follow a circuit of runs around the State and indeed around the world (my daughter does this!) and it would be great if Dungog could offer this run annually as part of the Hunter Valley runs circuit. It would bring people from all over Australia if publicised sufficiently, and think of the extra business for our town!

Yours Sincerely,

Lesley Wright (President, Lions Club of Dungog).
From: philip.halkyard <phil.halkyard@hotmail.com>
To: Shire Council
Cc: 
Subject: Rundungog Event Development Application 64/2019

General Manager, Dungog Shire Council,

I write to support the above event in the Dungog Shire.

The event will raise funds for the Community centre and have the added benefits of promoting the Dungog shire.

Kind regards,

Philip Halkyard
H: 491 22 340
M: 0438 751 561
Coralie Nichols,
General Manager, Dungog Shire Council, via:
shirecouncil@dungog.nsw.gov.au

Dear Coralie,

I am writing in reference to DA 64/2019. I am 100% in support of this application. Trail running events are in the top 10 fastest growing (in participation) sports in the world and bring a multitude of positive outcomes for the participants, and the communities within where the event is held.

Having participated in (as volunteer in the running/support of the event) a number of trail running events in the Blue Mountains, NSW, Australia, I have seen first hand the ability of an event like this to become an asset to a town/region. They attract people from all over Australia, and also the world, who want to engage with a town/region through running. They bring a healthy, positive, and family friendly energy as well as significant financial investment into all the things that Dungog offers; accommodation, supermarkets, pubs, other stores, etc. It builds rapport for the town/region. It also allows local people an opportunity to get involved in this event (amazingly empowering) whether it be as support/volunteer, business partner or in running the course. It will create an ongoing legacy and an incredible showcase of our area.

If done well, which I believe we have all the ingredients to do so - experienced and passionate people and an amazing course/community/climate/etc - this can be a critical element in rejuvenating our region. It will build social capital for the shire in the exchange between visitors and local people and businesses. It showcases a traditional rural town with all its qualities, ambience and beauty being able to extend itself to include other progressive events, such as Run Dungog. This versatility and progressive approach makes the Dungog Shire an increasingly attractive area for tourism and new residents and thus is a win for our future. It will have immeasurable and positive flow on effects that will benefit all our residents.

Yours Sincerely,

Dan Lyons
Owner and Manager Wangat Lodge
Please forward to the appropriate person.

To whom it may concern,

Dungog Rotary agreed to support DA64/2019 RUN Dungog to encourage more events in our town, as we are doing with pedalfest bringing the community together. Which will be very good for our shire. Please send this in to the shire council.

Dungog rotary club.
Bev Irwin
Dear Corale,

I write in support of Run Dungog and the development application lodged with council for this event to proceed. Since moving to Dungog six years ago trail running, running as part of a community group, running as part of a group from the gym and participating in Run Dungog (formerly Dash and Dawdle) have been part of my life. I participate in the event annually as do my young family. It is motivation for training and an opportunity for me to invite friends and family to the area to participate and enjoy our beautiful natural environment.

Run Dungog should be applauded for their community consultation and considered approach to creating this new event. The cost free training programs created in conjunction with existing community fitness groups offer a great opportunity for inclusiveness, and connectedness in our community which is so important for wellbeing, in addition to the obvious health benefits of increasing physical activity in nature. Run Dungog has made an effort to align themselves with an environmentally sustainable approach supported by our community.

Run Dungog has taken on board feedback related to event pricing and revised their position accordingly allowing children to run for free. It's a wonderfully positive event for our children to be a part of and a great day for all. It would be such a shame for the event not to proceed as its something we look forward to every year.

Best wishes,
Julie MacCormick
I would like to express my very enthusiastic support for the Run Dungog initiative. Dungog desperately needs events such as this. These running-fitness happenings seem to attract hundreds—even thousands of people, given the right promotion. Everyone should get behind this one. Let's do it!

Tom Boorer.
Attention: General Manager Dungog Shire Council

Regarding: Run Dungog DA 64/2019

Hi there,

Please consider this short letter as support for the Ultra Trail Running Event - Run Dungog and it’s proposal to provide an event which runs through council and private land.

I have been a member of Dungog Community since 2014 after moving here from Newcastle for the rural lifestyle. For the last five years I have worked at the Dungog Shire Community Centre as a Community Worker and also participated in the local running group "the Misfits" from time to time. As such, I have come to appreciate our gorgeous landscape from a few perspectives - as a new local trying to keep fit and jog through our streets and trails, as a worker supporting local events and as a landowner at Wallarobba (who from time to time gladly gives permission for the neighbours to use our driveway or cattle yards or gates as they need).

Working at the Dungog Shire Community Centre, including throughout the 2015 Storm event and recovery, I see firsthand the incredibly valuable work done to support, strengthen, gather and build capacity in the Dungog Shire. Run Dungog would directly support that work with much needed financial support.

As part of the team which has run the Dash n Dawdle events in the past - I have seen first hand the look on competitor’s faces as they complete their events running through our scenic trails and it really is a breath of fresh air and inspiring change of scenery for many of them who came from city settings. These events also bring together us locals to volunteer together, participate and see our families engage in activities which are brilliant for our physical and mental health.

I am therefore in support of the team of passionate volunteers who have spent the last few months creating a unique ultra trail running event. Please approve the land in question to be used to inspire participants from in and outside our region.

In appreciation of your consideration,

Alison Martin

Warm regards,

Ali Martin
Support Officer
0412 552 546
Dear General Manager,
Dungog Shire Council

I am in favour of the Run Dungog Event, DA 64/2019.

Regards
David Smith
83 Fosterton Road
Dungog
## REVIEW OF STOCK IMPOUNDING SERVICES

### FILE NO:
EF08/31

### ANNEXURES:
A Draft Expression of Interest for the provision of Stockman and Stock Carting services.

### AUTHOR:
Manager Environmental Services

### COMMUNITY STRATEGIC PLAN:
Strategy 11: Ensure that community health and safety issues are identified and addressed.

### DELIVERY PROGRAM:
11.12.1 : Compliance with Impounding Act  
11.12.2 : Remove stock from the road reserve

### OFFICERS RECOMMENDATION:

1. That Council call for expressions of interest for the provision of stockman and stock carting services.

2. That a panel of stockman and carting providers be established that can be utilised to assist in fulfilling Council’s responsibilities under the Impounding Act in relation to straying stock.

---

**Precis:**

This report provides information regarding Council’s responsibilities in relation to straying stock and makes recommendations in relation to an approach to address Council’s duty of care under the *Impounding Act 1993*.

Council is a regulatory agency and an Impounding Authority under the *Impounding Act 1993*. Section 9 of the Act enables Council officers to impound an animal that is in a public place if the officer believes on reasonable grounds that the animal is unattended.

This is a discretionary power however Council has a duty of care to act and apply this power in relation to animals where issues of public health and safety apply.

In relation to Stock roaming in public places there are many instances where Council is required to act to fulfil its duty of care under the Impounding Act. Most notably this occurs where stock are found to be roaming unattended on the roadside causing a traffic and pedestrian hazard. This hazard is amplified at night time.

Council is currently poorly resourced to address its ability to respond to straying stock matters. During normal business hours, Environmental Services staff can respond to assess situations but their ability to physically act to capture, contain and transport stock is limited. After hours, all Council matters are routinely referred to the after hours on-call officer, which is a rostered responsibility shared by Infrastructure and Assets staff. Again, the receiving officer is not resourced, trained or reasonably able to respond to stock matters except for the ability to erect a road warning sign if circumstances demand this.

Recently, NSW Police released a protocol relating to their response and involvement with issues concerning stock on roads. The Police protocol relies heavily on engaging assistance...
from Councils to catch and contain stock in order to address public safety. The protocol contains a list of all Council contacts in NSW that police officers can engage for assistance in stock on road matters. Dungog Shire Council’s after hours on call phone number is listed in the Police protocol and is being relied upon by Police to respond with effective assistance for stock on road matters - particularly at night time.

The above information is provided to Council to illustrate how an effective approach to stock issues is neither currently available nor resourced. Whilst issues demanding Council action in relation to stock are minimal and in most cases property owners quickly resolve these issues, there are occasions when a reasonable Council response is required to fulfil the duty of care implied by the Impounding Act.

It is considered that the following options exist for addressing this issue -

Options

1. Engage additional Ranger resources

   Whilst additional Ranger resources would be useful to address a range of compliance issues, it cannot be justified on the basis of stock matters alone. In 2018/19, 12 complaints were received about stock and only 3 of these necessitated on-site action by Council staff. It is unknown how many after hours calls are received about stock per year as these figures are not currently recorded.

   Discussions with Dungog Police however reveal that it is not uncommon for Police to receive calls about stock on road, which they refer to Council during normal business hours, but they do not normally pass these on at night as they are not confident that Council will respond.

   Council staff who man the after hours phone advise that from time to time they receive calls about stock on road but they feel ill equipped to respond and usually defer the matter to the next available working day to Environmental Services staff. This situation is not ideal and could not be considered appropriate in addressing an immediate potential safety issue caused by stock on the roadside.

   It should be noted that most Council Rangers are not skilled and experienced in handling stock and invariably most Councils call on specialist assistance to attend to difficult stock matters.

   The option of increasing Ranger numbers is not recommended for this issue.

2. Engage Contractors

   Experienced and equipped contractors are called upon from time to time to catch, contain and transport stock. These contractors are the preferred option for attending to stock matters where stock are not already contained. Contractors usually have or have access to resources such as horses, dogs, mobile yards and transport vehicles for stock.

   Engaging contractors is carried out on an ad-hoc basis with no formal lists of contacts to call nor any commitment from the contractors themselves to be available to assist. Because issues requiring attention are minimal in any year, it is considered that seeking a contract with a single operator to provide all services would not be an attractive proposition for a contractor nor affordable to Council. This is because a contractor would need to be available at all times, day and night to respond to stock matters and would price services accordingly.
However it is considered possible for a panel of appropriately experienced and equipped stockmen and carters to be established by Council (pending interest) and for this panel to be used in a rotating roster type arrangement to provide stock services. A retainer fee could be negotiated with all interested contractors.

This is the preferred option and is recommended in this report.

3. Do Nothing

Council are advised that the current approach, whilst addressing the majority of issues that arise involving stock, does not effectively address issues where stock need to be caught, contained and transported because they are posing a risk to public health and safety. Accordingly, it could be argued that Council is not addressing its duty of care to address its responsibilities under the Impounding Act. This report therefore recommends that some modifications be made to Councils approach to stock issues.

A panel of appropriately qualified Stockmen and Stock Carters

It is proposed that expressions of interest be sought from appropriately experienced Stockmen and Stock Carters to provide services to Council. A draft expression of interest is provided in Annexure ‘A’ for Council's information.

These contractors would be asked to provide fee proposals for call out work and also for being retained on a roster type basis with several other contractors to respond when requested by Council.

It is considered that this type of multiple contractor arrangement would provide Council with the best option for providing an effective response service as issues relating to Stock are infrequent but unpredictable.

The panel would be reviewed regularly to ensure contractors are still able to respond as required.

A Contractor's services would be activated by Council staff after issues have been assessed either during normal business hours (Environmental Services staff) or after hours (on call Infrastructure and Assets staff).

IMPLICATIONS

Finance and Resourcing

Under the panel proposal, there would be a cost relating to retaining contractors (so that they are obliged to respond when rostered), and then also for their costs in response. It is anticipated that these cost would be in the form of an hourly rate for call outs.

These costs are unknown at this time but it is anticipated that a not insignificant increase in Council's budget current allocation for stock issues will be required.

An operational budget of less than $500 is currently allocated in this financial year as adopted by Council for the delivery of stock impounding services and this figure illustrates the minimal and infrequent need for a response. There are other costs relating to Council’s response to stock issues that are largely related to staff time and are absorbed into the salary costs of the Environmental Compliance Officer.

The officer recommendations contained in this report will require an additional budget allocation, which is currently unknown but is considered necessary to address councils duty of care in regard to Stock.
Previous Council Resolutions

There are no previous council resolutions in relation to this matter

Implementation

If the recommendations are adopted, an expression of interest for stockmen and carters would be advertised for a period of 30 days.

The further development of a panel of contractors would occur after the receipt of expressions of interest before the matter was reported to Council to appoint contractors.

Statutory

Council has responsibilities as a Regulatory Authority under the Impounding Act 1993 to address issues relating to animals in public places as well as a duty of care to act in relation to its authority, particularly in relation to matters that impact on community health and safety. It is not considered that the current resourcing to address some stock matters is effective in addressing that duty of care.

Consultative

It is proposed that an expression of interest be called to seek the establishment of a panel of contractors. It is not considered that any further public consultation is required at this time.

