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
MAYORAL MINUTE

1. NSW COUNTRY MAYORS MEETING 30-31 MAY 2019

FILE NO: EF18/30

ANNEXURES: Minutes of Country Mayors Association Meeting held on 31 May 2019

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 provide Council with an update of the Country Mayors Meeting held on 31 May 2019.

Dungog Shire General Manager, Coralie Nichols, and I attended the Country Mayors Meeting, held in Parliament House on Friday 31 May. We also attended a networking dinner the previous evening. Mayors and General Managers from 53 Councils, plus guests, were in attendance.

Minutes of the Country Mayors Association Meeting are attached.

We were addressed by the Minister for Local Government, Shelley Hancock and the Minister for Health and Medical Research, Brad Hazzard

Presentations at Country Mayors Meeting included:
1. Gordon Hinds from Better Energy Australia, who discussed a pilot program involving the provision of 100% renewable energy for the town of Lockhart and selling 80% of produced power back to the grid.
2. Andrew Roberts from Field Solutions Group, who described this company’s work with providing broadband internet solutions to rural, remote and regional areas.
3. Cr Bruce Miller, Chair Local Government Super on the contributions paid by Local Government into the scheme.

Please note that I have joined a working group regarding taking action on the NSW Government’s waste levy that is imposed on many Councils including Dungog.
ANNEXURE ‘A’

Country Mayors Association
of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries
PO Box 420 Moree NSW 2400
02 6757 3222
ABN 92 803 490 533

MINUTES

GENERAL MEETING

FRIDAY, 31 MAY 2019 THEATRETTE, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 9.00 a.m.

1. ATTENDANCE:
   Armidale Regional Council, Cr Simon Murray, Mayor
   Bega Valley Shire Council, Cr Kristy McBain, Mayor
   Bellingen Shire Council, Cr Dominic King, Mayor
   Bland Shire Council, Cr Brian Monaghan, Mayor
   Bland Shire Council, Mr Ray Smith, General Manager
   Blayney Shire Council, Cr Scott Ferguson, Mayor
   Blayney Shire Council, Ms Rebecca Ryan, General Manager
   Bourke Shire Council, Cr Barry Hollman, Mayor
   Broken Hill City Council, Cr Darriea Turley, Mayor
   Broken Hill City Council, Mr James Roncon, General Manager
   Cabonne Shire Council, Cr Kevin Beatty, Mayor
   Cabonne Shire Council, Ms Heather Nicholls, Acting General Manager
   Carrathool Shire Council, Cr Peter Laird, Mayor
   Carrathool Shire Council, Mr, Rick Warren General Manager
   Coffs Harbour City Council, Mr Stephen McGrath, General Manager
   Coolamon Shire Council, Cr John Seymour, Mayor
   Cootamundra-Gundagai Regional Council, Cr Abb McAlister
   Cootamundra-Gundagai Regional Council, Cr Dennis Palmer, Deputy Mayor
   Cootamundra-Gundagai Regional Council, Mr Phil McMurray, Acting
   General Manager
   Cowra Shire Council, Cr Bill West, Mayor
   Dubbo Regional Council, Cr Ben Shields. Mayor
   Dubbo Regional Council, Mr Michael McMahon, CEO
   Dungog Shire Council, Cr Tracy Norman, Mayor
   Dungog Shire Council, Ms Coralie Nichols, General Manager
   Eurobodalla Shire Council, Cr Liz Innes, Mayor
   Federation Council, Cr Patrick Bourke, Mayor
   Forbes Shire Council, Cr Phyllis Miller, Mayor
   Forbes Shire Council, Mr Steve Loane, General Manager
   Gilgandra Shire Council, Cr Ash Walker, Deputy Mayor
   Goulburn Mulwaree Council, Cr Bob Kirk, Mayor
   Goulburn Mulwaree Council, Cr Peter Walker, Deputy Mayor
   Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager
Griffith City Council, Cr John Dal Broi, Mayor  
Griffith City Council, Mr Brett Stonestreet, General Manager  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager  
Gwydir Shire Council, Cr John Coulton, Mayor  
Gwydir Shire Council, Mr Max Eastcott, General Manager  
Inverell Shire Council, Cr Paul Harmon, Mayor  
Kempsey Shire Council, Cr Liz Campbell, Mayor  
Kempsey Shire Council, Mr Craig Milburn, General Manager  
Kiama Municipal Council, Cr Mark Honey, Mayor  
Kyogle Council, Cr Danielle Mulholland, Mayor  
Leeton Shire Council, Cr Paul Maytom, Mayor  
Leeton Shire Council, Ms Jackie Kruger, General Manager  
Lithgow City Council, Cr Ray Thompson, Mayor  
Lithgow City Council, Mr Graeme Faulkner, General Manager  
Liverpool Plains Shire Council, Cr Andrew Hope, Mayor  
Lockhart Shire Council, Cr Roger Schirmer, Mayor  
Lockhart Shire Council, Mr Peter Veneris, General Manager  
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor  
Mid-Western/Mudgee Regional Council, Mr Brad Cam, General Manager  
Moree Plains Shire Council, Cr Katrina Humphries, Mayor  
Moree Plains Shire Council, Mr Lester Rogers, General Manager  
Murray River Council, Cr Christopher Bilkey, Mayor  
Murray River Council, Mr Des Bilske, General Manager  
Murrumbidgee Council, Mr John Scarcie, General Manager  
Narrabri Shire Council, Cr Catherine Redding, Mayor  
Narrabri Shire Council, Mr Stewart Todd, General Manager  
Narrandera Shire Council, Cr Neville Schenka, Mayor  
Narrandera Shire Council, Mr George Cowan, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Oberon Shire Council, Cr Kathy Sajowitz, Mayor  
Oberon Shire Council, Ms Lynette Safranek, Director Corporate Services  
Parkes Shire Council, Cr Ken Keith, Mayor  
Parkes Shire Council, Cr Barbara Newton, Deputy Mayor  
Parkes Shire Council, Cr Alan Ward  
Port Stephens Council, Cr Ryan Palmer, Mayor  
Port Stephens Council, Tim Crosdale, Group Manager Development Services  
Shoalhaven City Council, Cr Amanda Findley, Mayor  
Shoalhaven City Council, Mr Stephen Dunshea, Acting General Manager  
Singleton Council, Cr Sue Moore, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Mr Gary Lavelle, General Manager  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Tenterfield Shire Council, Mr Terry Dodds, General Manager  
Upper Lachlan Shire Council, Cr John Stafford, Mayor  
Uralia Shire Council, Cr Michael Pearce, Mayor  
Wagga Wagga City Council, Cr Greg Conkey, Mayor  
Walcha Council, Cr Eric Noakes, Mayor  
Walcha Council, Mr Jack O'Hara, General Manager  
Warren Shire Council, Cr Katrina Walker  
Warren Shire Council, Mr Glen Wilcox, General Manager  
Warrumbungle Shire Council, Cr Denis Todd, Mayor  
Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
Wentworth Shire Council, Cr Melissa Hendrics, Mayor  
Yass Valley Council, Cr Rowena Abbey, Mayor  
Yass Valley Council, Ms Sharon Hutch, General Manager  
Orana Joint Organisation, Ms Berinda Barlow, Interim Executive Officer  
Cr Linda Scott, President, LGNSW
APologies:
As submitted

Special guests:
Hon Shelley Hancock, MP, Minister for Local Government
Gordon Hinds, Managing Director, Better Energy Technology
Hon Brad Hazzard, MP, Minister for Health and Medical Research
Andrew Roberts, CEO, Field Solutions Group
Cr Bruce Miller, Chairman, LGSuper

2. Adoption of Minutes of Previous Meeting:
RESOLVED that the minutes of the General Meeting held on 8 March 2019 be accepted as a true and accurate record (Singleton Council / Oberon Shire Council).

3. Matters Arising from the Minutes
NIL

4. Correspondence
Outward
(a) Cr Linda Scott, President, Local government NSW, regarding Defined Benefits Scheme Contributions
(b) Cr Ryan Palmer, Mayor, port Stephens Council, advising that Port Stephens Council was admitted as a member of the Association on 8 March 2019
(c) Mr Richard Colbran, Chief Executive Officer, NSW Rural doctors Network thanking him for his presentation to the 8 March 2019 meeting
(d) Cr Melissa Hederics, Mayor, Wentworth Shire Council, advising that Wentworth Shire Council was admitted as a member of the Association on 8 March 2019

Inward
(a) Cr Linda Scott, President, Local Government NSW. forwarding letters to LGSuper regarding the Defined Benefits Scheme (Copy Attached)
(b) Institute Public Works Engineering Australia (NSW Division) advising that the Local Roads Congress will be held in Sydney on 3 June 2019

Noted

5. Financial Report
RESOLVED That the financial reports for the last quarter were tabled and accepted (Temora Shire Council / Shoalhaven City Council)

6. Royalties for Regions Program
RESOLVED That Country Mayors calls upon the NSW Government to implement a “Royalties for Regions” program based upon a set percentage of royalties being returned to Local Government Areas from where they originate and/or that are directly affected.
That LGA representatives from the identified affected areas be invited to participate in the redesign of the new “Royalties for Regions program” (Gunnedah Shire Council / Singleton Council)
7. Increased Fire Management Activities

RESOLVED That the Country Mayors Association write to the appropriate Federal and State Ministers requesting that NSW National Parks and Wildlife Service, NSW Forestry Corporation and NSW Local Land Services, as a duty of care undertake an increased level of park and forest fire management activities, including increased hazard reduction burns and increased numbers of dams and water infrastructure points for firefighting purposes into the future (Tenterfield Shire Council / Kyogle Shire Council)

8. RFS Contribution Increase 2019/10

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)

9. Hon Shelley Hancock, MP, Minister for Local Government

The Minister started her career in Sydney as a teacher and then settled in Ulladulla where she also taught. She was elected to Shoalhaven City Council in 1987 and served four terms. She ran for State Parliament was elected and became Speaker of Parliament in 2011 and Minister for Local Government in 2019

The increased RFS contributions are mostly going towards the funded Compensation Scheme. The Minister lobbied on behalf of Local Government to have the increase adsorbed by the State Government but sadly that is not the case as it was overturned by Treasury. The Minister is anxious to have improved relations with Joint Organisations and a meeting with the Joint Organisations was held on Thursday 30 May to discuss issues. Seed funding of $300,000 will soon come to an end. The Office of Local Government is looking at ways Joint Organisations can be self funded and is looking at issues raised at yesterdays meeting. The Office of Local Government has not been disbanded contrary to rumours.

10. Gordon Hinds, Managing Director, Better Energy Technology

The energy market in Australia is undergoing a revolution as we migrate from centralised large-scale coal generation to distributed renewable energy. The role of towns throughout NSW in this revolution is not clear and to date there have not been many benefits that flowed through to them beyond the initial construction. Basically renewable energy plants are highly automated and don’t employ people, certainly not in the local communities other than occasional maintenance. Developers mostly by-pass section 94 contributions as they are classified as ‘state significant’ developments. The energy they produce goes into the grid and is bought by large scale users or retailers and then sold back to communities through the existing channels. Rural towns are being ripped off and bypassed.

There is another way and that is what Better Energy Technology is trying to do at Lockhart, with the support of the Deputy Prime Minister and Minister for Regional Development, Michael McCormack.

The Lockhart demonstration will supply power to the town of Lockhart, insulate it from blackouts, provide long-term stable energy pricing and have the potential for a dividend if the Council takes an equity position in the project. It is an Australian first and follows a design that has been in Germany for nearly 20 years - an ‘export’ model where 80% of the power produced is exported into the grid. It has a 10MW solar
farm a large battery, the fixed power tariff is to be 28 cents a kilowatt, with long term income to council of possibly $500,000 PA. The project cost is $30 Million. There are barriers to this being rolled out in NSW and the key one is access to the grid via the local substation. Most of the applications to connect to the grid through the substations are already in the hands of developers, mostly foreign owned or backed. None of these applications have community benefit at the heart of their plan, nor localised generation for local consumption. This can change. The Minister for Energy has the power to direct the grid owners (Essential Energy in most cases) to give priority to projects that have a direct benefit in energy supply to local communities. He can do this in the simple form of a letter. With the political landscape now secure at both the Federal and State Level, now is the time for Country Mayors to step up to ensure their communities are part of this revolution and beneficiaries beyond construction. There is a need to push for long-term energy supply directly to communities such as what is planned at Lockhart. It is possible, but it will require strong lobbying to ensure the Ministers act in the interests of communities.