Community

Community health and safety will be enhanced through an enhanced capability for Council to respond to roaming stock issues, particularly at night when the dangers posed by straying stock in rural areas are increased.
ANNEXURE ‘A’

EXPRESSION OF INTEREST

STOCKMAN AND STOCK CARTING SERVICES

Dungog Shire Council is seeking expressions of interest from appropriately experienced and equipped contractors to provide Stockman and Stock Carting services.

As part of its responsibilities under the Impounding Act 1993, Council is required to impound straying stock and to attend to situations where unrestrained stock are creating dangerous conditions such as roaming adjacent to roadways. In such instances, stock may be confined on enclosed lands or captured and transported to Council’s impounding facility.

Council is seeking the services of an experienced Stockman who carries the necessary equipment and has the capability to attend to straying stock by capturing and containing for transportation. The ability to transport stock would also be an advantage.

As the work involved is varied and infrequent, Council intends to establish a panel of contractors that can be called upon on a rostered basis to respond as required to straying stock issues. Such response could be at any time of the day or night.

Council would like to hear from contractors who may be interested in providing these services.

Information required to respond to this expression of interest should include –

- Name of individual/company
- Contact details.
- Summary of experience in dealing with stock
- Description of equipment/resources available
- Advice regarding availability to respond
- An indication of rates for services.

All enquiries should be made to Paul Minett, Manager Environmental Services ph 4995 7740 or by email to shirecouncil@dungog.nsw.gov.au
1. WORKS PROGRESS REPORT

FILE NO: EF08/208

ANNEXURES: ‘A’ Major Works to continue or commence in the next 3 months

AUTHOR: Nigel Atkins

COMMUNITY STRATEGIC PLAN: Public Infrastructure & Services

DELIVERY PROGRAM: 8. Council Programs and Activities Supporting Public Infrastructure and Services

OFFICERS RECOMMENDATION:

That the report be received and the information noted.

Precis:
Reporting on construction and maintenance works undertaken in June 2019.

Works carried out during June 2019:-

Road and Bridge Construction

Maitland Road, Paterson - Pavement and footpath works.
MR101 – Dungog Road North of Merchants Road - Signage works.
RR7764 Bingleburra Road (Blackspot) - Concrete, pavement and guardrail works
Webbers Creek Road - Drainage, pavement and earthworks.
MR101 – Dungog Road Gresford Road to Gostwyck Bridge (Blackspot) - Drainage, tree removal and shoulder works.
Coulston Bridge - Bridge approach earthworks.

Sealed Road Maintenance

Tar Patching - Clarence Town urban streets, MR101, RR7764, MR301, RR7778 and Gresford Streets.
Heavy Patching - MR101, Sloane Street.
Drainage Maintenance - Hancock Avenue
Unsealed Road Maintenance
Drainage Maintenance - Wangat Trig Road, Vogeles Road and Keppies Road.

Bridge, Concrete and Other Maintenance Works
Building Maintenance - Doug Walters Building
Clarence Town SOA - Playground installation works.

Roadsides
Roadside mowing was undertaken on the following roads:- MR101, Salisbury Road, Main Creek Road, Fosterton Road, Chichester Road, MR301, MR101 and Martins Creek Road.

Sporting Grounds:-
The following sporting grounds were mown (the number of mowing’s shown in brackets):- Bennett Park Oval (1).

Parks/Reserves/Cemeteries:-
The following Parks, Reserves and Cemeteries were mown (the number of mowing’s shown in brackets):- Jubilee Park (1), Frank Robinson Memorial Park (1), John Tucker Park (1), Kings Wharf Reserve (1), Allan Fairhall Reserve (1), Paterson War Memorial Park (1), Orana Park (1), Gresford Skate Park (1), Vacy Park (1), and Clarence Town Cemetery (1).

Major Works scheduled to be continued or commenced in the next 3 months:-
Attached as Annexure ‘A’ is a list of the major works scheduled for the forthcoming 3 months.

IMPLICATIONS

Finance & Resourcing
Works are undertaken as per Council’s Operational Plan and budgetary constraints.

Previous Council Resolutions
The report is provided monthly for information purposes only.

Implementation
Nil

Legislative
Nil

Community
Nil

Consultation
Nil
### ANNEXURE ‘A’

<table>
<thead>
<tr>
<th>Work Location / Description</th>
<th>Proposed Works</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR101, Maitland Road Paterson</td>
<td>Road Reconstruction between Williams Street and Albert Street.</td>
<td>Construction works have been completed with final seal to be applied in November 2019</td>
</tr>
<tr>
<td>Webbers Creek Road West of Paterson Cemetery (Roads to Recovery)</td>
<td>Reconstruction of 0.9km of Webbers creek Road.</td>
<td>Construction works have been completed with final seal to be applied in November 2019</td>
</tr>
<tr>
<td>MR101 – Dungog Road North of Gresford Road (Blackspot)</td>
<td>Clearing of clear zones and pavement widening works</td>
<td>Construction is currently being undertaken.</td>
</tr>
<tr>
<td>RR7778 – Gresford Road – Fishers Hill Intersection (Blackspot)</td>
<td>Clearing of clear zones and pavement widening works</td>
<td>Design currently being undertaken. Construction works scheduled to commence in August 2019.</td>
</tr>
<tr>
<td>Dowling Street between Mary Street and Mackay Street</td>
<td>Reconstruction of 3 blocks of Dowling Street</td>
<td>Hunter Water have completed water main relocation. Construction works are scheduled to be commenced in late August 2019</td>
</tr>
<tr>
<td>Spooner Bridge (Fixing Country Roads)</td>
<td>Replacement of existing timber bridge with single lane concrete structure.</td>
<td>Bridge contract has been awarded to <strong>Saunders Civilbuild Pty Ltd.</strong> Design works are being finalised with site works scheduled to commence July 2019.</td>
</tr>
<tr>
<td>Coulston Bridge (Fixing Country Roads)</td>
<td>Replacement of existing timber bridge with single lane concrete structure.</td>
<td>Bridge contract has been awarded to <strong>Saunders Civilbuild Pty Ltd.</strong> Design works are finalised. Bridge approach works have been commenced by Council.</td>
</tr>
<tr>
<td>Tucker Park, Paterson Amenities Upgrade</td>
<td>Construction of new amenities building and BBQ shelter</td>
<td>Building contract has been awarded to <strong>PDA Building Pty Ltd.</strong> Work scheduled to commence July 2019.</td>
</tr>
</tbody>
</table>
1. STATEMENT OF INVESTMENTS

FILE NO: EF08/220

ANNEXURES: ‘A’ Statement of Investments

AUTHOR: Executive Manager Corporate Services

COMMUNITY STRATEGIC PLAN: Council Governance & Finance - Council undertakes prudent financial management to ensure its long-term viability

DELIVERY PROGRAM: 5.4 Finance – Investments

OFFICERS RECOMMENDATION:

The report be received and the information noted.

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.

**********

The Statement of Investments as at 30 June 2019 incorporating the Responsible Accounting Officer’s Certificate are attached as Annexure ‘A’.

Councillors should note that with the recent announcement of the Reserve Bank of Australia dropping the Cash Rate to 1% on 3 July 2019 that council’s investment return is likely to be significantly impacted as investment rates will also drop in the ensuing months and returns are not expected to be in line with budget estimates at this time.

Additionally, a condition of the successful loan application with TCorp requires Council to alter the current investment portfolio by 30 April 2020 so that existing investments with Authorised Deposit Taking Institutions (ADI’s) are minimised in investment’s with Long Term Debt Ratings of BBB+ and BBB. Also throughout the term of the Loan Facility the combined investments must continue to meet these TCorp limitations.

IMPLICATIONS

Financial

The TCorp limitations and current low Cash Rate will likely reduce the amount of investment income Council receives during the 2019 -20 financial year.
### Investment Summary as at 30th of June 2019

**Cash at Call:** 327,386.35

**Term Deposits:** 12,500,000.00

**Floating Rate Notes:** 7,750,000.00

**Total Investments:** $20,577,386.35

### Portfolio Listing:
### Term Deposits:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Period</th>
<th>Due Date</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>MMBS</td>
<td>180</td>
<td>08-Sep-19</td>
<td>2.75%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NPBS</td>
<td>20</td>
<td>23-Sep-19</td>
<td>1.85%</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>9-Dec-19</td>
<td>2.10%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>12-Nov-19</td>
<td>2.35%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>10-Dec-19</td>
<td>2.10%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>20-Aug-19</td>
<td>2.60%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>31-Jul-19</td>
<td>2.72%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>181</td>
<td>19-Aug-19</td>
<td>2.65%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>181</td>
<td>25-Nov-19</td>
<td>2.23%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>150</td>
<td>25-Nov-19</td>
<td>2.04%</td>
<td>$2,000,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>90</td>
<td>26-Sep-19</td>
<td>2.04%</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>122</td>
<td>28-Oct-19</td>
<td>2.04%</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>180</td>
<td>07-Aug-19</td>
<td>2.70%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>185</td>
<td>02-Sep-19</td>
<td>2.60%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>181</td>
<td>23-Sep-19</td>
<td>2.60%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>181</td>
<td>14-Oct-19</td>
<td>2.45%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>IMB</td>
<td>181</td>
<td>30-Jul-19</td>
<td>2.70%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>IMB</td>
<td>151</td>
<td>22-Jul-19</td>
<td>2.65%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>IMB</td>
<td>180</td>
<td>01-Oct-19</td>
<td>2.50%</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

Total Term Deposits: $12,500,000.00

### Other Investments:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Investment Type</th>
<th>Due Date</th>
<th>Yield</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUA</td>
<td>FRN</td>
<td>20/03/2020</td>
<td>BBSW+130</td>
<td>$750,000.00</td>
</tr>
<tr>
<td>CBA</td>
<td>FRN</td>
<td>17/07/2020</td>
<td>BBSW+90</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>CBA</td>
<td>FRN</td>
<td>25/07/2022</td>
<td>BBSW+88</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>ME Bank</td>
<td>FRN</td>
<td>6/04/2020</td>
<td>BBSW+125</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>ME Bank</td>
<td>FRN</td>
<td>6/04/2020</td>
<td>BBSW+125</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>BOQ</td>
<td>FRN</td>
<td>18/05/2021</td>
<td>BBSW+102</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>BOQ</td>
<td>FRN</td>
<td>3/02/2023</td>
<td>BBSW+143</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Bendigo</td>
<td>FRN</td>
<td>25/01/2023</td>
<td>BBSW+109</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>NPBS</td>
<td>FRN</td>
<td>6/02/2023</td>
<td>BBSW+140</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>At Call</td>
<td></td>
<td>0.95%</td>
<td></td>
</tr>
</tbody>
</table>

Total Other Investments: $8,077,386.35
I hereby certify that the above Investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy.

S L Chandler
RESPONSIBLE ACCOUNTING OFFICER
The report be received and the information noted.

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.

The Works Cost Statement for the period ending 30 June 2019 is attached for Councillors information as Annexure ‘A’.

With 12 months of the year gone notional expenditure levels would be expected to be at 100% of budget allocation. Urban Road Reseals, Tree Planting & Maintenance, Parks & Reserves and Public Cemeteries are recording marginally higher than budgeted expenditure.

As previously reported, Public Conveniences are over budget as a result of required changes to cleaning arrangements at some facilities. All other remaining maintenance categories are currently within budget allocations and are in line with expected levels of expenditure.

Capital works are at varying levels of completion and expenditure reflects such activity and is overall, within budget allocations. The over expenditure of Traffic Facilities have been funded by Regional Roads Maintenance and/or Traffic Facilities Maintenance, whilst the MR101 – Maitland Road project will receive additional funding of $250,000 from Developer Funds as well as Martins Creek Quarry Contributions.

Engineering overheads have been applied to individual projects in line with the original budget and in accordance with Council’s normal operating practice. The works progress report within the Infrastructure & Assets area provides further information on some items in this report including scheduled dates for commencement for individual projects and works undertaken in the prior month.

Executive Manager Infrastructure & Assets Comments:

Under expenditure in some areas:

<table>
<thead>
<tr>
<th>Description</th>
<th>Vote</th>
<th>Expenditure</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Road Unsealed Upgrades</td>
<td>$68,740</td>
<td>$28,969</td>
<td>42.1</td>
</tr>
</tbody>
</table>
This is an area whereby Council can undertake improvement works (not just maintenance) on our unsealed network. It is Executive Manager Infrastructure & Assets intention to utilise this funding for the unsealed roads component of the condition audit undertaken for Council road valuations. There is an invoice (dated 11/06/2019) which includes a component of $20,020 for the unsealed network. This has not paid at this point as there are still a number of issues/data proofings that are currently being undertaken. Therefore still will request that the residual funds be brought forward into 2019/2020 for payment of such.