RESOLVED That the Country Mayors’ Association make representations to the NSW Energy Minister and the Federal Energy Ministers seeking their support for the prioritisation of electricity grid connections at substations that are relevant to rural and regional towns, with priority to be given to applications that have an ongoing community benefit beyond construction of new energy developments that connect to those substations (Lockhart Shire Council / Bland Shire Council)

11. **Hon Brad Hazzard, MP, Minister for Health and Medical Research**
   The Minister has tried to get around the regions as much as possible. There is a huge commitment by the State Government for the regions to get a fair go. One third of the State budget $25 billion is allocated to health. 25% of health infrastructure is to go to the regions. As part of the regional commitment the Regional Ambulance Update program has been allocated $122 million and many hospitals are being upgraded. The Government is trying to get medical students to do their training in the regions as this has proven to have higher success in keeping graduates in rural areas. Training facilities are situated in Wagga Wagga, Dubbo and Orange. Tele Health Stroke services are being introduced.

12. **Andrew Roberts, CEO, Field Solutions Group**
    Field Solutions Vision is to be Australia’s Leading Rural, Remote and Regional Telecommunications Provider through carrier services, retail services provision and Cloud services. Their brands are Just ISP and Ant Communications. Field Solutions provide township base networks built to the populations and multisite on farm networks. They strive to greatly reduce council spend, to provide connectivity to council premises, a business grade symmetric network with additional Cloud services and true broadband deep into communities that is cost effective with unlimited data. They provide coverage throughout NSW in three corridors, Northern, Central and Southern with local bases, hiring local staff, using local businesses, and providing on going support and maintenance. $100 million has been pledged by the Nationals.
    The assistance needed is Regional Digital Connectivity, growing local communities, Community/FSG funded and Council/ FSG funded

RESOLVED That the Association write to the Deputy Premier advising that it supports Rural Regional Internet Connectivity through Field Solutions and requests urgent attention to this matter (Narromine Shire Council / Shoalhaven City Council)

13. **Cr Bruce Miller, Chairman, LGSuper**
    LGSuper originated from State Super 23 years ago. A Trust Deed and Constitution were prepared. The Defined Benefits Scheme was funded prior to the financial crisis at a surplus, and councils took the opportunity to receive a holiday from contributions
but to put the saved funding aside. The financial crisis resulted in the fund going into deficit. The fund is examined each year to access its position. Regulated funds need to be fully funded each and every day of the year. LGSuper looked at options to be 100% funded. Investments are currently 80% growth 20% conservative but the objective is 70% growth 30% conservative. The Board has reviewed the two LGNSW resolutions. The current investment strategy is subject to stringent reviews and a further review as suggested is not necessary. In respect of Past Service Contributions after considering advice of actuary and legal opinions LGSuper will look at the level of contributions. LGNSW cannot instruct LGSuper. Irrespective of where Directors come from their responsibility is to the entity and its members. Shares in LGSuper have zero value but shareholders have a right to appoint Directors. Under new legislation the Regulator has power to do whatever. The Board will increase from 8 Directors to 9 Directors one independent to be the Chair with 3 independents, 3 employee and 3 employer representation.

14. Meeting with Local Government Super

NOTED

15 Local Government Superannuation Report by Goulburn/Mulwaree

NOTED

16. Waste Levy Taskforce

RESOLVED1. The NSW Country Mayors recognise that:
   a) The NSW Government still has no clear plan to manage waste in light of the China Sword and other international changes to recycling.
   b) That land fill sites are processing higher amounts of waste and therefore shortening the lifecycle of these sites.
   c) That the increase in waste going to landfill also increases the governments revenue and has impacts on the wider environment.
   d) That NSW are falling behind other States such as Victoria and SA in terms of management of waste
   e) That Local Government Areas (LGAs) should receive a higher amount of the waste Levy to deal with increase in cost to manage waste.
   f) That Councils are the best placed government bodies to develop new strategies and industries to better manage waste for their communities.
2. That NSW Country Mayors urge the Minister for Local Government take action by
   a) Establishing a Waste Levy Task Force consisting of EPA, Mayors and LGNSW to begin immediate action to address the waste concerns of LGAs
   b) Returning the full amount of the waste Levy to LGA’s till there is an acceptable outcome agreed to by all parties.
3. That NSW Country Mayor’s Association take their own action by:
   a) establish a working group of Country Mayors to:
      i) identify the total amount of waste levies collected by the NSW Government from regional Councils
      ii) identify the amount spent by the NSW government on waste reduction strategies in regional areas
      iii) identify strategies for regional councils to withhold payment of the waste levy might be implemented if the NSW Government does not agree to form the task force recommended in (2) above
      iv) bring a report back to the next meeting of the Country Mayors outlining options available to Country Mayors to get action on the Waste Levy, including consideration of the withholding of payment of the levy.
      v) the working group comprise Michael Pearce (Uralla Shire Council), Peter Petty (Tenterfield Shire Council), Amanda Findley (Shoalhaven City Council)
TRACEY NORMAN (DUNGOG SHIRE COUNCIL) AND DOMINIC KING (BELLINGEN SHIRE COUNCIL)

4. That LGNSW be advised of Country Mayors position
   (Bellingen Shire Council / Shoalhaven City Council)

17. **Rural Fire Act 1997 - Grasslands**

   RESOLVED that Country Mayors ask the RFS Commissioner to have a stay on implementation of the requirements under the Rural Fire Act 1997 to cover grasslands and an invitation be issued to the Commissioner to attend a future meeting (Gwydir Shire Council / Lockhart Shire Council)

There being no further business the meeting closed at 12.40pm.

Cr Katrina Humphries
Chair – Country Mayor’s Association of NSW
OFFICERS RECOMMENDATION:

That the proposed shed at 18 Nirvana Close VACY, be approved subject to the conditions listed in Annexure ‘A’.

Precis:

The following report considers Development Application No. 31/2019 which seeks consent for the erection of a shed ancillary to an existing residential land use at 18 Nirvana Close, Vacy.

The development application is reported to Council for determination due to a proposed variation to the side/rear boundary setback provisions of Dungog Council’s adopted Development Control Plan (DCP). The proposed Building Line setback is 3.98m with the applicable setback provisions in the DCP being 10m to the common boundary. The application has been notified to adjoining property owners with no objections received. The proposed shed is metal clad and has a floor area of 112m².

An assessment of the development application has been undertaken in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and it is recommended that Council approve the proposed shed with a setback variation subject to conditions.

Subject Site

The subject property is currently occupied with a residence and ancillary structures onsite including an existing storage shed/garage. The site has a moderate slow rising from the south up to the north. The subject property is identified as LOT: 6 DP: 1009184, 18 Nirvana Close, Vacy which is zoned R5 Large Lot Residential and has a total area of 2.327 hectares.

Locality plans are provided in Figures 1 and 2 below.
Background

Previous consents issued over the subject property include Development Application 78/2016 for a shed and Complying Development Certificate 14/2014 for a dwelling. The application for the shed was subject to modification through the assessment process to bring the development into compliance with the adopted Development Control Plan provisions relating to setback to side/rear boundaries of 10m. The modified consent had the location of the shed 10m from the rear boundary.
At that time the property most affected by the proposed setback variation had a shed constructed with no dwelling built see figure 3. The current application sees the adjoining property developed with a dwelling and detached garage/shed.

Figure 3: Development 27 August 2016

Proposed Development

The proposed development comprises the construction of a single storey shed to be used ancillary to the existing residence. The shed is a metal framed and clad building on a concrete slab. The external colours of the wall and roof are Basalt to match the existing buildings on site.

The building has a floor area of 112m² and a height of 3.3m. The shed has a skillion style flat roof which reduces to a height of 2.56m to the rear of the building, closer to the common boundary the subject of the setback variation, figure 4 shed plans.
STATUTORY CONSIDERATIONS

Section 4.15 of the *Environmental Planning and Assessment Act* (EP&A) stipulates 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.**

The following State Environmental Planning Policies are applicable:

**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 approximately 2.327 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.

The majority of the site is cleared grassland with small pockets and clusters of forest/woodland vegetation. The proposed development does not propose any removal of trees and the existing vegetation does not constitute 15% of the total number of trees onsite.

State Environmental Planning Policy 55 – Remediation of Land

The Object of this Policy:

(1) The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.

(2) In particular, this Policy aims 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:

(a) by specifying when consent is required, and when it is not required, for a remediation work, and
(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
(c) by requiring that a remediation work meet certain standards and notification requirements.

There is no evidence to suggest the site of the proposed shed is contaminated by way of previous land uses.

Dungog Local Environmental Plan 2014

Zone R5 Large Lot Residential

1 Objectives of zone

• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.
• To isolate housing from existing intensive agriculture or future intensive agricultural areas.

In determining a development application the consent authority must have regard to the objectives of the zone. The proposed shed is permissible in the zone and is supportive and consistent with the existing residential land use on the site.
The following clauses of Dungog LEP 2014 are also relevant to the proposed development:

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.

The site inspection noted the building location is relatively flat with minimal cut proposed or necessary, approximately 200mm and fill of approximately 200mm maximum. Having regard to the matters for consideration under clause 6.2, it is recommended that conditions of consent include erosion and sedimentation controls during the earthworks phase of the development.

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 due to the proposed setback variation, where a setback of 3.98m is proposed to the side/rear boundary rather than 10m. No submissions were received.

Part C Chapter 3 – Building Line Setbacks

The aims and objectives of this Chapter of the DCP are:

- to ensure physical separation of buildings and uses between adjoining properties that may create community conflict.
- to ensure that development maintains the character of the locality.
- to enable guidelines for development to be clear and meet community expectation.

The required and proposed setbacks are outlined in Table 1.

<table>
<thead>
<tr>
<th>Setback</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side (west)</td>
<td>10 m</td>
<td>&gt;47 m</td>
</tr>
<tr>
<td>Front (south)</td>
<td>50 m</td>
<td>&gt;88 m</td>
</tr>
<tr>
<td>Rear (north)</td>
<td>10 m</td>
<td>&gt;3.98 m</td>
</tr>
<tr>
<td>Side (east)</td>
<td>10 m</td>
<td>&gt;145 m</td>
</tr>
</tbody>
</table>

The applicant proposes a variation to the rear, northern boundary down from 10m to 3.98m at the closest point to the property boundary. The proposed building is angled away from the boundary with the setback from the said boundary increasing from 3.98m at the north eastern corner to approximately 8.5 to 9m on the north western corner. The angled setback provides some visual relief and also affords the opportunity for some landscaping to soften the development from the adjoining neighbour. In accordance with council’s DCP provisions a variation may be considered as noted below.

“Variations to building line setbacks will only be considered under the following circumstances.

1. Where it is physically not possible to meet the setback requirements due to topography, physical constraint or the actual dimensions of the allotment; and/or
2. Where the width of an allotment is less than 200 metres and it is unreasonable to apply the standard building line setbacks:

   (a) The minimum setback to a side or rear boundary is to be not less than 25% of the width of the allotment.

   (b) Where an existing building is already located in a position that is less than the minimum setback required and physical constraints exist, the new building may be located no less than 50% to the distance between the existing building and the property boundary.

3. Front setbacks to road boundaries may be reduced only where physical constraints exist.

4. Or where it is demonstrated to the satisfaction of Council that there are compelling justification otherwise.”

The applicant has provided a detailed submission in addition to the original application to provide clarity and justification for the necessity to vary the rear boundary setback. The key points raised in the submission relevant to consideration under Section 4.15 of the EPAA are noted as follows.

1) The property owner identifies site constraints for the proper use of the shed due to existing development on the site. In this regard the location of the existing development (shed, house and infrastructure including internal roads) limits the location of the shed to allow safe vehicular access. These aspects are detailed in the applicants May 10 submission with diagrams and photos showing vehicular movement and manoeuvrability from both the existing dwelling and shed. (See Annexure ‘B’).

2) The design of the shed has been chosen to limit the impact on adjoining development by way of utilising a skillion roof design and choosing colours of dark low reflective qualities compatible with the rural residential environment.

3) The proximity of existing residential development on adjoining lots most affected by the variation is significantly away from the proposed shed (approx. 134m) and as a result is unlikely to have a significant impact on the amenity of the affected residence.

Comment – the clustering of the buildings does serve to assist in mitigating impacts on amenity for adjoining properties and their land uses. The existing buildings serve to in part screen and shield the use of the building from adjoining properties and further utilises existing infrastructure limiting the need for any new internal road construction.

The design and external finishes are considered to have a limited impact on the visual amenity of the area. Dark colours with a low pitched roof design are assessed as being generally consistent with the rural residential character of the area.

The separation distances from existing residential land uses on adjoining properties is significant and provides a land buffer in excess of 134m. No objection/s was received from the affected property owners following notification.

It is further noted that the subject property is approximately 90m wide at the location of the proposed shed. Based on the distance it is possible to achieve the 10m setback with a 90m wide lot, it is noted however that the topography and existing infrastructure does present constraints to the practical construction of a shed ancillary to the dwelling.
It is recommended that conditions be applied where consent is granted to have a landscaping buffer installed on the affected boundary between the shed and the common boundary.

**Part C Chapter 4 – Erection of Farm Buildings and Outbuildings/Sheds**

The aims and objectives of this Chapter of the DCP are:

- To enable the erection of farm buildings and outbuildings in a manner that complements the landscape character and any scenic qualities of the locality.
- To ensure farm buildings and outbuildings are designed and sited with regard to site planning principles and also the requirements specified in this Chapter to minimise the likely impact on the amenity of adjoining land uses, especially dwellings.
- To ensure farm buildings and outbuildings are sited to minimise unnecessary disturbances to the natural environment.

### 4.4 SITING AND ORIENTATION

#### 4.4.1 Objectives

To ensure that farm buildings and outbuildings/sheds:

- Complement the character of the area and are not visually dominant,
- Have minimal impacts on the removal of native vegetation,
- Take into consideration the natural features of the land, and
- Take into consideration existing and potential uses of the land.

#### 4.4.2 Development Principles

1. Farm buildings and outbuildings/sheds should be clustered in one location on the property. Where possible, this should be close to dwellings, but not where this will result in land use conflict.
2. Farm buildings and outbuildings/sheds are to be sited and orientated to minimise their visual dominance and impact on the streetscape. In particular:
   - i) Ridgeline or hilltops locations should be avoided.
   - ii) On smaller allotments with limited width the narrow elevation of the building should face the primary street frontage.
3. Farm buildings and outbuildings/sheds as well as related driveways, manoeuvring areas and filled areas are to be positioned on the land so as to minimise the removal of any native vegetation.
4. Farm Buildings or Outbuildings/sheds on properties which contain or are adjacent to a heritage item will be assessed on merit. Development applications shall be supported by an assessment against clause 5.10 Heritage conservation of the LEP and Part C Chapter 17 Heritage conservation of the DCP.
5. Cut and fill for buildings, manoeuvring areas, fill batters and access driveways should be limited to a maximum 2 metres of cut and 1.5 metres of fill. (Figure 1)
6. Farm buildings and outbuildings should not be erected on land having a slope in excess of 10%.
7. Farm buildings and outbuildings should be set back a minimum of 40 metres away from any watercourse

Comment – The proposed shed is to be located on an existing cleared area directly adjacent to the dwelling, shed and infrastructure including access roads and stormwater drainage system/s. The construction of the shed does not require construction of additional internal access roads or the removal of any vegetation.
Existing residential development on adjoining properties affected by the setback variations, are located away from the proposed shed in a location unlikely to be affected by the use or operation of the non-habitable shed despite the setback variation.

4.5 BUILDING DESIGN AND FORM

4.5.1 Objective

To encourage attractive developments that blend in with the character of the locality, surrounding development and landscaping.

4.5.2 Development Principles

1. Roof forms should provide visual relief to the building in order to reduce the building’s bulk. Barn style roof forms that are less bulky in appearance are encouraged in rural and environmental protection areas. (Figure 2)

2. Building facades that can be readily viewed from adjacent roads should be articulated with suitable features such as windows, awnings and verandahs to minimise their visual bulk.

Comment – The design of the shed incorporates a skillion roof sloping down towards the rear boundary. The applicant advises that this design was incorporated to lesson the impact of the development by way of bulk, with overall height kept to a minimum while achieving access requirements for the owner. The external colours of the shed are basalt wall and roof. The openings in the shed face away from the common boundary the subject of the setback variation. The site has all major development including the proposed shed, clustered in one location.

It is assessed that the design, bulk, scale and external finishes are in keeping with the rural residential character of the area resulting in minimal impact on the surrounding development and existing vegetation. It is further recommended should council consent to the setback variation that a landscaping buffer be conditioned as part of the conditions of consent to be located between the shed and the common boundary.

4.6 SIZE AND HEIGHT

4.6.1 Objectives

(a) To ensure that the bulk of farm buildings and outbuildings do not visually dominate the streetscape and the landscape.

(b) Ensure that the size of farm buildings and outbuildings/sheds is consistent with the intended use and the size of the property.

(c) Farm buildings and outbuildings should not be visually prominent or intrude into the skyline.

4.6.2 Development Principles – Size

Outbuildings/Sheds

Land within Zone RU1 Primary Production, R5 Large Lot Residential, RE1 Public Recreation/RE2 Private Recreation, E3 Environmental Management and E4 Environmental Living.

a) Outbuildings/sheds on an allotment of land under 1.5 hectares should not have an area of more than 150m².

b) Outbuildings/sheds on an allotment of land between 1.5 and 10 hectares should not have an area of more than 200m².
c) Outbuildings/sheds on an allotment of land in excess of 10 hectares should not have an area of more than 250m².

Comment – The proposed shed has a floor area of 112m² with the maximum floor area 200m² as such the proposed development is compliant with these provisions of the DCP for a 2.327Ha lot.

4.6.3 Development principles – Height

b) Outbuildings/sheds should be not higher than 7 metres above the existing ground level.

Comment – the proposed shed has a maximum height above natural ground level of 3.3m with an estimated maximum cut and fill of approximately 200mm therefore a maximum height of approximately 3.5m. The proposed development is compliant with the maximum height provisions.

4.7 BUILDING MATERIALS, FINISHES AND COLOURS

4.7.1 Objectives

a) To ensure that building materials and external finishes of farm buildings and outbuildings do not have a significant adverse impact on the visual qualities of the landscape.

b) Ensure that the colours used in the construction of farm buildings and outbuildings are consistent with the prevailing colours of the locality.

4.7.2 Development Principles

1. External materials, finishes and colours should complement and harmonise with the surrounding environment and the existing development on the land.

2. External materials used in the construction of farm buildings and outbuildings are to be pre-painted and should have non-reflective surfaces.

3. In rural and environmental protection zones the walls and roof should be of colours primarily involving non-urban landscape colours (muted greens, browns and greys). Bright/stark colours such as white, cream, black, blue, yellow or red or variations of these are generally not acceptable except as a minor detail colour (e.g. gutters) on a structure.

4. Any part of a building below the 1% AEP (1-in-100 year flood level) is to be constructed of flood compatible materials.

Comment – the proposed shed is metal clad, skillion roofed building, coloured basalt to the roof and walls. The development is assessed as in keeping with the character of the area and surrounding development both on the subject lot and surrounding properties.

4.8 LANDSCAPING

4.8.1 Objective

To provide attractive rural landscapes which are consistent with and preserve the visual qualities in the locality?
4.8.2 Development Principles

1. Screening should be provided around farm buildings and outbuildings/sheds to reduce the bulk of the building and soften the appearance of the building where appropriate from any adjoining dwelling, street or property boundary.

2. Plants endemic to the area with suitable fire resistance, heights, coverage and density should be chosen. Landscaping shall consist of a mixture of trees, shrubs and ground cover to minimise the visual impact of the buildings.

3. Trees should include species that at maturity have a height above the ridgeline of the proposed buildings.

Comment – The proposed development will not require the removal of any vegetation. It is proposed that where council issues consent that conditions be applied for the establishment and maintenance of a landscaping buffer to the rear of the shed.

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 shed is unlikely to have any significant negative environmental, social or economic impacts in the locality. Conditions of consent are proposed in relation to, stormwater management and construction standards in order to address the occupant safety and environmental controls.

The suitability of the site for the development

The site is considered suitable for a shed ancillary to the existing residential land use.

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 from adjoining property owners.

The applicant has made a further submission in justification of the proposed shed. The submission is included as Annexure ‘B’.

The public interest

The DCP setback provisions were adopted by Council after being publicly exhibited and it is generally in the public interest for proposed developments to comply with DCP provisions. Despite the side/rear boundary variation, the aims and objectives of the Erection of Farm Buildings and Outbuildings/Sheds DCP are still met in this instance due to the separation of existing development on the adjoining lots and mitigation measures proposed as well as the clustering of development on the subject property. Approval of the development application is unlikely to have a significant detrimental impact on the public interest.

CONCLUSION

The development application for the proposed shed has been assessed having regard to relevant matters of Section 4.15 of the EP&A Act, including the provisions of Dungog LEP 2014 and Dungog DCP No.1. The development application for the shed seeks a variation to DCP Part C C:3 – Building Line Setbacks. The variation to the DCP provision is supported having regard to the site characteristics, existing development and the function of the proposed structure which is ancillary to the current land use operations on site. Approval of the application is recommended subject to conditions.
Prescribed Conditions

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

- 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.

- 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.

General

- This development consent incorporates plans/and or documents referenced and stamped:

(a) Plans Reference:

<table>
<thead>
<tr>
<th>Drawing No</th>
<th>Issue</th>
<th>Name of Plan</th>
<th>Date</th>
</tr>
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<tr>
<td>1/1</td>
<td>-</td>
<td>Surveyors Plan</td>
<td>2/2/2019</td>
</tr>
</tbody>
</table>
• The development shall be undertaken in accordance with the approved plans and any amendments in red by Council.

• Roof water from the building shall be conducted to the proposed stormwater drainage system i.e. tank/s, by means of a sealed pipeline having a minimum diameter of 90mm. All roof water drainage works shall be undertaken in accordance with the Building Code of Australia (BCA) Part 3.5.2.

Landscaping

• A landscaping buffer shall be installed within the boundaries of the subject property extending the full length of the shed (16m) on the northern boundary of the property.

• The planting shall have a mature height of 4m and spaced at centres so the resulting mature vegetation has an interconnected canopy. The landscaping shall comprise native species which are deemed bushfire resistant or retardant species. The minimum pot size shall be a minimum 200mm.

• Landscaping conditioned in this consent shall be maintained in perpetuity. Any dead or significantly damaged trees shall be replaced within 6 months.

Prior to issue of a Construction Certificate

• Prior to release of the Construction Certificate a detailed landscaping plan shall be submitted to council demonstrating compliance with the conditions of Development Consent relating to the installation of a landscaping buffer.

Prior to Commencement of Works

• Prior to the commencement of work for the construction of the building, 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 building works commencing on the subject allotment.

• Prior to commencement of building works where required a copy of the Home Owners Warranty insurance or a copy of the Owner Builders permit, shall be submitted to council. Be advised NO INSPECTIONS will be undertaken until the required information is supplied to council where required.

During Construction

• There is to be no construction and/or demolition works, including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday, prior to 8.00 am and after 6.00 pm Saturday, and prior to 9.00 am and after 4.00 pm Sunday.

• 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.
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 shed 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) Top soil from the construction site or builders sand is to be stockpiled in a location where it will not be eroded from the site, and is not to be stockpiled on the road reserve.