<table>
<thead>
<tr>
<th>Description</th>
<th>Vote</th>
<th>Expenditure</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Facilities</td>
<td>$61,394</td>
<td>$25,435</td>
<td>42.1</td>
</tr>
</tbody>
</table>

This is the Local Roads component of the Traffic Facilities vote. This budget item was created about 15 years ago when the RMS (then RTA) reduced the Traffic Facilities Vote on Regional Roads by 75%. Council determined to have their own traffic facilities vote which is used for Local Roads but is then used to supplement the Regional Road vote at end of year. The Regional Road Traffic Facilities vote is currently showing an over-expenditure of $21,096 which, when added to the above, brings us up to 76% expenditure.

<table>
<thead>
<tr>
<th>Description</th>
<th>Vote</th>
<th>Expenditure</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR101 - Dowling St – Mary to Mackay</td>
<td>$2,139,500</td>
<td>$202,461</td>
<td>9.5</td>
</tr>
</tbody>
</table>

This project has been delayed due to the extensive Public Consultation period. The funding is not tied to 2018/2019 and the RMS component has not been claimed for 2018/2019.

<table>
<thead>
<tr>
<th>Description</th>
<th>Vote</th>
<th>Expenditure</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coulston Bridge</td>
<td>$1,050,610</td>
<td>$76,659</td>
<td>7.3</td>
</tr>
</tbody>
</table>

This Bridge is funded under the Fixing Country Road grant and 50% Council contribution. The preliminary investigations and subsequent tender process did take longer than expected. Assumptions were also made with respect to when a successful tenderer would be able to commence both design and site works. The design phase has taken longer than expected which has caused a flow on effect to the site commencement. The project is now on track for a 2019/2020 completion.

<table>
<thead>
<tr>
<th>Description</th>
<th>Vote</th>
<th>Expenditure</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spooner Bridge</td>
<td>$1,028,500</td>
<td>$130,528</td>
<td>7.3</td>
</tr>
</tbody>
</table>

This Bridge is funded under the Fixing Country Road grant and 50% Council contribution. As for Coulston Bridge, the preliminary investigations and subsequent tender process did take longer than expected. Assumptions were also made with respect to when a successful tenderer would be able to commence both design and site works. As the preferred tenderer was successful for both bridges, the project timeframe is longer than originally expected but within the parameters of the grant funding guidelines. The project is now on track for a 2019/2020 completion.
### ANNEXURE ‘A’

#### Works Cost Statement 2019

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Roads Maintenance</td>
<td>341,450</td>
<td>213,643</td>
<td>225,729</td>
<td>243,927</td>
<td>71.4%</td>
</tr>
<tr>
<td>Urban Roads Heavy Patching</td>
<td>-</td>
<td>3,890</td>
<td>3,890</td>
<td>4,709</td>
<td></td>
</tr>
<tr>
<td>Urban Roads Reseals</td>
<td>82,243</td>
<td>50,508</td>
<td>92,045</td>
<td>92,045</td>
<td>111.9%</td>
</tr>
<tr>
<td>Urban Roads Storm Damage</td>
<td>-</td>
<td>720</td>
<td>720</td>
<td>720</td>
<td></td>
</tr>
<tr>
<td>Rural Roads Sealed Maintenance</td>
<td>727,783</td>
<td>564,429</td>
<td>662,835</td>
<td>687,362</td>
<td>94.4%</td>
</tr>
<tr>
<td>Rural Roads Reseals</td>
<td>361,386</td>
<td>254,712</td>
<td>350,284</td>
<td>350,284</td>
<td>96.9%</td>
</tr>
<tr>
<td>Rural Roads Unsealed Maintenance</td>
<td>543,592</td>
<td>454,233</td>
<td>502,335</td>
<td>511,156</td>
<td>94.0%</td>
</tr>
<tr>
<td>Rural Roads Unsealed Upgrades</td>
<td>68,740</td>
<td>28,177</td>
<td>28,969</td>
<td>28,969</td>
<td>42.1%</td>
</tr>
<tr>
<td>Rural Roads Storm Damage</td>
<td>-</td>
<td>131,079</td>
<td>131,094</td>
<td>133,558</td>
<td></td>
</tr>
<tr>
<td>Bridges Maintenance</td>
<td>472,626</td>
<td>309,987</td>
<td>390,660</td>
<td>416,310</td>
<td>88.1%</td>
</tr>
<tr>
<td>Tree Planting &amp; Maintenance</td>
<td>11,173</td>
<td>6,138</td>
<td>9,107</td>
<td>13,537</td>
<td>121.2%</td>
</tr>
<tr>
<td>Traffic Facilities</td>
<td>61,394</td>
<td>15,929</td>
<td>24,929</td>
<td>25,435</td>
<td>41.4%</td>
</tr>
<tr>
<td>Footpaths M &amp; R</td>
<td>53,917</td>
<td>18,547</td>
<td>18,711</td>
<td>33,637</td>
<td>62.4%</td>
</tr>
<tr>
<td>Sporting Grounds</td>
<td>76,930</td>
<td>40,063</td>
<td>49,622</td>
<td>85,684</td>
<td>134.6%</td>
</tr>
<tr>
<td>Parks &amp; Reserves</td>
<td>108,300</td>
<td>94,026</td>
<td>105,351</td>
<td>116,556</td>
<td>107.6%</td>
</tr>
<tr>
<td>Public Conveniences</td>
<td>66,610</td>
<td>69,488</td>
<td>79,145</td>
<td>89,684</td>
<td>134.6%</td>
</tr>
<tr>
<td>Public Cemeteries</td>
<td>39,920</td>
<td>38,684</td>
<td>42,482</td>
<td>45,072</td>
<td>112.9%</td>
</tr>
<tr>
<td>Total Maintenance Works</td>
<td>3,016,064</td>
<td>2,298,253</td>
<td>2,717,908</td>
<td>2,848,479</td>
<td>94.4%</td>
</tr>
</tbody>
</table>

#### RMS Ongoing Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Roads Maintenance</td>
<td>902,700</td>
<td>707,869</td>
<td>775,513</td>
<td>841,515</td>
<td>93.2%</td>
</tr>
<tr>
<td>Regional Roads Reseals</td>
<td>237,660</td>
<td>179,357</td>
<td>249,285</td>
<td>249,212</td>
<td>104.9%</td>
</tr>
<tr>
<td>Traffic Facilities</td>
<td>56,000</td>
<td>60,829</td>
<td>64,409</td>
<td>85,505</td>
<td>152.7%</td>
</tr>
<tr>
<td>Regional Roads Storm Damage</td>
<td>-</td>
<td>64,557</td>
<td>72,877</td>
<td>73,593</td>
<td></td>
</tr>
<tr>
<td>Total RMS Ongoing Works</td>
<td>3,095,660</td>
<td>2,422,007</td>
<td>2,777,207</td>
<td>2,914,232</td>
<td>94.4%</td>
</tr>
</tbody>
</table>

#### RMS Grants - Repair/Auslink/Blackspot

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR101 - Maitland Rd - South of William to Albert</td>
<td>1,322,400</td>
<td>1,268,861</td>
<td>1,492,608</td>
<td>1,595,989</td>
<td>120.7%</td>
</tr>
<tr>
<td>MR101 - Dowling - Mary to Mackay</td>
<td>2,139,500</td>
<td>38,710</td>
<td>39,581</td>
<td>202,461</td>
<td>9.5%</td>
</tr>
<tr>
<td>MR101 - Dungog Road East of Merchants</td>
<td>510,000</td>
<td>324,986</td>
<td>482,535</td>
<td>525,829</td>
<td>103.1%</td>
</tr>
<tr>
<td>RR7764 Alyn River Road 1.2km North of CA Bridge</td>
<td>677,000</td>
<td>645,753</td>
<td>681,327</td>
<td>681,342</td>
<td>100.6%</td>
</tr>
<tr>
<td>MR301 Clarence Town Rd Parers Hill Blackspot</td>
<td>260,000</td>
<td>257,378</td>
<td>260,000</td>
<td>260,000</td>
<td>100.0%</td>
</tr>
<tr>
<td>RR7764 Bingleburra Rd Jersey Kerb</td>
<td>190,000</td>
<td>10,065</td>
<td>66,033</td>
<td>187,114</td>
<td>98.5%</td>
</tr>
<tr>
<td>Total RMS Grants - Repair/Auslink/Blackspot</td>
<td>6,295,260</td>
<td>3,558,365</td>
<td>4,184,168</td>
<td>4,702,560</td>
<td>74.7%</td>
</tr>
</tbody>
</table>

#### Road Construction

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coulston Bridge</td>
<td>1,050,610</td>
<td>7,498</td>
<td>12,490</td>
<td>76,659</td>
<td>7.3%</td>
</tr>
<tr>
<td>Spooner Bridge</td>
<td>1,028,500</td>
<td>62,510</td>
<td>114,497</td>
<td>130,528</td>
<td>12.7%</td>
</tr>
<tr>
<td>Wheelabout Bridge</td>
<td>1,610,510</td>
<td>1,286,445</td>
<td>1,339,992</td>
<td>1,343,462</td>
<td>83.4%</td>
</tr>
<tr>
<td>Bullockyes Bridge</td>
<td>1,670,504</td>
<td>1,243,373</td>
<td>1,276,476</td>
<td>1,281,411</td>
<td>76.7%</td>
</tr>
<tr>
<td>Limeburners Creek Road - West of Boatfalls</td>
<td>351,470</td>
<td>356,119</td>
<td>356,119</td>
<td>356,196</td>
<td>101.3%</td>
</tr>
<tr>
<td>Total Other Capital Works</td>
<td>5,711,594</td>
<td>2,955,945</td>
<td>3,099,574</td>
<td>3,188,256</td>
<td>55.8%</td>
</tr>
</tbody>
</table>

#### Total Capital Works

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Other Capital Works</td>
<td>5,711,594</td>
<td>2,955,945</td>
<td>3,099,574</td>
<td>3,188,256</td>
<td>55.8%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised Vote</th>
<th>Expended Apr-19</th>
<th>Expended May-19</th>
<th>Expended Jun-19</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Capital Works</td>
<td>12,006,854</td>
<td>6,514,310</td>
<td>7,283,742</td>
<td>7,890,816</td>
<td>65.7%</td>
</tr>
</tbody>
</table>
### 3. COUNCILLORS TRAVELLING & OTHER EXPENSES

**FILE NO:**  EF08/222  
**ANNEXURES:**  Nil  
**AUTHOR:**  Executive Manager Corporate Services  
**COMMUNITY STRATEGIC PLAN:**  Council Governance & Finance - Councillors are responsive, accessible and actively involved within local communities  
**DELIVERY PROGRAM:**  1.1 Councillor representation

#### OFFICERS RECOMMENDATION:

The report be received and information noted.

---

**Precis:**

Report on Councillors travelling for Councillors information.

*******

Hereunder is a list of meetings/inspections or business of Council held/to be held since the June Meeting of Council.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALGA Conference</td>
<td>16-19/06/19</td>
</tr>
<tr>
<td>HNEH Community Partnership Forum</td>
<td>20/06/19</td>
</tr>
<tr>
<td>Dungog Showground Meeting with Consultants</td>
<td>21/06/19</td>
</tr>
<tr>
<td>Clarence Town Museum Committee Meeting</td>
<td>21/06/19</td>
</tr>
<tr>
<td>NAIDOC Morning Tea</td>
<td>01/07/19</td>
</tr>
<tr>
<td>James Theatre Community Centre Committee Meeting</td>
<td>01/07/19</td>
</tr>
<tr>
<td>Future of Farming Meeting</td>
<td>04/07/19</td>
</tr>
<tr>
<td>Dungog Showground Committee Meeting</td>
<td>04/07/19</td>
</tr>
<tr>
<td>Compass Housing Meeting</td>
<td>09/07/19</td>
</tr>
<tr>
<td>Hunter Renewal Group Meeting</td>
<td>10/07/19</td>
</tr>
<tr>
<td>Vacy Sportsground Committee Meeting</td>
<td>10/07/19</td>
</tr>
<tr>
<td>Hunter JO Board Meeting</td>
<td>11/07/19</td>
</tr>
<tr>
<td>Ordinary Council Meeting</td>
<td>17/07/19</td>
</tr>
</tbody>
</table>

#### IMPLICATIONS

There are no financial, statutory, environmental, community or consultative implications associated with this report. Council’s travelling costs are currently within budget.
GENERAL MANAGERS REPORTS

1. LOCAL GOVERNMENT NSW CONFERENCE 2019

FILE NO: EF07/34
ANNEXURES: Nil
AUTHOR: The General Manager
COMMUNITY STRATEGIC PLAN: Council Governance & Finance
DELIVERY PROGRAM: 7. Council maintains a regional outlook and seeks opportunities for regional cooperation.

OFFICERS RECOMMENDATION:

1. That Council determine as to whether the Council should be attending the LGNSW conference and appoint delegates to represent the Council.

2. That councillors bring forward matters that they wish to be submitted to the Annual LGNSW Conference for consideration in accordance with the LGNSW's criteria and checklist for submission of motions.

Precis:

Proposed attendance at the Local Government NSW Annual Conference 2019.

**********

An invitation has been received from LGNSW executive in relation to the hosting of the 2019 annual conference which will be held at the William Inglis Hotel, Warwick Farm from Monday 14 October to Wednesday 16 October 2019.

Council has previously attended the conference annually where aside from receiving addresses from various State Ministers with key portfolios regarding Local Government relations, debate was conducted in respect of a series of motions that had been put forward by member Councils.

The conference is the annual policy-making event for all Councils in NSW where issues are debated and motions put forward for consideration by delegates. A draft program is not available at this time however previous conferences have provided the opportunity for Councillors to attend one of two different training sessions facilitated by LGNSW, with briefing sessions conducted for Council General Managers. An optional conference dinner will be held on the Monday evening for registered delegates.

Council only has one voting right as regards motions with the Mayor being Councils’ usual voting delegate. At the 2018 conference Council was represented by the Mayor and General Manager. Council has had up to three elected representatives in attendance at the conference in prior years.

All members can put forward motions to be considered at the Conference. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the Action Reports from previous
conferences before submitting motions for the 2019 Conference. Action Reports from previous conferences are available on the Annual Conference page of the LGNSW website.

Any motions for debate and deliberation at the conference are requested to be lodged with LGNSW by 19 August 2019 to allow printing and distribution. Any conference motions proposed to be put by Dungog Shire Council would need to be resolved by Council.

Specific details regarding the cost of the conference are unavailable at this point as the program has not been finalised however last years cost was $999.00 plus accommodation. If bookings are cancelled prior to a nominated date an administration fee of $110 per booking is charged, cancellations after this date are non refundable.

**IMPLICATIONS**

*Finance and Resourcing*

The exact individual cost is unknown at this point. Annual provision is made within Council's Delegates Budget for this event and associated accommodation charges. If approved this payment would be made from the 2019/20 budget as the event is held in the latter part of 2019.

*Consultative*

It is the only time that all Councils of NSW gather as a collective to debate matters of priority and to advocate on matters of importance for our communities. The annual conference also provides the opportunity for Councillors to network with their fellow peers from across NSW.

*Previous Council Resolutions*

Council Meeting 20 June 2018 – Minute No. 37779

1. That Council be represented at the LGNSW Conference in 2018 by the Mayor and General Manager.

2. That councillors bring forward matters that they wish to be submitted to the Annual LGNSW Conference for consideration in accordance with the LGNSW's criteria and checklist for submission of motions.

   Moved Cr D Rayward, Seconded Cr K Murphy. Carried.

*Implementation*

Registration will be completed online when available – expected mid August 2019.
2. COMMUNITY (SMALL) GRANTS PROGRAM 2019/2020

FILE NO: EF08/566

ANNEXURES:  
A Grant Recipients List 2018/19  
B Community (Small) Grants Program 2019/20

AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Community and Culture

DELIVERY PROGRAM: Strategy 12: Assist community organisations to secure funding and other resources.

OFFICERS RECOMMENDATION:

1. That Council endorse an ongoing Community (Small) Grants Program;
2. That Council adopt the minor amendments to the Community (Small) Grants 2018/2019 Program as per Annexure ‘B’;
3. That Council note the funding source for the 2019/2020 Community (Small) Grants Program;
4. That Council request the General Manager to approach Hunter Water for the purposes of securing their continued participation in the Community (Small) Grants Program.

Precis:

The purpose of this report is to seek Council’s endorsement to operate an ongoing Community (Small) Grants Program for local community groups that undertake work that benefit residents of the Dungog Shire.

In August, 2018 Council resolved to undertake a community small grants scheme and adopted a policy, namely the Community (Small) Grants Program 2018/2019 Policy, to underpin the approach.

The Community (Small) Grants Program was made possible by the Mayor Tracy Norman making her Councillor and Mayoral Allowance for 2018/2019 available for this purpose, along with a matching grant from Hunter Water. This resulted in a $50,000 fund being made available to small projects undertaken by local community groups.

Annexure ‘A’ provides a reminder to Councillors of the groups who benefitted from this funding.

Projects funded through the Community (Small) Grants program were required to meet the following criteria:-

a) Improve the quality of community services in the Dungog area;

b) Encourage innovative approaches that address identified community needs; and

c) Address community priorities identified in Dungog Shire Council’s Community Strategic Plan 2030.
It is proposed that the Community (Small) Grants Program 2018/2019 Policy be amended (with regard to naming provisions and dates) to enable this funding to be made available to local community groups in 2019/2020.

It is proposed that Council utilise $25,000 from a restricted asset fund to support the project and that an approach be made to Hunter Water to seek their continuing participation. Mayor Tracy Norman has also indicated a willingness to make a donation to Council equivalent to her Councillor and Mayoral Allowance for 2019/2020.

The restricted asset account was previously referred to as the Town Funds Reserve and was established some 24 years ago. The reason for the reserve was for Council to budget an amount each year to the reserve for “shire works”. It was calculated as a percentage of the Rate Levy usually around the 4% mark or a little over $100K annually. Councillors would then determine where the funds would be spent, usually based on a program of works provided by engineering which was put together based on town/village requirements and ratepayer requests. Shire Works usually entailed town improvements such as curb and gutter, footpaths, playground improvements etc. The allocation to the reserve was discontinued in 2008 after Councillors transferred the Water and Sewer infrastructure to Hunter Water as this is when the significant budget deficit commenced. Such capital work upgrades are now included in Council’s adopted annual budgets which allows for transparency in decision making and ratepayer requests are best dealt with under the Local Government Act 1993 by way of making a grant. Currently the restricted asset account has a balance of $111,000 and it is proposed that Council utilise $25,000 of this account for the purpose of funding a Community (Small) Grants Program 2019/2020.

**IMPLICATIONS**

**Finance and Resourcing**

Funding for this proposed grants program is to be sourced via the following:-

1. Donation from Mayor Tracy Norman equivalent to the 2019/20 Mayoral Allowance and the Mayor’s Councillor fees budget;
2. Release of $25,000 from a restricted asset account (formerly referred to as the Town Funds Reserve); and
3. Contribution from Hunter Water for an amount of $25,000

**Previous Council Resolutions**

*Minute No. 37812 – Ordinary Meeting 18 July 2018*

_That the General Manager prepare a report for the August 2018 Ordinary Meeting of Council that sets out a methodology and policy for a small community grants program delivered by Council for community groups in the Dungog Shire. Funding for this proposed grants program, including establishment and implementation costs and grant allocations are to be sourced via a donation from Mayor Tracy Norman equivalent to 2018/2019 Mayoral Allowance and the Mayor’s Councillor Fees budget. The grants program is proposed to commence in September 2018 and run for a period of 12 months._

**Implementation**

Should the continuation of the Community (Small) Grant Program be supported by Council, the program is proposed to open on Monday 29 July and close on Friday 30 August, 2019. The applications can be reported to Council on 18th September, 2019.

Notification of success to applicants can occur in the week commencing 23 September, 2019.

Funds for successful applicants would be available in October, 2019.
Statutory

The Community (Small) Grants Program operates in accordance with the provisions of the NSW *Local Government Act, 1993*.

Consultative

The Community (Small) Grants Program 2018/2019 was previously the subject of a community consultation process via public exhibition.

Should Council resolve to support the program in 2019/2020 the program will be advertised in local media outlets, via Council's webpage and be included in the Mayoral Update.

Community

Community groups in the Dungog Shire with small projects will benefit from access to grants funding.
## ANNEXURE ‘A’

<table>
<thead>
<tr>
<th>Applications Received</th>
<th>Category</th>
<th>Project Name</th>
<th>Amount Requested</th>
<th>Amount recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bandon Grove School Of Arts</td>
<td>Equipment</td>
<td>Community Bulletin Board</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> This is a much needed resource not just for the hall but for the wider community. It will provide information on Rural Fire Brigade activities, it will be a resource to provide communication to those living on the Dam road and will also provide opportunities to be a shire bulletin board. Project Total: $2271.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Dungog Rotary Club</td>
<td>Equipment</td>
<td>Road Signs</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> The Pedalfest weekend has been a feature of the Dungog Events calendar for 20 plus years, the purchase of road signs will enable Rotary to better assist with traffic management and control for all community events in the Dungog Shire. Project Total: $3000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dungog Common Trust</td>
<td>Equipment</td>
<td>Pump Track Stage 1</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> This project is part of Stage 1 to create a pump track in the Dungog Common to enable young people and others to develop/practice their mountain bike or BMX riding skills. To create this pump track earthworks are required with the creation of a pad which is the starting point of the track using soil/gravel to create mounds shaped and topped with stabilised soil and gravel. Project Total: $7700.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Wirragulla Polo Club</td>
<td>Equipment</td>
<td>Public Address System</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> This much needed equipment is part of stage 1 of upgrade to the polo club’s facilities. The success of securing the Hunter Polo Challenge for Wirragulla will not just provide for the local economy but will also ensure the future development of polo within our shire. With limited resources and facilities this PA system will support the increased growth and ability to cater for the larger groups, being able to communicate at events is the highest priority. The polo club continues to consult with local organisations to plan future events. Project Total: $2619.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Boomerang Bags</td>
<td>Equipment</td>
<td>Resources to maintain</td>
<td>$2000.00</td>
<td>$1000.00 (project can proceed with partial funding)</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> This is a Community driven initiative tackling plastic pollution at the grassroots level. Dungog became the 20th Community in 2016 to lead the way in our region working with the whole of community. This grant would provide much needed materials to ensure the community has alternatives to single use plastics. Project Total: $2000.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Paterson School of Arts</td>
<td>Equipment</td>
<td>Acoustic Curtains</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding purpose:</strong> This is the stage 1 of a long term project to improve the sound quality within the local hall. This hall once housed theatre groups, dancing, films and travelling shows. The hall is a large space and the acoustics do impact on its usage. The curtains are stage 1 of the project to restore the halls wider use and create a selling point as a leading performing arts hall within the shire. Project Total: $3100.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Clarence Town Rural Fire Brigade</td>
<td>Equipment</td>
<td>Training Resources</td>
<td>$1779.00</td>
<td>$617.00 (project can proceed with partial funding)</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong> Clarence Town RFS works closely with NSW Ambulance and are training volunteers to respond to medical emergencies under the CFR programme. This grant would support much needed resources that are required to support the training and storage for equipment. Project Total: $1779.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Wallarobba Hall</td>
<td>Equipment</td>
<td>Convection Microwave</td>
<td>$746.00</td>
<td>$746.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong> Currently the hall only has a small domestic oven to cater for the regular users and endless events held within the hall. Purchasing large convection oven for the hall will not only improve the facilities but provide opportunities for events to be more inclusive with what is able to be offered. Project Total: $746.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Dungog Gresford Land Beef Inc</td>
<td>Equipment</td>
<td>Beef Scales</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong> The importance of having safe and working cattle weighing scales is a must not just for annual cattle judging event but other farm activities that are held throughout the shire. The annual cattle judging event encompasses the shire showcasing both the local cattle and the producers. Project Total: $5025.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications Received</td>
<td>Category</td>
<td>Project Name</td>
<td>Amount Requested</td>
<td>Amount recommended</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------</td>
<td>-------------------------------------------</td>
<td>------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>10. Sculpture on the Farm Inc</td>
<td>Equipment</td>
<td>Walkie Talkies</td>
<td>$2000.00</td>
<td>$409.90</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(project can proceed with partial funding)</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>It was identified with this year’s event and overall site size of the exhibition the importance of equipment for volunteers. This equipment would not only be a safety component to the site but provide the ability to communicate to volunteers at various locations throughout the site. Project Total: $2540.60 ($2,130.70 retrospective).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Clarence Town Progress Assoc</td>
<td>Community Development</td>
<td>Mural on Public Amenities Stage 2</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(project can proceed with partial funding)</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>This is stage 2 of a local innovative project within the Clarence Town township. Providing both a historical record and safe fresh amenities within the local area for tourists and locals to have pride and ownership within their town. Project Total: $5000.00.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Dungog Shire Events Inc</td>
<td>Community Development</td>
<td>Traffic Controller Certification</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>The identified need for traffic controllers and reaccreditation of this certificate has been prioritised through all events within the shire. This certification would offer the provision for free training to volunteers in establishing a team of traffic controllers for shire wide events. Project Total: $2400.00.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Dungog Shire Community Centre</td>
<td>Community Development</td>
<td>Dungog Community Lunch</td>
<td>$1733.00</td>
<td>$1733.90</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>The Dungog community lunch is built on the idea that through sharing a meal we can share dignity respect value and friendship. It runs once a week and is a free 2 course hot meal and is open to the whole of community. Managed by volunteers the grant is to subsidise the direct costs associated with providing the lunch and supporting the local organisations who are actively involved. Project Total: $3333.90.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Gresford Show Committee</td>
<td>Community Development</td>
<td>Promotion of the Show event through a number of platforms.</td>
<td>$250.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>The Gresford Show Committee works tirelessly to ensure that the rural element of the local show is maintained. To enable this to happen and promote the show as an event sponsorship is required to cover expenses directly related to the show event. Project Total: $250.00.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Dungog Arts Foundation</td>
<td>Community Development</td>
<td>Site Specific Performance Project</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>This project would create a walking tour during the Dungog Festival 2019. This would incorporate Dowling Street in its entirety for artistic performances, displays, musicians and sculptors. Adding a new dimension to the festival burgeoning local art. This grant would directly fund expenses for this site specific project. Project total: $7500.00.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Dungog &amp; District Neighbourcare Inc</td>
<td>Community Development</td>
<td>Supper Dance</td>
<td>$2000.00</td>
<td>$2000.00</td>
</tr>
<tr>
<td>Funding Purpose:</td>
<td>The iconic James Theatre played an important role in the core social life of people living in the Dungog Districts, to re introduce the supper dance will provide an opportunity for those living in our wider community and their friends and family to engage in a social community event in 2019. Project Total: $2053.00.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FUNDS TO BE ALLOCATED BY DUNGOG SHIRE COUNCIL**