(v) All erosion control measures will require maintenance after rainfall. They should be retained until the site has fully revegetated.

(vi) 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 an on-the-spot fine.

Prior to Issue of Occupation Certificate or Use of the building

- The building shall NOT BE USED OR OCCUPIED until completed and conditions of consent have been complied with and an Occupation Certificate has been issued.

- Prior to the release of any occupation certificate all roof water from the building shall be conducted to the approved disposal system as prescribed by the conditions of this consent.

- Prior to release of any Occupation Certificate satisfactory final inspection advice all landscaping shall be completed in accordance with any council approved plan and the conditions of development consent.
The General Manager  
Dungog Shire Council  
PO Box 95  
DUNGOG. NSW 2420

Mr Clive North  
18 Nirvana Close  
VACY NSW 2421

10th May, 2019

Attention: Nicholas Greenhalgh, SENIOR BUILDING/DEVELOPMENT OFFICER

Re: Development Application No – 31/2019

Development Description – Shed

Premises: Lot: 6 DP: 1009184, 18 Nirvana Close VACY

Applicant: Mr C North

Application to reduce side boundary setback

Further to your correspondence dated the 26th March, 2019 and subsequent site inspection carried out on the 4th April, 2019 and your further site visit with yourself and Jackie Tupper - Town Planning Manager 1st May, 2019. I thank you for your site visits and the process I need to adopt to resolve this matter.

SUBMISSION DETAILS:

- My principal concern is the fact that the physical constraints I have that I am trying to locate the proposed shed between two existing structures being the existing dwelling and the existing shed whilst maintaining the ability to maneuver vehicles within the physical restraints. (Refer Plan F)

- Note the existing buildings in blue. The proposed new metal shed marked in red and the turning maneuvering marked in yellow. (Refer to Survey Plan marked (F).

- I have adopted in the physical structure of the building that it has (skillion roof line) so has to have a lesser visual impact and blend in with the existing structures also to adopt the same colour of the existing dark tones and cladding of Colourbond Basalt.
• I have consulted with the adjoining property owners, Nathan and Gemma Brown, Lot 23
Sanctuary Way, and they have no objection and support my proposed development. It
should be noted from the corner of the reduced end of the proposed setback line is 134.0
metres from the rear of their residence. (Refer to photograph E)
• The proposed rear of the building of 18.0 metres only affects their rear boundary only.
• A particular aspect of the existing shed building it has been been constructed as a drive
through bay to accommodate a large 9.5 metre long caravan. Upon review of this I have
marked in yellow (with the wording of turn) on the attached photographs of the turning
radius required to maneuver the caravan across the front of the proposed new shed which
would require the reduction of the boundary setback as requested. (Refer to photograph
A and D)
• The same can also be applied to the turning and reversing of vehicles from the existing
garage located at the end of the dwelling. Marked yellow for the caravan turning circle and
white for the front of the proposed new shed (Refer to photograph B)
• The white outline of the proposed shed is on the same line marked in white and yellow to
maintain a similar building line to that of the existing rear of the dwelling to maintain and
adopt the same visual line of both the existing building and the proposed new shed. (Refer
to photograph B and C)
• Please find also attached a survey set out plan marked (F).

I hope the above items mentioned will fulfill the requirements to the application to reduce the
building setback requirements and I look forward to your response in due course. I will not be
able to be contacted between 28th May, 2019 to 9th July, 2019.

Yours faithfully

Clive North
clivenorth50a)outlook.com
Mobile No 0448532468
2. ADOPTION OF AMENDMENTS TO DUNGOG SHIRE COUNCIL DEVELOPMENT CONTROL PLAN NO 1 PART C CHAPTER 3 – BUILDING LINE SETBACKS

FILE NO: EF08/532

ANNEXURE A Draft DCP Part C Chapter 3 – Building Line Setbacks

AUTHOR: Manager Planning

COMMUNITY STRATEGIC PLAN: 4. Rural and Urban Development

DELIVERY PROGRAM: 4.1 Improvement in Council’s policy framework to enable delivery of high quality development outcomes.

OFFICERS RECOMMENDATION:

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, as detailed in Annexure A.

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.

Précis:

At the Ordinary Meeting of Council on November 2018, Council resolved in accordance with section 3.43 of the Environmental Planning and Assessment Act 1979 and clause 18 of the Environmental Planning and Assessment Regulation 2000, to place draft Development Control Plan Part C Chapter 3 – Building Line Setbacks on public exhibition for a minimum of 56 days. The public exhibition took place between 28 November 2018 and 24 January 2019.

********

While no submissions were received, staff have identified that Section 2.5(b) of the draft DCP Chapter, which addresses variations to building line setbacks, should be amended to clarify that alterations or additions to existing buildings can maintain existing setbacks, although should not result in further encroachments.

BACKGROUND

At the October 2018 Council meeting Dungog Shire Council considered Planning Report No.1 and resolved the following:-

Motion 37883

That the draft DCP Part C Chapter 3 – Building Line Setbacks not go on public exhibition until such time as council has considered the implication of the proposed amendments by way of a workshop and has considered how best to communicate the proposal to the community to enable informed comment.

As per the resolution, a workshop was held on the 5 November, 2018 in the Dungog Shire Council Chambers.
Following the workshop, Council, at its ordinary meeting on 21 November 2018, resolved to exhibit the amendments to the *Dungog Shire Development Control Plan No 1*. Council resolved as follows:-

**AMENDMENT**

| 37911 | 1. In accordance with section 3.43 of the Environmental Planning and Assessment Act 1979 and clause 18 of the Environmental Planning and Assessment Regulation 2000, Council place the draft Development Control Plan Chapter on public exhibition for a minimum of 58 days; and  
2. Following completion of the public exhibition period, the matter be reported back to Council for consideration of any submissions received during the exhibition period, in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000. |

Moved: Cr G Wall, Seconded: Cr S Low.  
Amendment became the motion.  
Carried.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 7 for 2 against as follows:

*For: Crs Norman, Rayward, Connors, Murphy, Wall, Lyon, Low. Against: Crs Riley, Booth.*

**PROPOSED AMENDMENTS**

A summary of the proposed setbacks, as exhibited is provided below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Current Front Setback</th>
<th>Proposed Front Setback</th>
<th>Current Side &amp; Rear Setbacks</th>
<th>Proposed Side and Rear Setbacks</th>
<th>Summary of Changes</th>
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</thead>
<tbody>
<tr>
<td>RU1 Primary Production</td>
<td>140m to main road 50m other road</td>
<td>140m to main road 50m other road</td>
<td>50m</td>
<td>50m lots &gt;60ha 40m lots 30-60 ha 30m lots&lt;30ha</td>
<td>Reduction in side setbacks for lots less than 60 ha.</td>
</tr>
<tr>
<td>E3 Environmental Management</td>
<td>Site specific assessment</td>
<td>140m to main road 50m other road</td>
<td>Site specific assessment</td>
<td>50m lots &gt;60ha 40m lots 30-60 ha 30m lots&lt;30ha</td>
<td>Previously no controls in E3 zone. Proposed to be the same as RU1 Primary Production.</td>
</tr>
<tr>
<td>E4 Environmental Living</td>
<td>140m to main road 50m other road</td>
<td>70m main road 30m other road 15 new roads</td>
<td>10m</td>
<td>10 m</td>
<td>Reduction in front setback to existing roads.</td>
</tr>
<tr>
<td>R5 Large Lot Residential*</td>
<td>140m to main road 50m other road</td>
<td>70m main road 30m other road 15 new roads</td>
<td>10m</td>
<td>10m</td>
<td>Reduction in front setback to existing roads.</td>
</tr>
</tbody>
</table>
| RU3 Forestry  
SP2 Infrastructure  
RE1 Public Recreation | None | Site specific merit based assessment. | None | Site specific merit based assessment. | Inclusion of these zones to enable |

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*D This Chapter of the DCP does not override site specific LAP’s contained in Part D of the DCP.*
While no submissions were received as a result of the exhibition period, staff have identified that Section 2.5(b) of the draft DCP Chapter, which addresses variations to building line setbacks, should be amended to clarify that alterations or additions to existing buildings may maintain existing setbacks, although should not result in further encroachments. As such, it is recommended that the following minor amendment (shown in bold and strikethrough) be made to the exhibited draft:

2.5 VARIATION TO BUILDING LINES

Where building lines cannot be achieved on existing lots created prior to the adoption of this DCP an applicant may apply for a Policy variation.

Note: Variations are not intended to apply to new subdivisions. New subdivisions must nominate building envelopes that enable the construction of buildings that comply with the building line setbacks policy.

Variations to building line setbacks will only be considered under the following circumstances:

a) Where it is physically not possible to meet the setback requirements due to topography, physical constraint or the actual dimensions of the allotment; and/or

b) In the RU1 and E3 zones, where the width of an allotment is less than 200 metres and it is unreasonable to apply the standard building line setbacks:
   - The minimum setback to a side or rear boundary is to be not less than 25% of the width of the allotment; and/or
   - Where an existing building is already located in a position that is less than the minimum setback required and physical constraints exist, the new building may be located no less than 50% to the distance between the existing building and the property boundary.

c) Where an existing lawful building is already located in a position that is less than the minimum setback required, alterations or additions to that building may adopt the existing building line setbacks.

d) Front setbacks to road boundaries may be reduced only where physical constraints exist, or where it is demonstrated to the satisfaction of Council that there is compelling justification otherwise.

In considering a variation to building line setbacks, the following matters are to be taken into account:

1) Whether any objections are received from adjacent landholders;
2) Whether the proposed development is consistent with development on adjacent allotments and the general settlement pattern within that locality; and
3) Whether measures such as vegetation buffers and colours of external building materials are applied.

Given the minor nature of this amendment, it is not considered necessary to re-exhibit the draft Chapter. Clause 21 of the EP&A Regulation enables Council to approve the plan in the form in which it was publicly exhibited or to approve the plan with such alterations as the Council thinks fit.
STATUTORY CONSIDERATIONS

In accordance with the provisions of clause 18 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the draft DCP was placed on public exhibition from 28 November 2018 to 24 January 2019, with Notice of the exhibition being published in the Dungog Chronicle on 28 November 2018 and the draft plan available for viewing at Council’s administration office, the Dungog Library, Clarence Town RTC, Paterson Country Café and General Store, Gresford Post Office and Vacy General Store and on Council’s website.

No submissions were received in response to public exhibition of the draft DCP.

Pursuant to clause 21 of the EP&A Regulation, after considering any submissions about the draft DCP, Council may:

(a) approve the plan in the form in which it was publicly exhibited;
(b) approve the plan with such alterations as the Council thinks fit; or
(c) decide not to proceed with the plan.

Council must give public notice of its decision in a local newspaper within 28 days after the decision is made. The DCP will come into effect on the date that the public notice is published in the local newspaper.

IMPLICATIONS

Financial

The proposed amendments to the DCP are being managed by Council Staff and no financial implications are anticipated.

Statutory

A Development Control Plan is not a statutory document, although the process for preparing and adopting a DCP is governed by the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. Once the DCP is adopted it is required to be taken into consideration during the assessment of development applications in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Community

The draft changes to the DCP are expected to benefit the community by providing clear and up to date controls for development within Dungog LGA.

Consultative

The draft Development Control Plan was exhibited for a period of 56 days in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulations 2000 and Council’s resolution. No submissions were received.
ANNEXURE ‘A’

C.3 – BUILDING LINE SETBACKS

2.1 AIMS & OBJECTIVES

a) To ensure physical separation of buildings and uses between adjoining properties that may create community conflict;
b) To ensure that development maintains the character of the locality; and
c) To enable guidelines for development to be clear and meet community expectation.

2.2 DEFINITIONS

Building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall, or
(b) the outside face of any balcony, deck or the like, or
(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

The setbacks nominated in this DCP apply to all buildings and ancillary structures, including rainwater tanks, unless they meet the exempt provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.3 BUILDING LINE SET BACKS TO FRONT PROPERTY BOUNDARY

2.3.1 Land Zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1 and E3, the minimum setback from the front property boundary shall be:-

1) 140m from a main road; and  
2) 50m from any other public road.

Note: "Main Road" means a main road within the meaning of the Roads Act, 1993. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

* These setbacks do not replace site specific setbacks included within the Local Area Plans (see Part D of the DCP) for Vacy, Boatfalls Rural Residential Estate and Boulton Drive, Paterson.

On land zoned R5* or E4*, the minimum setback from the front property boundary shall be:-

1) 70m from a main road; and
2) 30m from any other public road; or
3) 15m from new roads within the subdivision.
Note: "Main Road" means a main road within the meaning of the Roads Act, 1993. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from the front property boundary shall be:-

1) 6m for a single storey dwelling and 7.6m for a two storey dwelling; and
2) 3m from the side road property boundary on corner allotments.

2.3.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from the front property boundary shall be 6 metres.

2.3.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from the front property boundary shall be as determined by Council (site specific).

2.3.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from the front property boundary shall be as determined by Council (site specific).

2.4 SIDE AND REAR BOUNDARIES (INCLUDING SECONDARY ROAD FRONTAGE)

2.4.1 Land zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1, the minimum setback from side and rear boundaries shall be:

3) 50 m for lots with an area of more than 60 ha; or
4) 40m for lots with an area of more than 30 ha but less than 60 ha; or
5) 30m for lots with an area of less than 30 ha.

2.4.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.

2.4.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from side and rear boundaries shall be:-

1) 900mm for a single storey dwelling; and
2) 1500mm for a 2 storey dwelling.
2.4.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from side and rear boundaries shall be 3 metres.

2.4.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).

2.4.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).

2.5 VARIATION TO BUILDING LINES

Where building lines cannot be achieved on existing lots created prior to the adoption of this DCP an applicant may apply for a Policy variation.

Note: Variations are not intended to apply to new subdivisions. New subdivisions must nominate building envelopes that enable the construction of buildings that comply with the building line setbacks policy.

Variations to building line setbacks will only be considered under the following circumstances:-

   e) Where it is physically not possible to meet the setback requirements due to topography, physical constraint or the actual dimensions of the allotment; and/or

   f) In the RU1 and E3 zones, where the width of an allotment is less than 200 metres and it is unreasonable to apply the standard building line setbacks, the minimum setback to a side or rear boundary is to be not less than 25% of the width of the allotment

   g) Where an existing lawful building is already located in a position that is less than the minimum setback required, alterations or additions to that building may adopt the existing building line setbacks.

   h) Front setbacks to road boundaries may be reduced only where physical constraints exist, or where it is demonstrated to the satisfaction of Council that there are compelling justification otherwise.

In considering a variation to building line setbacks, the following matters are to be taken into account:

   6) Whether any objections are received from adjacent landholders;
   7) Whether the proposed development is consistent with development on adjacent allotments and the general settlement pattern within that locality; and
   8) Whether measures such as vegetation buffers and colours of external building materials are applied.
### 2.6 SUMMARY OF BUILDING LINE SETBACKS

Table 1: Setback Distances

<table>
<thead>
<tr>
<th>Zone</th>
<th>Front Property Boundary Setback</th>
<th>Side &amp; Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Main Road</td>
<td>Unclassified Road</td>
</tr>
<tr>
<td>RU1 and E3</td>
<td>140m</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R5 and E4</td>
<td>70m</td>
<td>30m</td>
</tr>
<tr>
<td>R1 and RU5</td>
<td>6m or 7.6m (2 storey)</td>
<td>900mm or 1500mm (2 storey)</td>
</tr>
<tr>
<td>IN1</td>
<td>6m</td>
<td>6m</td>
</tr>
<tr>
<td>B2 and B4</td>
<td>As determined by Council</td>
<td>As determined by Council</td>
</tr>
<tr>
<td>RU3, SP2, RE1, RE2 and W1</td>
<td>As determined by Council</td>
<td>As determined by Council</td>
</tr>
</tbody>
</table>
3. DEVELOPMENT APPLICATIONS – DELEGATED AUTHORITY

FILE NO: EF 08/228

ANNEXURES: Nil

AUTHOR: Manager Planning

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 May 2019.

******

<table>
<thead>
<tr>
<th>DA Number</th>
<th>TPA Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>109/2014</td>
<td>TPA 2141/09</td>
<td>Lot 72 DP 629501, Lot 73 DP 629501 Nos 152 &amp; 136 Durham Road, Gresford. Modification to Nine (9) Lot Subdivision to allow for amendment to conditions 1, 13 and 22 of consent. Approved subject to conditions 23 May 2019.</td>
</tr>
<tr>
<td>187/2017</td>
<td>TPA 2360/1</td>
<td>Lot 2 DP 530341 No 74 Goldmine Road, Glen Martin. Three (3) Lot Subdivision. Approved subject to conditions 10 May 2019.</td>
</tr>
<tr>
<td>59/2018</td>
<td>TPA 3299/01247</td>
<td>Lot 133 DP 1232974 No 35 Paperbark Drive, Clarence Town. Modification to Rural Shed to allow for Temporary Occupation. Approved subject to conditions 23 May 2019.</td>
</tr>
<tr>
<td>166/2018</td>
<td>TPA 422</td>
<td>Lot 1 DP 743981 No 60 Dowling Street, Dungog. Change of Use to Business Premises, Shop Top Housing and Boarding House. Approved subject to conditions 10 May 2019.</td>
</tr>
<tr>
<td>50/2019</td>
<td>TPA 2828/21</td>
<td>Lot 14 DP 1163992, Sheltons Road, Bandon Grove. Alterations and Additions to Existing Dwelling, Swimming Pool and Cabana, Terrace and Decks. Approved subject to conditions 2 May 2019</td>
</tr>
<tr>
<td>DA 54/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 51 DP 1217947 No 3741 Allyn River Road, Upper Allyn. Alterations and/or Additions to Existing Dwelling. Approved subject to conditions 20 May 2019.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DA 57/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 44 DP 1235907 No 18 Albert Street, Paterson. Additions to Existing Dwelling. Approved subject to conditions 22 May 2019.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DA 58/2019</th>
</tr>
</thead>
</table>
ENVIROMENTAL SERVICES DEPARTMENT REPORTS

1. CLASSIFICATION OF LAND - LOT 264 DP 48801 RIFLE STREET CLARENCE TOWN - FORMER CLARENCE TOWN LANDFILL SITE

<table>
<thead>
<tr>
<th>FILE NO:</th>
<th>EF07/59; TPA 2958/100</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNEXURES:</td>
<td>Nil</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>Manager Environmental Services</td>
</tr>
<tr>
<td>COMMUNITY STRATEGIC PLAN:</td>
<td>Public Infrastructure and Services</td>
</tr>
<tr>
<td>DELIVERY PROGRAM:</td>
<td>Ensure community assets, facilities and public infrastructure are planned for, maintained and improved to a reasonable standard.</td>
</tr>
</tbody>
</table>

OFFICERS RECOMMENDATION:

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.

Precis:

The purpose of this report is to seek Council resolution to classify the recently acquired former Clarence Town landfill site (Lot 264 DP 48801 Rifle Street Clarence Town) to Operational land.

Council resolved at its meeting in November 2018 to acquire Lot 264 DP 48801 from the Worimi Local Aboriginal Land Council.

Settlement was completed on 17 April 2019.

Public land is required to be classified as either Community or Operational land under Section 31 of the Local Government Act 1993. Where Council does not specifically classify newly acquired land within 3 months of settlement, it is considered to be classified by default as Community Land under the Act.

Chapter 6 of the Local Government Act provides information regarding how Council may deal with Community land.

Section 45 lists the dealings that Council can have in Community land –

(1) A council has no power to sell, exchange or otherwise dispose of community land.
(2) A council may grant a lease or licence of community land, but only in accordance with this Division.
(3) A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

There are no such restrictions in relation to Operational Land.
Having regard to the purpose of acquisition of this parcel, being the opportunity to remediate the old landfill appropriately and then to consider the land’s future usage with a range of options, it does not seem prudent to classify the land as Community Land at this time. The land is zoned Industrial and there are no strategic plans applying to its future use at this time.

Classification as Operational Land would provide Council with options in regard to its future use, which could also include the re-classification of the parcel to Community Land in the future. However reclassification to Operational Land in the future would involve a complex planning process.

**IMPLICATIONS**

*Finance and Resourcing*

The parcel has been acquired. There are no financial implications involved in the actual classification of this land at this time. If the land was to be classified as Community Land either by resolution or default and it is desired to reclassify it in the future, the process would involve a costly Planning Proposal process.

*Previous Council Resolutions*

Council resolved to acquire the land parcel at its Ordinary Meeting 21 November 2018.

| 37935 | 1. That Council resolve to acquire Lot 264 DP 48801, Rifle Street, Clarence Town from the Worimi Local Aboriginal Land Council. |
|       | 2. The General Manager be authorised to negotiate with the Worimi Local Aboriginal Land Council for the acquisition of Lot 264 DP 48801, Rifle Street, Clarence Town up to a value of $50,000. |
|       | 3. That the purchase of the land be funded from the Restricted Asset Fund - Internal Restrictions (Special projects). |

Moved Cr S Low AM, Seconded: Cr G Riley. Carried.

*Implementation*

- Upon Council resolution and the completion of the public submission period, the land will be classified as Operational.
- Future use of the land to be subject to further consideration of Council

*Statutory*

The Classification of all public land is required under Chapter 6 part 2 of the Local Government Act.

Newly acquired land must be classified by Council by resolution within 3 months of acquisition otherwise the land defaults to a Community Land classification.

*Consultative*

Council’s resolution is required to be placed on public exhibition for a period of 28 days. It has been recommended that the matter be referred back to Council at the discretion of the General Manager who will determine the veracity of submissions prior to them being referred back to Council for consideration. Otherwise the resolution will stand.
2. SUSTAINABLE COMMUNITIES AWARDS

FILE NO: EF08/364

ANNEXURES: Nil

AUTHOR: Manager Environmental Services

COMMUNITY STRATEGIC PLAN:
- Natural Environment Strategy 5 - Involve the community in maintaining and enhancing environmental health.
- Community and Culture Strategy 3 - Acknowledge and celebrate the contribution volunteers make to the Dungog Shire community
- Community and Culture 6.1.1 Encouraging local groups to work in partnership with Council and each other to achieve community goals

DELIVERY PROGRAM:
- Community and Culture 6.1.1 Encouraging local groups to work in partnership with Council and each other to achieve community goals

OFFICERS RECOMMENDATION:

That Council endorse participation in the 2019 Sustainable Communities Awards.

Precis:

The report seeks to provide information on the Sustainable Communities - Tidy Towns awards and to seek Councils endorsement for participation in the 2019 Awards program.

*******

Since 1981, the Sustainable Communities- Tidy Towns Awards Program has been rewarding and giving recognition to local communities who produce projects that engender community participation, encourage volunteerism and illustrate successful partnerships between the community and Councils. Typically the awards focus on areas such as litter reduction, waste minimisation, recycling, promotion of heritage and culture, habitat and waterway protection, celebration of community spirit and local environmental enhancement projects.

The Awards do not focus on neat gardens and lawns, as is the perception of many within the community.

Council last participated in the Tidy Towns Awards in 2005 when it sponsored Martins Creek Public School who won the schools environment award in that year. Dungog township had a very strong and dedicated Tidy Towns group for many years in the 1990’s.

The focus on being a “Tidy Town” has generally become unfashionable throughout Australia and the concept of forming a group to focus on projects aimed at winning a tidy towns award has been replaced in recent years by groups formed to address specific community and environmental needs specific to a community. The Sustainable Communities Awards have recognised this change and have adjusted their award categories to reflect current issues and areas of interest to most modern day communities.