$24,755.00
<table>
<thead>
<tr>
<th>Applications Received</th>
<th>Category</th>
<th>Project Name</th>
<th>Amount Requested</th>
<th>Amount recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dungog Shire Community Centre</td>
<td>Love Water</td>
<td>Community Memorial Garden</td>
<td>$10,000.00</td>
<td>$5472.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(project can proceed with partial funding)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To transform a donated town block that was previously the site of devastation, grief and loss after the super storm events on 21 April 2015 into a beautiful calm garden space that can be shared by the whole of the community for quiet reflection and a memorial. Purchasing raised garden beds, water tank and seed sharing station.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $14,998.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Clarence Town Rugby League Football Inc</td>
<td>Love Water</td>
<td>Water Initiative of Sporting Reserve</td>
<td>$4000.00</td>
<td>$4000.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide alternate water source for the sporting reserve to open opportunities to manage water usage by purchasing water tank and working collaborative with other user groups.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $4000.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Dungog Shire Youth Service</td>
<td>Love Water</td>
<td>Awareness of Water Safety Mural</td>
<td>$3000.00</td>
<td>$3000.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engaging the youth to revitalise and paint the aged mural on the local pool wall by creating both awareness of water safety and importance of water usage through art and ownership. This project would engage the artists who have worked on Charlestown water tank, Clarence Town amenities, Clarence Town primary school and Dungog Skatepark.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $3500.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Glen William Public School</td>
<td>Love Water</td>
<td>Water Saving</td>
<td>$5000.00</td>
<td>$5000.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation of a water tank to supply water to the community garden program that the school partners with Stephanie Alexander program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $7500.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Dungog Community Preschool Inc</td>
<td>Love Water</td>
<td>Water Tank Initiative</td>
<td>$3655.00</td>
<td>$3655.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation of water tank to provide water for outdoor activities including the school vegetable garden and chicken coup. The school has incorporated a yuk to yum program which is initiative to look at creative uses of water and healthy options</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $4145.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Dungog Public School P&amp;C</td>
<td>Love Water</td>
<td>Water Conscious School Community Garden</td>
<td>$1267.00</td>
<td>$1267.00</td>
</tr>
<tr>
<td><strong>Funding Purpose:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To provide opportunities to manage the water usage on the school community garden with more efficient irrigation and incorporation alternate water source with water tank.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Total: $1267.00.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FUNDS TO BE ALLOCATED BY HUNTER WATER**  $22,394.00
# ANNEXURE ‘B’

<table>
<thead>
<tr>
<th>POLICY NO</th>
<th>C1:31</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICY TITLE</td>
<td>COMMUNITY (SMALL) GRANTS PROGRAM 2018/2019</td>
</tr>
<tr>
<td>VERSION I:</td>
<td>Adopted 17 July 2019, 21 September 2018</td>
</tr>
<tr>
<td>Last reviewed</td>
<td>21 September 2018/N/A</td>
</tr>
</tbody>
</table>

**OBJECTIVE**

To provide a Community Small Grants Program in the 2018/2019 financial year.

**COUNCIL STATEMENT**

Dungog Shire Council is committed to providing the opportunity for community organisations to enhance and further develop programs and activities which will further enhance the lives of residents of Dungog. This policy ensures a fair and equitable approach to the allocation of small community grants in the Dungog Shire.

**POLICY STATEMENT**

Projects funded through the Dungog Shire Council Community Small Grants program should:

- Improve the quality of community services in the Dungog area;
- Encourage innovative approaches that address identified community needs; and
- Address community priorities identified in Dungog Shire Council’s Community Strategic Plan 2030.

These grants are not intended to contribute to the ongoing operational costs, but to fund specific new projects or new components to existing projects.

Small grants provided for under this policy will be funded via a donation from the Mayor equivalent to the adopted 2019/2020 Mayor’s Allowance and the Mayor’s Councillor Fees budget. Also, the Council has made a provision of $75,000 from the operational budget in 2019/2020 from a restricted reserve account. This contribution will be ongoing from general revenue each financial year that the program operates.

Other agencies/utilities can contribute funding for distribution by Council in accordance with this policy to eligible community organisations. The purposes for which funding is made available by other agencies/utilities must be in accordance with the Policy Statement above.

**FUNDING CATEGORIES**

Community organisations may submit only one application per category. All applications must include a copy of the organisation’s constitution or statement of aims and objectives. Evidence of costs (ie: a written quote, catalogue quote or online price) for items for which funding is requested that cost more than $500 must be attached to the application.

---

Dungog Shire Council Policy No C1:31
Please ensure that all required information has been provided on your application form. Incomplete or late applications will not be considered.

(1) Small equipment grants

The aim of this category is to fund the hire or purchase of equipment that can be clearly demonstrated to improve the delivery of services, programs and events to the community.

Examples appropriate to this category are: Expenditure on equipment to enable a project to extend its activities to include people with disabilities or from culturally and linguistically diverse backgrounds; sports equipment to enable a youth project to commence; art materials for a new arts program; PA equipment to stage a festival/event.

Grants are available in this category for up to $2,000. Grants of this amount are not guaranteed and part funding may be distributed as an option.

(2) Community development grants

The aim of this category is to support the development of local initiatives by funding projects that will address priority issues in the community, and provide a mechanism for local communities to participate in developing solutions to important issues in the Dungog Shire area. Priority for funding will be given to projects that can demonstrate an outcome which addresses the Dungog Shire Council Community Strategic Plan 2030.

Examples appropriate to this category are: developing a website that distributes important community information, indigenous cultural awareness program for the children, programs that reduce isolation for vulnerable older people.

Grants are available in this category for up to $2,000. Grants of this amount are not guaranteed and part funding may be distributed as an option.

WHO IS ELIGIBLE TO APPLY?

(a) Non-profit, community organisations that are properly constituted and incorporated (or supported by an incorporated body)

(b) Community organisations that are based within the Dungog Shire area. (If the organisation is not locally based, the program requiring financial assistance must be shown to be addressing identified priority needs of people within the Dungog Shire area).

(c) Organisations that adhere to the principles of access and equity in the way that funded services and activities are administered. This means that organisations take steps to ensure that their services/programs are available to all members of the Dungog community.

WHO IS NOT ELIGIBLE TO APPLY?

(a) Individuals and unincorporated groups.

Dungog Shire Council Policy No C1:31
(b) Government departments, agencies or instrumentalities.
(c) A political party as defined by the Local Government Act 1993, i.e. a group or organization "having as one of its objects or activities the promotion of the election to parliament or to a council of a candidate or candidates endorsed by it or by a body or organisation of which it forms part." Nor an organization that is affiliated or associated either directly or indirectly with any political party whether registered or not.
(d) An organisation with substantial financial reserves.
(e) Requests for capital assistance or maintenance of buildings. This includes items considered to be permanently affixed to the building structure or grounds.
(f) Requests that result in the proposed activity becoming dependent on Council for future funds. Council will not fund recurrent/ongoing expenses eg. salaries, insurance, rent etc
(g) Proposals that duplicate another existing service.
(h) Retrospective projects.
(i) Groups that have not expended/acquitted their grant from the Community (Small) Grants Program 2018/2019

APPLICATION ASSESSMENT AND SELECTION PROCESS

Dungog Shire Council Community Small Grants applications are assessed by a panel which includes council staff experienced in each category, based on:

(i) Objectives of the proposal for funding;
(ii) Community need for the project/activity;
(iii) Alignment with eligibility requirements;
(iv) Strength of alignment to the Dungog Shire Council Community Strategic Plan 2030;
(v) Evidence the organisation is self-sufficient without the grant;
(vi) Evidence of consultation and community partnerships
(vii) Capacity of the applicant to successfully complete the project/activity
(viii) Balanced and realistic project budget
(ix) Level of funding contributed by the applicant and/or others towards the project.

Recommendations are then made to Council for determination.

APPLICATIONS

Application forms can be accessed through the SmartyGrants link, and completed and submitted online. If you have any queries please contact Council's Community Project Officer Tracey Lowrey via email at traceyL@dungog.nsw.gov.au or phone on 0417 022 416.

Applications must be received by 5pm on Friday 26 October 2018.

Dungog Shire Council Community Small Grants Program information and outcomes will be published to Dungog Shire Council’s website.

Unsuccessful applicants may contact Council's Community Project Officer for feedback and assistance with future grant applications.

Dungog Shire Council Policy No C1:31
**APPROXIMATE TIMEFRAMES**

- Grant program opens: Monday 1 October, 2018
- Grant program closes: Friday 26 October, 2018
- Report to Council: 21 November, 2018
- Funds for successful applicants will become available: December, 2018.

**RELEVANT LEGISLATION**

The NSW Local Government Act 1993, Chapter 12, Part 1, General Section 356

1. A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
2. A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 26 days' public notice of the council's proposal to pass the necessary resolution has been given.
3. However, public notice is not required if:
   - (a) the financial assistance is part of a specific program, and
   - (b) the program’s details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
   - (c) the program’s proposed budget for that year does not exceed 5 percent of the council’s proposed income from the ordinary rates levies for that year, and
   - (d) the program applies uniformly to all persons within the council’s area or to a significant group of persons within the area.
4. Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

**Note.** Part 4 of the Graffiti Control Act 2008 deals with graffiti removal work.

<table>
<thead>
<tr>
<th>Date Policy Adopted</th>
<th>Minute No</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 September 2018</td>
<td>3/837</td>
<td>Council resolution</td>
</tr>
</tbody>
</table>

Dungog Shire Council Policy No C1:31
3. CHILD PROTECTION POLICY

FILE NO: EF08/566

ANNEXURES: A Draft Child Protection Policy 2019

AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Dungog Shire Council Governance & Finance

DE n Delivery Program: Strategy 6: Review of Council’s Workforce Management Plan to ensure Council has the right employees, with the right skills, to deliver the services required by the community, both now and in the future in accordance with the Dungog Shire Council Delivery Program 2018-2022.

RECOMMENDATION:

That:


Precis:

The overall objective of this Policy is to ensure compliance with current State and Federal Government Protection Legislation and to protect children and young people in the workplace. It updates Council’s former policy from 2003.

Council’s current Child Protection Policy is Policy No. C1:2 and was adopted by Council in August 2003.

The Draft Child Protection Policy (Annexure ‘A’) has been updated in accordance with the following:

- Child Protection (Working With Children) Act 2012 (NSW)
- Child Protection (Working With Children) Regulation 2013 (NSW)
- Local Government (State) Award 2017
- Ombudsman Act 1974 (NSW)

Council has identified the following positions within Council that require a Working With Children Check:

- Librarians
- Community Project Officer
- Swimming Pool Contractors
- Williams River Holiday Park contractors
- Some 355 Committee members
Objectives of this Policy include:

- Ensuring all workers engaged with Council in a child-related role have a valid Working With Children Check clearance number.

- Endeavour to ensure that all workers undertaking child related services or who are in child related roles are aware of their obligations in relation to the various child protection legislation and Council's policy and associated protocol.

- Placing a duty of mandatory reporting on staff in a child-related role when they have reasonable grounds to suspect that a child or young person is at risk of harm.

- To ensure Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of “reportable conduct” as defined under Section 25A of the Ombudsman Act 1974.

IMPLICATIONS

Finance and Resourcing

There are no finance or resourcing implications to this report.