Award categories in the 2019 program include –

- Litter action award
- Waste Less Recycle More award
- Return and Earn Litter Prevention award
- Habitat and Wildlife Corridor award
- Heritage and Culture award
- Aboriginal Cultural Heritage award
• Young Legends Environmental award (under 25)
• Schools Environmental Achievement award
• Environmental Communication award
• Recycled Organics award
• Coastal and Waterways Protection award
• Circular Economy award
• Sustainable Projects award
• Renewable Energy award
• Community Spirit and Inclusion award
• Response to Climate Change award

As can be seen, there are many categories and it is considered that in re-entering the Awards Program in 2019, Dungog as a township could lodge competitive applications in at least four (4) categories. This would enable Dungog to be considered in the overall award category for its population (population category B:2001-6000).

Recently a meeting was held with interested stakeholders to discuss lodging applications for the 2019 awards. It was agreed that applications would be lodged for projects in the following categories-
• Waste less Recycle More award- Soft Plastics recycling including work of Boomerang bags, Single use plastic free Dungog and Closed Loop Coffee Cup recycling.
• Habitat and Wildlife Conservation award- Work being carried out at the Dungog Common.
• School Environmental Achievement award – Dungog High Schools waste reduction efforts and environmental projects.
• Coastal and Waterways Protection – Volunteer work at Frank Robinson reserve
• Circular economy award – soft plastics, single use plastic Dungog and coffee cups.
• Community Spirit and Inclusion award – Sustainability Dungog event that encompassed numerous examples of sustainability in Business

It was agreed by stakeholders that the applications would be lodged under a group name rather than as individual organisations, but with Council playing a co-ordinating role. It was agreed that the groups name would be “Sustainable Dungog” for this years award nominations and that this term could become a brand in itself in the future to incorporate all the community and Council initiatives aimed at environmental sustainability in the area.

**IMPLICATIONS**

**Finance and Resourcing**

There are no application fees associated with the Awards in 2019. The cost of participation lies in the time taken to prepare and lodge applications on-line by Council staff and volunteer groups.

The Awards presentations are at Cessnock in November and attendance is optional. There would be a small cost for appropriate Council staff to attend and possible sponsorship of community groups to attend. The funding options for this will be considered within the existing budget.

**Previous Council Resolutions**

Nil

**Implementation**

Applications will be lodged by 8 July 2019.
On line judging will occur during August 2019.

Winners of all awards will be announced at the awards presentation weekend at Cessnock 1-3 November 2019.

Consultative

The preparation and lodgement of applications is an example of community partnerships that Council encourages.

Community

These awards are designed to encourage community/Council partnerships along with contributing to developing community pride and participation in local environmental management initiatives.

Last years NSW Overall winner was Cessnock and the following comments were made by Mayor Bob Pynsent –

“The sustainable communities-Tidy Town awards provides a unique opportunity to engage with the community on projects, programs or initiatives that are important to them and display that civic pride.

The program is much more than just awards. The networking opportunities, long lasting friendships and the opportunity to see and learn from the experiences and projects undertaken by others is priceless.

From Councils point of view, winning the NSW overall award was not only rewarding for the commitment of our staff but also recognising the engagement with the community and the many hours work given by volunteers. The thrill and pride the communities receive from being recognised for their efforts is priceless.”
INFRASTRUCTURE AND ASSETS DEPARTMENT

1. TENDER 02/2019 – HIRE OF PLANT & EQUIPMENT

FILE NO: EF18/40
ANNEXURES: Nil
AUTHOR: Works Manager
COMMUNITY STRATEGIC PLAN: Public Infrastructure & Services
DELIVERY PROGRAM: Asset Maintenance

OFFICERS RECOMMENDATION:

It is recommended for Tender 02/2019 – Hire of Plant & Equipment for the period 01 July 2019 to 30 June 2020 that:-

1. Council accept all conforming tenders as Tier 1 Panel Source Suppliers for Plant & Equipment for the period 01 July 2019 to 30 June 2020;
2. The non-conforming tenders of Norwest Plant Hire Pty Ltd and Chivers and Co Earthmoving to be accepted as Tier 2 Panel Source Suppliers for Plant & Equipment for the period 01 July 2019 to 30 June 2020. Tier 2 suppliers shall only be utilised when plant is not available from Tier 1 suppliers;
3. The late tenders of Rose’s Earthmoving (Kuhaca Pty Ltd t/a) and Premi-Air Hire Pty Ltd not be accepted.

Precis:

Reporting on Council Tender 02/2019 – Hire of Plant & Equipment for the period 01 July 2019 to 30 June 2020.

******

Calling of Tenders

Tenders were called and received up until 2.00pm on Wednesday 5 June, 2019 for the Hire of Plant and Equipment for the period 01 July 2019 to 30 June 2020.

Tenders Received

Tenders were received from the following companies:-

- Aqua Assets Pty Ltd
- ASV Sales & Service Pty Ltd
- Bitu-Mill (Road Maintenance) Pty Ltd
- Burns Earthmoving Pty Ltd
- Chivers and Co Earthmoving
- Cleanaway Co Pty Ltd
- Coates Hire Operations Pty Ltd
- Conplant Pty Ltd
- Cramps Earthmoving Pty Ltd
- Dannenberg Earthmoving Pty Ltd
- Earth Plant Hire
- Mach Trans Australia Pty Ltd
- Mark G & Cindy A Fisher
- Merchant Excavation and Electrical Pty Ltd
- MLG Earthmoving Pty Ltd
- Newcastle Grader Hire Pty Ltd
- Norwest Plant Hire Pty Ltd
- Orange Hire
- Premi-Air Hire Pty Ltd
- Rent A Fence Pty Ltd (The Rent A Fence Australia Trust t/a)
- Road & Rail Civil Pty Ltd
- Rock’s Gravel & Earthmoving
• Edser Plant & Civil Pty Ltd
• Elbourne Plant Hire Pty Ltd
• Ezyquip Hire Pty Ltd
• Flynn Haulage & Earthmoving Pty Ltd
• GP Mechanical Services
• GW & GJ Trappel Pty Ltd
• Hyroll Hire Pty Ltd
• Justin Ridley Excavations Pty Ltd
• JR Richards and Sons Pty Ltd
• Lantry Earthmoving Pty Ltd
• Rollers Australia Pty Ltd
• Rose's Earthmoving (Kuhaca Pty Ltd t/a)
• Solution Plant Hire Pty Ltd
• Stabilised Pavements of Australia Pty Ltd
• TFH Hire Services Pty Ltd
• THE Mining Pty Ltd
• Total Drain Cleaning Services Pty Ltd
• Tutt Bryant Hire (Kingston Industries t/a)
• Universal Mobile Tower Hire
• Wisemans Excavations Pty Ltd

As this tender is a schedule of rates tender, the above listing is in alphabetical not price order.

**Tender Conformance**

All of the tenders were conforming with the exception of the following tenders submitted by:-

- Norwest Plant Hire Pty Ltd - Incomplete documentation (Signed Contract Agreement not submitted)
- Chivers and Co Earthmoving - Incomplete documentation (Signed Contract Agreement not witnessed)
- Rose's Earthmoving (Kuhaca Pty Ltd t/a) - Tender documents received after the tender closing time of 2.00pm on 5 June 2019.
- Premi-Air Hire Pty Ltd - Tender documents received after the tender closing time of 2.00pm on 5 June 2019.

It should be noted that Clause 18 (2) of the Local Government (Tendering) Regulation 1999 states “A council must not consider a tender that is not submitted to the council by the deadline for the closing of tenders”.

**Tender Acceptance**

It is therefore recommended that:-

- Council accept all conforming tenders as Tier 1 Panel Source Suppliers for Plant & Equipment for the period 01 July 2019 to 30 June 2020;
- The non-conforming tenders of Norwest Plant Hire Pty Ltd and Chivers and Co Earthmoving to be accepted as Tier 2 Panel Source Suppliers for Plant & Equipment for the period 01 July 2019 to 30 June 2020. Tier 2 suppliers shall only be utilised when plant is not available from Tier 1 suppliers;
- The late tenders of Rose's Earthmoving (Kuhaca Pty Ltd t/a) and Premi-Air Hire Pty Ltd not be accepted.

**IMPLICATIONS**

**Financial**

Tendered rates are within ranges expected for the various plant items.

**Legislative**

Council is required to adhere to the requirements of the Local Government Act 1993 Part 3 Division 1 – Tendering and the Local Government (General) Regulation 2005 Part 7 – Tendering.

**Implementation**

All Tenderers will be advised in writing of Council’s decision.
2. **REGIONAL PROCUREMENT TENDER FOR THE PROVISION OF ROAD RESURFACING - TENDER T501920HUN**

**FILE NO:** EF08/290

**ANNEXURES:** Nil

**AUTHOR:** Executive Manager – Infrastructure & Assets

**COMMUNITY STRATEGIC PLAN**
Governance and Finance

**DELIVERY PROGRAM:** Strategy 5 Council undertakes prudent financial management to ensure its long-term viability

**OFFICERS RECOMMENDATION:**

It is recommended that Council resolve:-

1. That the following companies be awarded Category 1 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Bitupave Limited t/a Boral Asphalt;
   b. COLAS New South Wales Ltd; and
   c. Fulton Hogan Industries Pty Ltd.

2. That the following companies be awarded Category 2 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. Bitupave Limited t/a Boral Asphalt;
   c. COLAS New South Wales Ltd; and
   d. Fulton Hogan Industries Pty Ltd.

3. That the following companies be awarded Category 3 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. Bitupave Limited t/a Boral Asphalt; and
   c. COLAS New South Wales Ltd.

4. That the following companies be awarded Category 4 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. COLAS New South Wales Ltd; and
   b. The Trustee for SuperSealing Unit Trust t/a SuperSealing.

5. That the following companies be awarded Category 5 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. COLAS New South Wales Ltd;
   c. Fenworx Pty Ltd t/a Newpave Asphalt
   d. Fulton Hogan Industries Pty Ltd.

6. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2023.

**Precis:**

To provide Council with information regarding the recent Single Source Tender undertaken by Regional Procurement for the Provision of Road Resurfacing – Tender T501920HUN.

*****
Regional Procurement recently called an open Single Source tender for the Provision of Road Resurfacing – Tender T501920HUN for the 3 year period commencing 1 July 2019 to 30 June 2022 with provision allowed for a further 12 month extension based on satisfactory supplier performance. Tenders closed 10.00am on 30 April 2019.

**Participating councils in this tender are:**

- Cessnock City Council
- Dungog Shire Council
- Maitland City Council
- Muswellbrook Shire Council
- Singleton Council
- Upper Hunter Shire Council

**Thirteen (13) tenders in total were received from:**

- Accurate Asphalt and Road Repairs Pty Ltd
- All Pavements Solutions Pty Ltd
- ANA Industries Pty Ltd
- Bitupave Limited t/a Boral Asphalt
- COLAS New South Wales Pty Ltd
- Downer EDI Works Limited
- Fenworx Pty Ltd - t/as Newpave Asphalt
- Fulton Hogan Industries Pty Ltd
- Ian Rich Asphalt Pty Ltd
- New South Wales Spray Seal Pty Ltd
- State Asphalt Services Pty Ltd
- The Trustee for SuperSealing Unit Trust t/a Supersealing
- Taurus Asphalting Pty Ltd

**Note:**
- No late tenders were received.
- All tenderers had been noted as active on the ASIC website.
- **No tenders were deemed non-compliant.**

**Probity**

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

**Tender evaluation methodology:**

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result was determined by:
- Adding the total value of all items together to determine the lowest overall price.
- The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table on the following page.
- Each subsequent total $ value was then divided into the lowest total amount to obtain a score.
- Other Evaluation Criteria was evaluated based on the following factors:
  - If the tenderer provided the required evidence to meet the benchmark, e.g.: ISO 9001:2008 certificate and QMS document contents page, the Evaluation Panel awarded full marks (5) for that category.
- If the tenderer provided partial evidence to meet the benchmark, e.g.: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score between 2-4, subject to the evidence in front of them.
- If the tenderer failed to meet the benchmark completely, e.g.: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>All Pavement Solutions</th>
<th>Boral Asphalt</th>
<th>Colas NSW</th>
<th>Fulton Hogan</th>
<th>NSW Spray Seal</th>
<th>State Asphalt</th>
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</thead>
<tbody>
<tr>
<td>Price</td>
<td></td>
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The tender evaluation was undertaken by nominated staff from member Councils and facilitators from Regional Procurement.