Previous Council Resolutions

A motion was moved by Cr Fairhall and seconded by Cr Flannery that:


2. The Management policies be received and noted by Council.

3. Council adopted the Council policies as detailed in the attached booklet and the amended policies C3:27 (shown at Annexure “A”) and C4:5 (shown at Annexure “B”), subject to the removal of policy C3:23, modification to Point 10 of policy C2:27 with modification to the Footway Activity Form changing insurance cover from $5m to $10m and the redrafting of policy M8:4.

On being put the motion was carried.
POLICY NO C1:2

POLICY TITLE CHILD PROTECTION POLICY

VERSION III: Adopted

Last Reviewed: 3 July 2019

POLICY OBJECTIVES

The overall objective of this Policy is to ensure compliance with current State and Federal Government child protection legislation and to protect children and young people in the workplace.

Objectives of this Policy include:

• Ensuring all workers engaged with Council in a child-related role have a valid Working With Children Check clearance number
• Endeavour to ensure that all workers undertaking child related services or who are in child related roles are aware of their obligations in relation to the various child protection legislation and Council’s policy and associated protocol
• Placing a duty of mandatory reporting on staff in a child-related role when they have reasonable grounds to suspect that a child or young person is at risk of harm
• To ensure Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of “reportable conduct” as defined under Section 25A of the Ombudsman Act 1974.

All workers at Council should be aware of and sensitive to children with culturally diverse or indigenous backgrounds and their cultural practices without deviating from this policy; in line with the Anti-Discrimination Act 1977 and the principles of Equal Employment Opportunity.

POLICY SCOPE

This policy applies to all employees of Council and any individual engaged by Council (in any paid or unpaid capacity).

Any reference to ‘worker’ for the purpose of this policy includes employees, councillors, contractors or sub-contractors, work experience participants, facility hirers, labour hire, volunteers and student placements who are in a child-related role. Child related roles are to be in accordance with legislation and regulatory requirements.

POLICY STATEMENT

Dungog Shire Council aims to provide a safe environment for children and young people who use or access Council’s services. Council is committed to fulfilling its duty of care by endeavouring to ensure that all workers act in the best interests of a child and take all responsible steps to ensure a child’s safety. Child protection legislation prohibits anyone working in a child-related role who does not have a valid Working With Children Check clearance or who has a Working With Children Check bar.
The Child Protection (Working With Children) Act 2012 stipulates that employers should not employ new workers, or continue to employ existing workers, in a child-related role if they do not hold a Working With Children Check clearance.

Dungog Shire Council will ensure all workers engaged by Council in a child-related role have a valid Working With Children Check clearance number.

1. DESIGNATED GOVERNMENT AGENCY

Dungog Shire Council is considered a designated government agency under the definitions of the Ombudsman Act 1974. Section 25A of the Ombudsman Act defines a designated government agency as:

“(c) any other public authority prescribed by the regulations for the purposes of this definition”.

Section 5 of the Ombudsman Act 1974 states that a public authority is a local government authority.

2. RESPONSIBILITY

The General Manager is the Head of Agency (i.e. Head of Council) under Section 25A of the Ombudsman Act 1974. The General Manager’s delegate, with respect to this role, will be the Senior Human Resources Advisor.

2.1 Head of agency and delegate are accountable for:

- Ensuring there are systems for preventing, handling and responding to allegations or convictions of reportable conduct against a worker of Council
- Providing, when requested by the Ombudsman, information about the type and operation of those systems
- Notifying the Ombudsman of any reportable allegation or conviction against a worker of Council within 30 days of the Head of Agency becoming aware of the allegation or conviction
- Notifying the Ombudsman, whether or not the Head of Agency plans to take any disciplinary or other action, in relation to a worker who is the subject of an allegation or conviction and the reasons for taking or not taking any such action
- Reporting convictions or allegations against workers to the Ombudsman regardless of Council’s opinion as to the seriousness or accuracy of the allegation
- Investigating all reportable allegations against workers regardless of whether the Department of Family and Community Services or police choose to investigate or not. Council is required to undertake its own independent investigation in relation to reportable allegations made against workers
- Responsible for determining what disciplinary action, if any, will be taken against the employee after the initial investigation has been completed.

2.2 Group/executive managers, managers, Advisors and team leaders are accountable for:

- Modelling appropriate workplace behaviours and monitoring the work environment to ensure acceptable standards of conduct are observed at all times
- Endeavour to ensure workers are aware of and understand Council’s Child Protection Policy and Protocol
• Treating all complaints seriously, equitably and confidentially, taking immediate action to investigate and resolve allegations
• Notifying the Senior Human Resources Advisor of any reportable allegation
• Determining child-related roles within the organisation and for the ongoing management of the process, supported by Human Resources
• Notifying Human Resources prior to the engagement of any non-Council employee involved in child-related work so the appropriate verification check can be undertaken.

2.3 Human Resources are accountable for:

• Informing and consulting with staff regarding Working With Children requirements
• Supporting Managers to determine child-related roles within the organisation and for the ongoing management of the process
• Verifying the workers Working With Children Check number
• Keeping a record of the workers clearances including Working With Children Check number, its expiry date and the date of the employer’s verification
• Notifying the Head of Agency of allegations.

2.4 Workers are accountable for:

• Acting in accordance with the Child Protection (Working With Children) Act 2012
• Applying for a Working With Children Check clearance number and providing it to Human Resources if the role is deemed child-related
• Applying for a Working With Children Check clearance number, when they are not employed by Council, and providing the clearance number to the person who engaged them in child-related work
• Complying with Council’s policies and procedures
• Notifying Human Resources of any reportable allegation or conviction of which they become aware.

3. BARRED STATUS OF WORKERS EMPLOYED BY COUNCIL

Should the check or continuous monitoring result in a barred status the worker, if currently working in a child-related role, will be removed from that role. Should the worker be an employee of Council then the matter will be referred to the General Manager for determination; which depending on the circumstances may also result in termination of employment.
POLICY DEFINITIONS

Children: Persons under the age of 18 years.
Child-related Work: Face-to-face contact with children in a child-related sector, or work in a stipulated, child-related role.

Head of Agency: The chief executive officer or other principal officer of the agency for the purposes of fulfilling the Council’s responsibilities as a public authority under the Ombudsman Act 1974.

Reportable Conduct: (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an individual offence involving child abuse material (within the meaning of Division 15A of Part 3 of the Crimes Act 1900)), or (b) any assault, ill-treatment or neglect of a child, or (c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child. Reportable conduct does not extend to: (a) conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or (b) the use of physical force that, in all circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or (c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

Worker: Any person who is engaged in work as an employee, councillor, contractor or sub-contractor, work experience participant, facility hirer, labour hire or volunteer. This also includes professional placements over the ages of 18 years.

Working with Children Check: Includes a national police check and review of finding of misconduct involving children. The result is either a clearance or a bar.
Working with Children Check Bar: The result of a Working With Children Check that does not allow an employer to engage the person in a child-related role.
Working with Children Check Clearance: An authorisation to engage in child-related work.

RELEVANT LEGISLATION

Child Protection (Working With Children) Act 2012 (NSW)
Child Protection (Working With Children) Regulation 2013 (NSW)
Local Government (State) Award 2017
Ombudsman Act 1974 (NSW)
<table>
<thead>
<tr>
<th>Version No.</th>
<th>Date Policy Adopted</th>
<th>Minute No</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>19 September 2000</td>
<td>30085</td>
<td>Council resolution</td>
</tr>
<tr>
<td>II.</td>
<td>19 August 2003</td>
<td>31593</td>
<td>Council resolution</td>
</tr>
<tr>
<td>III.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. RESOLUTIONS TRACKING REPORT 2019

FILE NO: EF19/33

ANNEXURES: A 2019 Council Resolutions

AUTHOR: The General Manager

OFFICERS RECOMMENDATION:

That the report be received and the information noted.

Precis:

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

Annexure ‘A’ contains a list of pending actions from previous meetings as well as completed actions for the period January 2019 to the June 2019 Ordinary Meeting and is provided for Councillors information.

IMPLICATIONS

There are no implications associated with this report, information only.
## ANNEXURE ‘A’ TO ITEM NO. 4 - GENERAL MANAGERS REPORT

### 2019 COUNCIL RESOLUTIONS – ITEMS REQUIRING FURTHER ACTION

#### 20 FEBRUARY 2019 ORDINARY MEETING – ACTION ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
</table>
| Planning Department | Development Application – 170/2013 – Deferred Minute No. 37961 | 1. That the matter be deferred as per the request from the applicant.  
2. A workshop for Councillors be held regarding standards of constructions of urban roads and drainage throughout the Shire. |
| COMPLETION STATUS & DATE | × Not complete | OFFICER & ACTION | Matter deferred, workshop scheduled for 15 July 2019. |

| General Manager - CONFIDENTIAL REPORT | Williams River Holiday Park Minute No. 37984 | That the Action Plan as presented to the February 2019 Ordinary Meeting be adopted and implemented forthwith. |
| COMPLETION STATUS & DATE | ✓ Complete Date: 26 June 2019 | OFFICER COMMENTS | This resolution has been superseded by the final report to Council on 26 June 2019. |

#### 20 MARCH 2019 ORDINARY MEETING – ACTION ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
</table>
| Planning Department | Development Application 169/2017 – Road Naming Minute No. 37988 | 1. That Council endorse each of the proposed street names in order of preference in accordance with Council’s Street Naming Policy No. C3:25;  
2. That Council submit the proposed name/s to the NSW Online Road Naming System and advertise the proposed street/road name for a period of 28 days for public comment;  
3. That should no objections be received, Council adopt the new street/road name and publish notice of the new name in the Government Gazette and the local newspaper and advise the following bodies, through the NSW Online Road Naming System: (i) Australia Post,  
(ii) the Registrar-General,  
(iii) the Surveyor-General,  
(iv) the Chief Executive of the Ambulance Service of NSW, (v) New South Wales Fire Brigades,  
(vi) the NSW Rural Fire Service,  
(vii) the NSW Police Force,  
(viii) the State Emergency Service,  
(ix) the New South Wales Volunteer Rescue Association Incorporated,  
4. That in the event objections are received and those objections cannot be satisfied, the matter be reported back to Council for consideration. |
| COMPLETION STATUS & DATE | × Not complete | OFFICER COMMENTS | Road name advertised in Chronicle. |
### 20 MARCH 2019 ORDINARY MEETING – ACTION ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
</table>
| General Manager    | Non-Compliant Camping Grounds On Council Sites | 1. That all camping at Wharf Reserve must cease immediately and that this site be included in the deliberations currently underway at Williams River Holiday Park.  
2. That camping at the Dungog Showground be immediately limited to camping carried out in association with an event held at the Showground.  
3. That it be noted that the Section 355 Committee has unanimously resolved that development consent be sought for primitive camping at the Dungog Showground and that a development application is to be forwarded to the General Manager for consent to lodgement as “owner” within two weeks and then be lodged with Council for consideration and Section 68 approval.  
4. All camping on the Paterson Showground cease immediately as it is not a permitted activity nor is it ancillary to another use.  
5. That should the current Section 355 Committee advise that camping in its own right be desirable on the Paterson Showground, then the Committee prepare and lodge a development application to gain consent for the activity of camping at the premises.  
6. Should a development application be lodged and approved that an approval to operate a camping area at Paterson Showground be obtained from Council under Section 68 of the Local Government Act1993. |

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER &amp; ACTION</th>
</tr>
</thead>
</table>
| △ Not complete           | 1. Complete  
2. Complete  
3. Consultant engaged.  
4. Complete  
5. A Plan of Management needs to be prepared for the Showground. A report regarding this matter is included in the July 2019 OM Business Paper. Once the Plan of Management has been approved (including the year round camping provision) a DA could then be lodged and approval to operate sought.  
6. This action is dependant on point 5 above proceeding |