**Evaluation Outcome:**

**Category 1. Bitumen Spray Seal**

**Category 2. Asphaltic Concrete**
## Category 3. Mill and Resheet

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## Category 4. Crack Sealing

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## Category 5. Heavy Patch

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Evaluation Panel Recommendation:

1. That the following companies be awarded Category 1 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Bitupave Limited t/a Boral Asphalt;
   b. COLAS New South Wales Ltd; and
   c. Fulton Hogan Industries Pty Ltd.

2. That the following companies be awarded Category 2 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. Bitupave Limited t/a Boral Asphalt;
   c. COLAS New South Wales Ltd; and
   d. Fulton Hogan Industries Pty Ltd.

3. That the following companies be awarded Category 3 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. Bitupave Limited t/a Boral Asphalt; and
   c. COLAS New South Wales Ltd.

4. That the following companies be awarded Category 4 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. COLAS New South Wales Ltd; and
   b. The Trustee for SuperSealing Unit Trust t/a SuperSealing.

5. That the following companies be awarded Category 5 of this contract as the Panel Source suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-
   a. Accurate Asphalt and Road Repairs Pty Ltd;
   b. COLAS New South Wales Ltd;
   c. Fenworx Pty Ltd t/a Newpave Asphalt
   d. Fulton Hogan Industries Pty Ltd.

6. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2023.

IMPLICATIONS

Finance & Resourcing

Finance - The prices tendered are in line with expectations.

Resourcing – Acceptance of this tender will allow staff the ability to procure these products without the need to undertake individual tenders.

Previous Council Resolutions

Minute No. 36844
RESOLVED on the motion of Cr Wall and seconded by Cr Farrow that:

1. The tenders of Fulton Hogan Industries Pty Ltd and SRS Roads Pty Ltd be accepted as panel tenderers to Dungog Shire Council for Category 1 of the Regional Procurement Tender T541415HUN for the period 1 August 2015 to 30 June 2018;

2. The tenders of Fulton Hogan Industries Pty Ltd and Fenworx Pty Ltd be accepted as panel tenderers to Dungog Shire Council for Category 2 of the Regional Procurement Tender T541415HUN for the period 1 August 2015 to 30 June 2018;
3. The tenders of Fulton Hogan Industries Pty Ltd and Fenworx Pty Ltd be accepted as panel tenderers to Dungog Shire Council for Category 3 of the Regional Procurement Tender T541415HUN for the period 1 August 2015 to 30 June 2018;

4. The tenders of The Trustee for Super Sealing Unit Trust (trading as Super Sealing) and Downer EDI Works be accepted as panel tenderers to Dungog Shire Council for Category 4 of the Regional Procurement Tender T541415HUN for the period 1 August 2015 to 30 June 2018;

5. The tenders of Fenworx Pty Ltd and Bitupave (trading as Boral Asphalt) be accepted as panel tenderers to Dungog Shire Council for Category 5 of the Regional Procurement Tender T541415HUN for the period 1 August 2015 to 30 June 2018;

6. Provision for a 12 month extension, based on satisfactory supplier performance, be allowed for each category which may take this tender through to 30 June 2019.

**Implementation**

Pending Council’s resolution, staff will make the necessary arrangements with Regional Procurement to accept/not accept the tender as the case may be.

**Statutory**

In accordance with the Local Government (General) Regulation 2005 – Part 7 Tendering, where expenditure on a tender exceeds $150,000 over the term of the contract a council must, by resolution, adopt a report accepting the tender recommendation.
3. REGIONAL PROCUREMENT TENDER FOR THE SUPPLY & DELIVERY OF TRAFFIC AND SAFETY SIGNAGE - TENDER T491920HUN

FILE NO: EF08/290

ANNEXURES: Nil

AUTHOR: Executive Manager – Infrastructure & Assets

COMMUNITY STRATEGIC PLAN: Governance and Finance

DELIVERY PROGRAM: Strategy 5 Council undertakes prudent financial management to ensure its long-term viability

OFFICERS RECOMMENDATION:

It is recommended that Council resolve:-

1. That Barrier Sales t/a Barrier Signs Pty Ltd be awarded this contract as the Single Source supplier to participating councils for the period 1 July 2019 to 30 June 2021, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2022.

Precis:

To provide Council with information regarding the recent Single Source Tender undertaken by Regional Procurement for the Supply & Delivery of Traffic and Safety Signage – Tender T491920HUN.

*****

Regional Procurement recently called an open Single Source tender for the Supply & Delivery of Traffic and Safety Signage – Tender T491920HUN for the 2 year period commencing 1 July 2019 to 30 June 2021 with provision allowed for a further 12 month extension based on satisfactory supplier performance. Tenders closed 10.00am on 9 April 2019.

Participating councils in this tender are:

- Dungog Shire Council
- Maitland City Council
- Newcastle City Council
- Singleton Council
- Upper Hunter Shire Council

Five (5) tenders in total were received from:

- Artcraft Pty Ltd
- Barrier Sales t/a Barrier Signs Pty Ltd
- Central Signs Roads and Safety (Aust) Pty Ltd
- Hunter Valley Signs Pty Ltd t/a Hi-Vis Signs & Safety
- The Trustee for Aplin Business Trust t/a Outsource1
Note:
- No late tenders were received.
- All tenderers had been noted as active on the ASIC website.
- No tenders were deemed non-compliant.

Probity

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

Tender evaluation methodology:

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result was determined by:
- Adding the total value of all items together to determine the lowest overall price.
- The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table on the following page.
- Each subsequent total $ value was then divided into the lowest total amount to obtain a score.
- Other Evaluation Criteria was evaluated based on the following factors:
  - If the tenderer provided the required evidence to meet the benchmark, e.g.: ISO 9001:2008 certificate and QMS document contents page, the Evaluation Panel awarded full marks (5) for that category.
  - If the tenderer provided partial evidence to meet the benchmark, e.g.: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score between 2-4, subject to the evidence in front of them.
  - If the tenderer failed to meet the benchmark completely, e.g.: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.
- Where “Referees” was included as weighted criteria, each Tenderer’s Referees Score was calculated by adding the total scores obtained from the Tenderer’s three nominated referees (where each is worth up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value (e.g. 5%).

The tender evaluation was undertaken by nominated staff from member Councils and facilitators from Regional Procurement.
**Category 1. Traffic and Safety Signage**

<table>
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<tr>
<th>Evaluation Criteria</th>
<th>Weighting %</th>
<th>Artcraft</th>
<th>Barrier Signs</th>
<th>Central Signs</th>
<th>Hi Vis Signs</th>
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**Category 2. Galvanised Posts etc.**

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</table>
Evaluation Panel Recommendation:

1. That **Barrier Sales t/a Barrier Signs Pty Ltd** be awarded this contract as the Single Source supplier to participating councils for the period 1 July 2019 to 30 June 2021, and

2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2022.

**IMPLICATIONS**

**Finance & Resourcing**

Finance - The prices tendered are in line with expectations.

Resourcing – Acceptance of this tender will allow staff the ability to procure these products without the need to undertake individual tenders.

**Previous Council Resolutions**

**Minute No. 37132**

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that in relation to Regional Procurement Tender for the Supply and Delivery of Traffic and Safety Signage (Cat 1) & Galvanised Posts and Caps (Cat 2) - T031617HUN, Council resolve that:-

**Category 1 - Supply & Delivery of Traffic & Safety Signage**

1. Barrier Signs Pty Ltd and Hi-Vis Signs & Safety Pty Ltd be awarded Category 1 of this tender as Panel Source suppliers to Dungog Shire Council for the period 1 July 2016 to 30 June 2018; and

2. Provision be allowed for a one (1) year extension to this contract based on satisfactory supplier performance which may take this tender through to 30 June 2019.

**Category 2 - Supply & Delivery of Galvanised Posts & Caps**

1. Council accept the tender of Barrier Signs Pty Ltd for Category 2 of this tender for the period 1 July 2016 to 30 June 2018; and

2. Provision be allowed for a one (1) year extension to this contract based on satisfactory supplier performance which may take this tender through to 30 June 2019.

**Implementation**

Pending Council’s resolution, staff will make the necessary arrangements with Regional Procurement to accept/not accept the tender as the case may be.

**Statutory**

In accordance with the Local Government (General) Regulation 2005 – Part 7 Tendering, where expenditure on a tender exceeds $150,000 over the term of the contract a council must, by resolution, adopt a report accepting the tender recommendation.
### WORKS PROGRESS REPORT

**FILE NO:** EF08/208

**ANNEXURES:** ‘A’ Major Works to continue or commence in the next 3 months

**AUTHOR:** Works Manager

**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 May 2019.

**Works carried out during May 2019:**

**Road and Bridge Construction**

- Maitland Road, Paterson: Drainage, pavement, kerb and gutter and earthworks.
- MR101 – Dungog Road: Pavement, sealing and guardrail works.
- North of Merchants Road: Concrete and earthworks.
- RR7764 Bingleburra Road (Blackspot): Drainage and Heavy Patching Works.
- Tocal Boat Ramp: Pavement and Earthworks.
- Webbers Creek Road: Drainage, Pavement and earthworks.
- MR101 – Dungog Road: Drainage and Heavy Patching Works.
- Gresford Road to Gostwyck Bridge (Blackspot): Playground installation Works.

**Sealed Road Maintenance**

- Tar Patching: Fishers Hill Road, Chichester Dam Road, Salisbury Road, MR128, Salisbury Road, Hanley’s Creek Road, Summer Hill Road, Abbot Lane, Glen Martin Road, Glen William Road, Pinebrush Road, Flat Tops Road, Wallarobba Brookfield Road.
- Heavy Patching: MR128.
- Tree Maintenance: Lord Street.
- Vegetation Maintenance: MR101, RR7778, RR7764 and Chichester Dam Road.
Unsealed Road Maintenance

Maintenance Grade - Parks Creek Road, Lyons Road, Main Creek Road, Skimmings Gap Road, Keppies Road, Dowlings Road and Wangat Trig Road

Gravel Sheet - Parks Creek Road, Lyons Road, Keppies Road and Wangat Trig Road.

Bridge, Concrete and Other Maintenance Works

Bridge Maintenance - Rocky Hill Creek Bridge (Steel work painting), Gresford Suspension Bridge (Signs)

Park Maintenance - Lioness Park, Tucker Park

Bus Shelter Installation - Durham Road Gresford, Gresford Road Vacy

Roadsides

Roadside mowing was undertaken on the following roads:- MR128, Dungog Urban Streets, Chichester Dam Road, Allyn River Road, Salisbury Road, MR101.

Sporting Grounds:-

The following sporting grounds were mown (the number of mowing’s shown in brackets):- Bennett Park Surrounds (1), Dungog Showground Surrounds (2), Reg Ford Oval (2), Clarence Town Football Field (1).

Parks/Reserves/Cemeteries:-

The following Parks, Reserves and Cemeteries were mown (the number of mowing’s shown in brackets):- Jubilee Park (1), Lions Park (Clarence Town Road) (1), Lions Park (Scott Avenue) (1), Lioness Park (1), Frank Robinson Memorial Park (1), Apex Park (1), Bruyn Park (1), Baird Street Reserve (1), Dave Sands Memorial Park (1), Coronation Park (1), Clarence Town War Memorial (1), Clarence Town Skate Park (1), Clarence Town School of Arts (1), John Tucker Park (1), Webbers Creek Road Reserve (1), Orana Park (1), Gresford Skate Park (1), Vacy Park (1), Dungog Cemetery (2), Dungog Lawn Cemetery (2), Paterson Cemetery (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

This report is produced monthly for Councillor information purposes only.
## 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 are currently being undertaken with the current works focussing on the section between William Street and Sloane Street.</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>Design currently being undertaken. Construction works are scheduled to commence in May 2019 and completed by end July 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>Design currently being undertaken. Construction works are scheduled to commence in late June 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 contractors have commenced relocating the water main in Dowling Street in preparation for the road reconstruction.</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 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 being finalised with site works scheduled to commence June 2019.</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> Final designs are currently being undertaken and work scheduled to commence June 2019.</td>
</tr>
</tbody>
</table>
OFFICERS RECOMMENDATION:

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.