### 17 APRIL 2019 ORDINARY MEETING – ACTION ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Department</td>
<td>Development Application – 37/2018 Flood Refuge Mound For Stock Holding Yard Lot 3 DP 251382, 135 Martins Creek Road, Paterson Minute No. 38010</td>
<td>That the report be deferred to allow additional information to be accessed by Council staff prior to determination.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Complete</td>
<td>Report to July Ordinary Meeting.</td>
</tr>
<tr>
<td>Date: 17 July 2019</td>
<td></td>
</tr>
</tbody>
</table>
### 17 APRIL 2019 ORDINARY MEETING – ACTION ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Department</td>
<td>Modification of Development Application 1/2016. Four lot subdivision, No's 854 &amp; 662 Webbers Creek Road, Webbers Creek.</td>
<td>That the determination be deferred to facilitate the opportunity for a site visit by Councillors and appropriate staff.</td>
</tr>
<tr>
<td></td>
<td>Minute No. 38014</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>x  Not complete</td>
<td>Officer currently processing amended application.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Manager</th>
<th>Williams River Holiday Park</th>
<th>THAT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minute No. 38026</td>
<td>1. The report be received and noted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. A Councillor Strategic Workshop be held in May, 2019 to consider the merits of the Feasibility Study for the Williams River Holiday Park prepared by SMA Tourism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Council authorise the General Manager to provide public access to the Feasibility Study for the Williams River Holiday Park prepared by SMA Tourism to facilitate further community feedback for Council's consideration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. The public be provided access to the AEC Group, Low Cost Short-Term Accommodation Feasibility Study 2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. At the May 2019 Councillor Strategic Workshop an operational review of the Williams River Holiday Park be provided by the General Manager for the period that the Park has been directly managed by Council officers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. Following 2, 3, 4 and 5 above a further report be prepared by the General Manager for the consideration of Council and that until this time the interim measures resolved upon by Council in the April 2019 Extraordinary Meeting will prevail.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Complete Date: 26 June 2019</td>
<td>This resolution has been superseded by the final report to Council on 26 June 2019.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Manager</th>
<th>Proposed Sale of Land: Lots 21 &amp; 22 DP 1057004, Paterson</th>
<th>That:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minute No. 38034</td>
<td>1. Expressions of interest be sought from qualified real estate agencies in regard to the sole agency marketing of the surplus Council owned land identified within this report.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. The sale of land take place through a private treaty process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. The General Manager be delegated authority to select the marketing agent.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. An update report identifying the outcomes of the property marketing process be provided to a future meeting of the Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>x  Not complete</td>
<td>EOI advertised and closed mid-June 2019. GM currently reviewing EOI submissions.</td>
</tr>
<tr>
<td>DEPARTMENT</td>
<td>REPORT</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
</tr>
<tr>
<td>General Manager</td>
<td>Dungog Showground Plan of Management Consultancy</td>
</tr>
<tr>
<td></td>
<td>Minute No. 38055</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMPLETION STATUS & DATE**

- Complete
- Date: 26 June 2019

**OFFICER COMMENTS**

Landsas has been engaged to prepare the Plan of Management and meetings with 355 Committee have occurred.

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Department</td>
<td>Development Application – DA31/2019 - Proposed Shed, 18 Nirvana Close, Vacy. Minute No. 38063</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>That the proposed shed at 18 Nirvana Close VACY, be approved subject to the conditions listed in Annexure ‘A’.</td>
</tr>
</tbody>
</table>

**COMPLETION STATUS & DATE**

- Complete
- Date: 19 June 2019

**OFFICER COMMENTS**

Consent issued.

| Planning Department | Adoption Of Amendments To Dungog Shire Council Development Control Plan No 1 Part C Chapter 3 – Building Line Setbacks Minute No. 38064 | |
|                     | 1. In accordance with clause 21(1) of the Environmental Planning and Assessment Regulation 2000, Council adopt Part C – Chapter 3 Building Line Setbacks of Dungog Development Control Plan No 1, with a minor modification to Section 2.5 – Variation to Building Lines. |
|                     | 2. That in accordance with clause 21(2) of the Environmental Planning and Assessment Regulation 2000, Council give notice of its decision to adopt the Development Control Plan in the local newspaper within 28 days. |

**COMPLETION STATUS & DATE**

- Complete
- Date: 26 June 2019

**OFFICER COMMENTS**


| Planning Department | Development Application – DA 55-2019 – Proposed Animal Boarding Or Training Establishment - 104 Old Pinebrush Road, Glen Martin Minute No. 38066 | |
|                     | That the proposed animal boarding or training establishment at 104 Old Pinebrush, Glen Martin be approved subject to the conditions listed (Annexure ‘A’). |

**COMPLETION STATUS & DATE**

- Complete
- Date: 19 June 2019

**OFFICER COMMENTS**

Consent Issued.
**DEPARTMENT** | **REPORT** | **COUNCIL RESOLUTION**
--- | --- | ---
Environmental Services Department | Classification of Land - Lot 264 DP 48801 Rifle Street Clarence Town - Former Clarence Town Landfill Site Minute No. 38067 | 1. That Council resolve to classify Lot 264 DP 48801 Rifle Street Clarence Town as Operational land in accordance with Chapter 6, Part 2 of the Local Government Act 1993.  
2. The classification be placed on public exhibition for a period of at least 28 days and that submissions received be referred back to Council for consideration at the discretion of the General Manager.

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>✗ Not complete</td>
<td></td>
<td>Currently on exhibition.</td>
</tr>
</tbody>
</table>

Infrastructure & Assets Department | Ebsworth Road - Road Boundaries Definition at Glen Martin | That Council:-  
1. Places a notification in the Government Gazette to finalise the closure of parts of Ebsworth Road, Glen Martin.  
2. Requests NSW Land Registry Services to issue Certificates of Title for Lots 6 and 7 DP 1252038 in the name of Dungog Shire Council and remove the reference to ‘Road’ in Schedule 2 of those titles.  
3. Transfers Lots 6 and 7 DP 1252038 to the adjoining property owner of Lots 3, 4 and 5 DP 1252038.  
4. Delegates the General Manager to execute the above Transfer(s) and relevant documents to complete the actions.

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔ Complete</td>
<td>Transfers signed and completed.</td>
<td>Date: 8 July 2019</td>
</tr>
</tbody>
</table>

General Manager | Vacy Sportsground Management Committee Minute No. 38082 | 1. That the Constitution of the Vacy Sportsground Committee be amended to allow seven (7) community members to be appointed to the Committee.  
2. That the nominated applicants as detailed within the report be accepted and that the community members be appointed to the Vacy Sportsground Management Committee.  
3. That Councillor Kate Murphy be appointed as the Councillor representative on the Vacy Sportsground Committee.  
4. That Council acknowledge and commend Mr Peter Williams AFSM and Mr Ken Lambert OAM for their commitment and dedication to the Vacy Sportsground Management Committee as Executive Committee Members over the past 23 years.

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔ Complete</td>
<td>First meeting of Vacy Sportsground Committee to be held in July 2019.</td>
<td>Date: 26 June 2019</td>
</tr>
</tbody>
</table>
## Adoption Of Integrated Planning & Reporting Framework Document – Operational Plan
Minute No. 38090

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
</table>
| General Manager |        | 1. That Council adopt the Draft Operational Plan 2019-2020 and Budget with the inclusion of the following KPI to Rural and Urban Development – 4.2: *All DA’s that are not determined within 60 business days are to be listed in the Business Papers – a brief explanation for delays in processing to be attached.*  
2. That Council adopt the 2019/2020 Pricing Policy as exhibited.  
3. That the Council approve expenditure and vote money as detailed within the Councils 2019/2020 Budget.  
4. That the General Manager be authorised to make amendments of a minor nature to the content or layout of the final documents if required.  
5. The submission from Mr Bennett be the subject of a further report to Council. |

### COMPLETION STATUS & DATE

<table>
<thead>
<tr>
<th>OFFICER</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actions 1 to 4 are complete. Action 5 is pending.</td>
<td></td>
</tr>
</tbody>
</table>

Williams River Holiday Park
Minute No. 38091

THAT:

1. The report be received and noted.  
2. Council notes that an updated approval has been granted to operate sixty three (63) sites at the top of the Williams River Holiday Park adjacent to Durham Street and the area at the south eastern side (right hand side) of the access road into the Park (on the Council owned land). This component of the Park is now compliant with the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*  
3. Council require caravan/annex owners who reside at Williams River Holiday Park to enter into Long Term Casual Agreement with Council that accord with the requirements of the *Crown Land Management Act 2016.*  
4. A staged program be implemented for the reopening and revitalisation of the remainder of the Williams River Holiday Park that includes:  
   a. As per Annexure ‘A’ of this Report, an area be designated for non-self contained short term sites (ie: tents) – this location is already included in the 63 approved sites.  
   b. As per Annexure ‘A’ of this Report, an area designated for self-contained sites (self contained requiring an ensuite facility with at least a shower, toilet and hand basin and the ability to collect and dispose of grey water appropriately into a dumpsite). This will increase capacity at the Park to an additional thirty four (34) sites for this purpose.  
   c. To facilitate (b) above, the installation of further fire hose reels and potable water taps are required to facilitate access by (as defined in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*) self-contained recreational vehicles and caravans.  
   d. Installation of an additional fire hose reel adjacent to the boat ramp for safety reasons and to
facilitate expansion of the already reopened section of the riverside area – creating an opportunity for approximately 8 further self contained sites.

e. The removal of dilapidated onsite cabins at the Williams River Holiday Park allowing their former locations to be refitted as powered sites which will enable Council to seek permission for a further five (5) camping sites.

f. Council enter into a Memorandum of Understanding with Dungog Regional Tourism to access the Restart NSW – Regional Growth Environment and Tourism Fund grant monies for Williams River Holiday Park ($65,000) for the purposes of extending water services to the Park.

5. Council note that the Clarence Town Hoedown has submitted to Council’s Planning Department a Development Application for consideration.

6. Further engagement be undertaken by Council’s Manager Business Strategy and Investment with the organisers of the Clarence Town Hoedown to determine the most appropriate approach for events based camping at both Williams River Caravan Park and Wharf Reserve.

7. Council’s Manager Business Strategy engage with the Clarence Town Military Swim In regarding their needs for events based camping.

8. That “events based camping” for periods of no longer than six (6) weeks per calendar year be allowable at the Williams River Caravan Park and Wharf Reserve where the event is conducted (all or in part) on the site in accordance with relevant planning approvals and health and safety guidelines.

9. There be further investigation into the feasibility of and potential funding for a permanently situated or moveable amenities block in the high hazard floodway of Williams River Holiday Park to enable the opening up of the riverside area to non self-contained visitation. Should these opportunities arise a further report to Council is required.

10. In accordance with decisions made tonight by Council that if required a submission to Council of a revised Section 68 Approval application for the site be prepared by the General Manager.

11. In accordance with decisions made tonight by Council, a further application be made to NSW Crown Lands seeking concurrence to operate on areas proposed for reopening.

12. The Williams River Holiday Park continue to operate under the care and control of Dungog Shire Council until such time that it is appropriate to commence an expression of interest or tender process regarding the future management of the site. A further report to Council will be required to resolve on this matter.

13. Council not progress the use of Lions Park for the purposes of expanding the Williams River Holiday Park.

14. Council formally thank the Clarence Town Lions for their cooperation in moving the dump point to Lions Park thus creating an environmentally compliant and more accessible facility.

15. Council lodge a Development Application for primitive camping at the Wharf Reserve, with this application to be externally assessed.
16. Council acknowledge the significant contribution of all stakeholders in the process of reopening the Williams River Holiday Park.

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not complete</td>
<td>1. Completed.</td>
</tr>
<tr>
<td></td>
<td>2. Completed.</td>
</tr>
<tr>
<td></td>
<td>3. Long Term Casual Agreements being finalised in accordance with the requirements of the <em>Crown Land Management Act</em> 2016.</td>
</tr>
</tbody>
</table>
|                          | 4. a. Completed  
|                          | b. Completed  
|                          | c. Not complete – works still required regarding the installation of further fire hose reels and potable water taps.  
|                          | d. Not complete - installation of an additional fire hose reel adjacent to the boat ramp pending.  
|                          | e. Not complete – quotes being sought for the removal of dilapidated onsite cabins.  
|                          | f. Complete - Memorandum of Understanding with Dungog Regional Tourism finalised for signature.  
|                          | 5. Complete - Clarence Town Hoedown has submitted a Development Application.  
|                          | 6. Ongoing.  
|                          | 7. Ongoing.  
|                          | 8. Complete.  
|                          | 10. Incomplete  
|                          | 11. Incomplete  
|                          | 12. Ongoing.  
|                          | 13. Complete.  
|                          | 15. Incomplete  
## 5. LEAVE OF ABSENCE – COUNCILLOR WALL

<table>
<thead>
<tr>
<th>FILE NO:</th>
<th>EF08/527</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNEXURES:</td>
<td>Nil</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>The General Manager</td>
</tr>
<tr>
<td>COMMUNITY STRATEGIC PLAN:</td>
<td>Governance and Finance</td>
</tr>
<tr>
<td>DELIVERY PROGRAM:</td>
<td>Strategy 2: Decision-making processes are open, transparent and inclusive</td>
</tr>
</tbody>
</table>

### RECOMMENDATION

That a leave of absence be granted for the Ordinary meeting of Council to be held on 21 August 2019 to Councillor Wall.

---

**Precis:**

A request for a leave of absence from Councillor Wall for the August 2019 Ordinary Meeting and workshops has been received.

************

In accordance with Sec 235A of the *Local Government (General) Regulation 2005* and Section 5.3 of Council’s Code of Meeting Practice Councillor Wall has requested a leave of absence from the August 2019 Ordinary Meeting of Council.

### IMPLICATIONS

**Finance and Resourcing**

Nil

**Previous Council Resolutions**

Nil
6. CLOSED COUNCIL

FILE NO: N/A

ANNEXURES: Nil

AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Council Governance & Finance – Decision-making processes are open, transparent and inclusive

DELIVERY PROGRAM: 2.1 Governance - Meetings

RECOMMENDATION:

That:

1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting

2. Pursuant to Section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of section 10A (2) as outlined above.

3. Correspondence and reports relevant to the subject business be withheld from the access to the media and public as required by Section 11 (2) of the Local Government Act 1993.

Precis:

Report referring matters to Closed Council.

*****

In accordance with the Local Government Act 1993 and the Local Government General Regulation 2005, in the opinion of the General Manager the following business should be dealt with in a part of the meeting closed to the media and public.

Set out below is Section 10(A) (2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

(a) personnel matters concerning particular individuals (other than Councillors)
(b) the personal hardship of any resident or ratepayer
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
(d) commercial information of a confidential nature that would if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the Council, or
   (iii) reveal a trade secret
MANAGER ENVIRONMENTAL SERVICES

1. REVIEW OF ANIMAL POUND SERVICES

This item is classified CONFIDENTIAL under Sec 10A(2)(a) 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

2. FORMER SANITARY WASTE DEPOT AT LOT 9 SERENITY WAY VACY

This item is classified CONFIDENTIAL under Sec 10A(2)(a) 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

3. VOLUNTARY ACQUISITION OF PROPERTIES

This item is classified CONFIDENTIAL under Sec 10A(2)(a) 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

GENERAL MANAGER

1. PATERSON SPORTSGROUND PLAN OF MANAGEMENT CONSULTANCY

This item is classified CONFIDENTIAL under Sec 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the Council, or
   (iii) reveal a trade secret
IMPLICATIONS

Legislative

The matters are referred to in the context of Sec 10A(2) of the Local Government Act 1993.

Consultative

Members of the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.
7. NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS

FILE NO: EF08/142

ANNEXURES: Nil

AUTHOR: The General Manager

OFFICERS RECOMMENDATION:

That the report be received and the information noted.

Precis:

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

********

The following circulars have been released by the Office of Local Government and the intent of this report is to keep Councillors informed of changes and/or requirements that Council officers may be required to implement. The circulars themselves may be found on the Office of Local Government’s website (www.dlg.nsw.gov.au). It is not the intent to reproduce such circulars but moreso provide them as a point of reference to Councillors should they wish to undertake further research.

When there is a requirement to inform Councillors or designated officers of a matter correspondence and attachments will still be submitted to all Councillors in accordance with the requirements of the Director General of the Office of Local Government. Such circulars will be highlighted in bold text. The following Circulars have been released since April 2019.

<table>
<thead>
<tr>
<th>Date</th>
<th>Circular No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/05/19</td>
<td>19-06</td>
<td>Changes to emergency services funding arrangements</td>
</tr>
<tr>
<td>20/05/19</td>
<td>19-07</td>
<td>2019/20 Determination of the Local Government Remuneration Tribunal</td>
</tr>
<tr>
<td>03/06/19</td>
<td>19-08</td>
<td>Consultation on revised IPC Guideline 1 Returns of Interest</td>
</tr>
<tr>
<td>12/06/19</td>
<td>19-09</td>
<td>Increase to the companion animal registration fees in line with CPI</td>
</tr>
<tr>
<td>13/06/19</td>
<td>19-10</td>
<td>Consultation on webcasting guidelines</td>
</tr>
<tr>
<td>21/06/19</td>
<td>19-11</td>
<td>Release of IPART Reports into rating and compliance matters for consultation</td>
</tr>
<tr>
<td>27/06/19</td>
<td>19-12</td>
<td>Consultation by IPART on recommended reforms to local government election costs and extension of the deadline for councils to make a decision on the administration of their elections</td>
</tr>
</tbody>
</table>

IMPLICATIONS

There are no implications associated with this report, information only.
8. EMERGENCY SERVICES LEVY

FILE NO: EF17/65
ANNEXURES: Nil
AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Public Infrastructure & Services
DELIVERY PROGRAM: Strategy 7: Ensure that the provision of public infrastructure and services reflect the needs of a growing and changing population.

RECOMMENDATION:

That:
1. Council notes that in December 2018, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers;
2. Council notes as result of (a) above, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation; and
3. Council call upon the NSW Government via the NSW Minister for Local Government, to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

Precis:

This report provides information to Council regarding an unexpected increase to the Emergency Services Levy by the NSW State Government.

Each year, the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7% of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July, 2019 the NSW Government plans to collect an additional $160 million (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers’ compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers. This is an important issue to support and fund, however, it is reasonable to question whether this represents a cost shift to Local Government for a matter that is the responsibility for the State Government.

All councils were sent correspondence from Revenue NSW in May 2019, advising NSW council contributions will increase by $19 million in 2019/20. The letter also foreshadowed increases in the following year, but not the amount. Dungog Shire Council received an invoice from Port Stephens Council on behalf of Revenue NSW for $401,055 which represented a $64,000 increase (16%) from the previous year, the vast majority of which is attributable to the Emergency Services Levy. This cost is paid by Council from our general

Dungog Shire Council | Ordinary Meeting Agenda | 17 July 2019
revenue, largely funded by rates, and may have impacts on funding services for our local community.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, a number of our staff and councillors are volunteers. However, at no point was our Council, or any other council in NSW, advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

When meeting with the NSW Minister for Local Government, Ms Shelley Hancock MP in June, 2019 the Mayor advised of our general support to the better worker’s compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers, however, expressed concern at the unexpected cost impost on our budget, particularly at such late notice. The Mayor requested that Minister Hancock give consideration to the NSW Government funding the first 12 months of this extra cost while a solution was being sought that was more acceptable to local government. The Minister advised that she would take this matter up with NSW Treasury.

At the May 2019 Country Mayors Association meeting, this issue was also raised with a number of Council advising that they were not intending to pay the increase to the Emergency Services Levy. The Country Mayors Association resolved as follows:-

RESOLVED (a) That the Country Mayors Association supports the LGNSW campaign strongly and the State Government be requested to defer any RFS contribution increases for at least 12 months to allow for consultation and any future increases be shown on a separate line on the rate notice and not be included in the rate pegging formula

(b) That the Association write to the Premier requesting that the Department of Premier and Cabinet and the Independent Pricing and Regulatory Tribunal be directed to investigate the current Emergency Services arrangements in NSW including the efficiencies and effectiveness to be gained by such an investigation (Kempsey Shire Council / Yass Valley Council)

**IMPLICATIONS**

**Finance and Resourcing**

This cost is paid by Council from our general revenue, largely funded by rates, and may have impacts on funding services for our local community.

**Previous Council Resolutions**

Nil

**Implementation**

Should Council resolve to adopt the officer recommendation, the request to the NSW Minister of Local Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future will be made by the end of July, 2019.

**Statutory**

Nil
REPORTS FROM COMMITTEES AND OUTSIDE ORGANISATIONS

1. COUNCIL’S MANAGEMENT COMMITTEE MEETING MINUTES

FILE NO: N/A

ANNEXURES: A Management Committee Meeting Minutes

AUTHOR: Coralie Nichols

OFFICERS RECOMMENDATION:

That the minutes of the Management Committee Meeting be received and noted.

Precis:

Reporting on Minutes of Council Management Committee Meetings provided to Council.

*****

The minutes of the following Management Committee Meetings are attached as Annexure ‘A’ to this report:

- Dungog Showground Committee Meeting held 3 June 2019
- Paterson School of Arts Hall Committee Meeting held 17 June 2019

IMPLICATIONS

Financial

There are no financial implications the report is for information purposes only.
ANNEXURE ‘A’

MINUTES OF DUNGOG SHOWGROUND & RECREATION
RESERVE MANAGEMENT COMMITTEE
HELD ON Monday 3rd June 2019 at Dungog RSL

Present: Owen Nicholson, Kathy McDonald, Eddie Rumbel, Cr John Connors, Des Hopson & Dugald Alison

Apologies: Barry Dickerson

Minutes of the previous meeting
Motion: That the minutes of the previous meeting be accepted as a fair account of the proceedings of that meeting.
Moved: Cr John Connors  Seconded: Kathy McDonald  Motion carried

Dugald Alison spoke about the roofing iron that had been donated to the A & H Association and explained that it needed to be moved from the Central Coast. Dugald was seeking approval to use it on the roof of the goat shed and was wondering when they would be able to undertake the work. Cr John Connors said that he would discuss the matter with the General Manager of Council to check if the work could be completed before the Dungog Show.

Business arising:
1. Cr John Connors informed the committee that Council had engaged consultants from Landsas Services to carry out the Management Plan for the Showground and it would take approximately 3 to 4 months.

Correspondence Inward: Nil

Treasurers Report: As printed
Motion: That the Treasurers Report be accepted.
Moved: Des Hopson  Seconded: Owen Nicholson  Motion carried

Caretakers Report:
1. Eddie reported that vandals had broken the door below the grandstand and trashed the toilets with toilet paper. The toilet paper was dragged out into the seating area and the arena. The toilets will now be locked and only opened when an event is being held.
2. Eddie reported that he will be on holidays from 26th June to 12th July.

General Business:
1. Cr John Connors reported that a meeting will be arranged later in June with Landsas Services and Roger Stephen from Council to discuss the Showground Management Plan.

Meeting Closed at 8.15pm
Meeting held at Dungog Showground on 21st June 2019 at 10.00am

Present: Peter Dillon, Owen Nicholson, Cr John Connors, Des Hopson, Roger Stephen and Landsas Services consultants.

A general discussion took place with regard to what occurs at the Showground, who uses the Showground and the number of persons attending events at the Showground.

Showground Committee members walked around with Landsas Services consultants and inspected every building and explained what occurred over a twelve month period.

Secretary, Des Hopson, was asked to compile a list of the Showground user groups including phone numbers and addresses to be provided to Roger Stephen. Roger Stephen will arrange a meeting later in July with the user groups and Landsas Service consultants in order for the consultants to receive the user group’s ideas on what is required at the Showground.

The meeting concluded at 12.30pm with
### Dungog Showground Financial Report as at 30.05.19

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Balance as 30.04.19</td>
<td>$10,061.82</td>
</tr>
<tr>
<td><strong>Less Cleared Expenditure</strong></td>
<td></td>
</tr>
<tr>
<td>#653 Dungog Shire Council - GST March 2019</td>
<td>$137.57</td>
</tr>
<tr>
<td>#654 Des Hopson - Reimburse Chronicle Ad for AGM</td>
<td>$45.40</td>
</tr>
<tr>
<td><strong>Total Cleared Expenditure</strong></td>
<td>$182.97</td>
</tr>
<tr>
<td><strong>Total Cleared Deposits</strong></td>
<td>$0.00</td>
</tr>
<tr>
<td>Bank Balance as 30.05.19</td>
<td>$9,878.85</td>
</tr>
<tr>
<td><strong>Less uncleared cheques</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total Uncleared Cheques</strong></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Plus uncleared deposits</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total Uncleared Deposits</strong></td>
<td>$0.00</td>
</tr>
<tr>
<td>Operational Balance -Cheque Account</td>
<td>$9,878.85</td>
</tr>
<tr>
<td><strong>TOTAL OPERATIONAL BALANCE</strong></td>
<td></td>
</tr>
<tr>
<td>Cheque Account</td>
<td>$9,878.85</td>
</tr>
<tr>
<td>NAB Term Deposit 80-543-0067</td>
<td>$14,805.52</td>
</tr>
<tr>
<td>NAB Term Deposit 83-888-4137</td>
<td>$5,654.11</td>
</tr>
<tr>
<td><strong>TOTAL OPERATIONAL BALANCE</strong></td>
<td>$30,338.48</td>
</tr>
</tbody>
</table>
Monday 17 June 2019

Extra ordinary meeting of Paterson School of Arts Hall Committee

Participating: Grant L’Green (Chair), Gabes Ryan, Cath Varcoe, Kristy Ashton

Apologies: Linda L’Green, Linda McLean

Motion put forward by Mr Robert Booth: a decision regarding the kitchen floor surface to be finished in commercial vinyl or floor tiles. The recommendation by the builder is for the vinyl due to ease of maintenance.

Decision to be made as soon as possible so Tom Gaff at Dungog Shire Council can proceed with purchase order, and delivery effected so the floor can be completed as soon as possible.

The participants agreed that Commercial Vinyl flooring was the best option.

this was seconded by Gabes Ryan and accepted by those participating.

Grant L’Green as Chairperson of the extra ordinary meeting will sign minute document and submit to Tom Gaff at Dungog Shire Council.

Note: Linda L’Green was not able to participate, albeit she agreed to the decision for the purchasing and installation of commercial vinyl via email.

Signed

[Signature]

Grant L’Green

17/6/19

[Signature]

Kristy Ashton

17/6/19