Precis:

The purpose of this report is to recommend finalisation of resolutions of council meeting of 18th April, 2017 and transfer of relevant parcels of closed road to the adjoining owner as compensation for the parcels of his land that have been dedicated as public road.

*****

Background

At the Ordinary Council Meeting of 18th April 2017, Council accepted a proposal to redefine the boundaries of Ebsworth Road to ensure the existing road construction is contained within legal road boundaries. To achieve this outcome the owner of lot 56 DP 753176 dedicated, as public road, the sections of construction intruding onto his property. The agreement was on the premise that Council closes the parts of road reserve adjoining his property, where no physical road construction exists. Further to this, Council would transfer the parts to be closed to him as compensation for the parts of his land that have been dedicated as public road.

A survey plan has been completed and registered at the Office of NSW Land Registry Services, as DP 1252038 (Annexure ‘A’). This registration dedicated the areas of the owners land as public road, to fulfil his undertakings. Annexures ‘B’ and ‘C’ show clearer definition of the dedicated road by shading and the parts to be closed by hatching. The area now dedicated as public road is Lot 8 being 2.655 hectares in 6 parts (shaded). The area to be closed and provided as compensation is identified as Lot 6 of 1.069 hectares in 2 parts and Lot 7 of 0.234 hectares (hatched).
The requirements of the *Roads Act 1993* for road closures have been completed and the Crown Lands Office consented to the parts of road to be closed to be transferred to the adjoining owner, as compensation for the areas that have been dedicated as road. Thirteen government and service authorities have been notified and an advertisement has been published in the local newspaper as required by the *Roads Act 1993*. As no objections have been received from these notifications, Council is able to proceed with the remaining processes to close the parts of road. The final requirement of the process is to publish a notification in the Government Gazette declaring the closure.

Following the gazettal, the Office of NSW Land and Registry Services has to be advised to produce Certificate of Title(s) for the closed road parcels in Council’s name. A Transfer document is also required to be executed by both parties to formalise the transfer from Council to the property owner. The land owner will lodge the necessary document(s) for registration, to finalise the matter.

**IMPLICATIONS**

*Finance & Resourcing*

The Developer is responsible for these actions therefore financial implications to Council are minimal.

**Previous Council Resolutions**

*Minute No. 37386*

**RESOLVED** on the motion of Cr Wall and seconded by Cr Knudsen that Council:

1. **Agrees to the request of the owner of Lot 56 DP 753176 to have a new definition of the boundaries of Ebsworth Road accepted.**
2. **Utilises Sections 18 and 19 of the Roads Act 1993 to define to boundaries of Ebsworth Road within Lot 56 DP 753176.**
3. **Authorises advertising the proposed boundaries plan for comments or objections, in the Dungog Chronicle in compliance with the Roads Act.**
4. **That if no objections are received following advertising, councils consent be granted and staff be authorised to issue such consent.**
5. **On council’s consent authority be granted to affix Council’s Seal and signatures to the plan of the new road boundaries.**
6. **That the property owner be responsible for all costs involved in the above processes.**

**Implementation**

Upon receipt of the Council resolution, necessary arrangements will be made to finalise this matter.

**Statutory**

The *Roads Act 1993* provides for the processes necessary to close public roads, such as Proposal Notifications to authorities, newspaper advertisement, final gazettal, compensation and execution of transferring land parcels. The *Conveyancing Act 1919* caters for the execution of documents for transfer.

**Consultation**

Necessary consultations have taken place between Council officers, the property owner, registered surveyors and the Crown Lands Office.
### CORPORATE SERVICES DEPARTMENT

#### 1. LOAN BORROWING – TIMBER BRIDGE REPLACEMENTS

<table>
<thead>
<tr>
<th>FILE NO:</th>
<th>EF08/585</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNEXURES:</td>
<td>Nil</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>Executive Manager Corporate Services</td>
</tr>
<tr>
<td>COMMUNITY STRATEGIC PLAN:</td>
<td>Council Governance &amp; Finance - Council undertakes prudent financial management to ensure its long-term viability.</td>
</tr>
<tr>
<td>DELIVERY PROGRAM:</td>
<td>5.7.2 Develop a long term financing strategy to fund renewal of infrastructure including additional Special Rate Variations and borrowings</td>
</tr>
</tbody>
</table>

#### OFFICERS RECOMMENDATION:

1. That Council approve the raising of a principal and interest repayment loan facility for the sum of $3,720,000 for a period of twenty years with the NSW Treasury Corporation, representing 50% funding for the replacement of 4 timber bridges: Bullockeys, Wheelabout, Coulston and Spooner.

2. That the General Manager be authorised to execute the relevant loan documentation, including the affixing of the Common Seal of Council.

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**Precis:**

Reporting on proposed loan borrowing and seeking approval for the execution of the loan documentation by the General Manager.

*******

At the Ordinary meeting on 17 December 2017, Council resolved to enter into a Loan Borrowing for 50% of the cost of replacing 4 timber bridges: Bullockeys, Wheelabout, Coulston and Spooner *(Minute no. 37609)*.

The other 50% of the funding ($3.72m) is being received from the NSW State Government under the Fixing Country Roads program – Round 3.

In 2018 Council submitted to the NSW Office of Local Government a Financial Reassessment Proposal, which included *inter alia* a request to be eligible for a NSW Treasury Corporation (TCorp) reassessment and the potential for future access to low interest government loans.

TCorp offers loan facilities to New South Wales local councils seeking funding for projects which make up part of their annual expenditure programme. Loan facilities, at competitive rates, are available to local councils who qualify, or have an approved plan in place to qualify, under the NSW Government's financial sustainability benchmarks and satisfy TCorp’s credit criteria. Council was previously determined ineligible for TCorp loans as it was not deemed “Fit for the Future”.

The approved Financial Reassessment Proposal allowed the Mayor on behalf of Council to assiduously follow up access to TCorp loans with the former NSW Minister for Roads, Maritime and Freight, Melinda Pavey MP. This request was also supported by the State
Member for the Upper Hunter, Michael Johnsen MP. As a result, Council was invited to participate in the process for setting up a loan with TCorp.

When compared to indicative interest rates from the major lending institutions (which was the only option previously available to Council) TCorp provides the most favourable terms by a considerable margin, representing a $600,000 saving for Council (and the rate payer) over the term of the loan.

A loan application was submitted to TCorp on Wednesday 15 May 2019, with Council receiving verbal confirmation on Friday 31 May 2019 that the loan had been approved.

TCorp is currently preparing the loan documents, which will require execution (signing by the General Manager and the affixing of Council’s Common Seal) immediately Council resolves to grant authority for the General Manager to do so.

This will ensure that the loan funds are able to be drawn down prior to 30 June 2019.

It is intended to raise the loan borrowing as a principal and interest repayment facility. The maximum loan term provided by TCorp is 20 years and it is proposed that Council borrow the funds over this term.

The initial quote provided by TCorp to Council was based on repayments being made on a semi-annual basis. In submitting the application for the loan borrowing, we have requested quarterly repayments, which if approved, would reduce the total interest payable over the life of the loan.

The final interest rate applicable to the loan will be determined at a date closer to the drawing down of the funds. The recent decision by the Reserve Bank of Australia to lower the official cash rate by 0.25% should result in a more favourable rate being applied to the loan than the quoted 3.03%.

**IMPLICATIONS**

**Finance and Resourcing**

The more favourable indicative terms provided by TCorp represent a $600,000 saving for Council over the term of the loan.

Councils’ budget for 2018/19 includes allowance for meeting loan instalments on this loan.

**Statutory**

Council’s obligations regarding loan borrowing is contained in sections 621–624 of the Local Government Act 1993 and Council’s Charter.

The proposed borrowing was encapsulated within Councils Operational Plan and was also included in Councils loan borrowings program as submitted and approved by the Department of Local Government.

**Previous Council Resolutions**

**RESOLVED** on the motion of Cr Low and seconded by Cr Murphy that:

1. Council accept the 50% Funding for the replacement of the following four (4) bridges under the NSW Government’s Fixing Country Roads Program Round 3:-
   a. Bullockeys & Wheelabout Bridges - $1.64 Million; and
   b. Coulston and Spooner Bridges - $2.08 Million.
2. Council enter into a Loan Borrowing for the 50% contribution requirement;

3. Council approach the State Government with respect to requesting the State Government providing access to NSW Treasury Loan Borrowing facilities and lower interest loans; and

4. Any interest repayments in 2017/2018 be paid for from Financial Assistance Grants and future repayments be subject to annual review under the normal budget process.
2. 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 31 May 2019 incorporating the Responsible Accounting Officer’s Certificate are attached as Annexure ‘A’.

IMPLICATIONS

Financial

There are no financial, statutory, environmental, community or consultative implications associated with this report.
ANNEXURE ‘A’ TO ITEM NO. 2

Investment Summary as at 31st May 2019

Cash at Call 327,147.94
Term Deposits 8,500,000.00
Floating Rate Notes 8,250,000.00
Total Investments $17,077,147.94

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>2.750%</td>
<td>$500,000.00</td>
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<tr>
<td>NPBS</td>
<td>294</td>
<td>24-Jun-19</td>
<td>2.600%</td>
<td>$1,000,000.00</td>
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<tr>
<td>NAB</td>
<td>156</td>
<td>12-Jun-19</td>
<td>2.720%</td>
<td>$500,000.00</td>
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<tr>
<td>NAB</td>
<td>150</td>
<td>12-Nov-19</td>
<td>2.350</td>
<td>$500,000.00</td>
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<tr>
<td>NAB</td>
<td>150</td>
<td>13-Jun-19</td>
<td>2.710%</td>
<td>$500,000.00</td>
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<tr>
<td>NAB</td>
<td>180</td>
<td>20-Aug-19</td>
<td>2.600%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>180</td>
<td>31-Jul-19</td>
<td>2.720%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>181</td>
<td>25-Jul-19</td>
<td>2.230%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>NAB</td>
<td>181</td>
<td>19-Aug-19</td>
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<td>$500,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>180</td>
<td>07-Aug-19</td>
<td>2.700%</td>
<td>$500,000.00</td>
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<tr>
<td>Bendigo Bank</td>
<td>185</td>
<td>02-Sep-19</td>
<td>2.600%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>181</td>
<td>23-Sep-19</td>
<td>2.600%</td>
<td>$500,000.00</td>
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<tr>
<td>Bendigo Bank</td>
<td>307</td>
<td>14-Oct-19</td>
<td>2.450%</td>
<td>$500,000.00</td>
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<tr>
<td>IMB</td>
<td>181</td>
<td>30-Jul-19</td>
<td>2.700%</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>IMB</td>
<td>151</td>
<td>22-Jul-19</td>
<td>2.650%</td>
<td>$500,000.00</td>
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<tr>
<td>IMB</td>
<td>119</td>
<td>01-Oct-19</td>
<td>2.500%</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

Total Term Deposits $8,500,000.00

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>
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<tr>
<td>CBA</td>
<td>FRN</td>
<td>17/07/2020</td>
<td>BBSW+90</td>
<td>$1,000,000.00</td>
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<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>06/04/2020</td>
<td>BBSW+125</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>ME Bank</td>
<td>FRN</td>
<td>06/04/2020</td>
<td>BBSW+125</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>BOQ</td>
<td>FRN</td>
<td>24/06/2019</td>
<td>BBSW+110</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>03/02/2023</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>06/02/2023</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>$327,147.94</td>
</tr>
</tbody>
</table>

Total Other Investments $8,577,147.94
Financial Institution Distribution:

- National Australia Bank: 22.40%
- Credit Union Australia: 8.78%
- Members Equity Bank: 17.55%
- Bank of Queensland: 11.71%
- Bendigo Bank: 11.70%
- Commonwealth Bank: 4.39%
- Maitland Mutual Building Society: 2.93%
- Newcastle Permanent Building Society: 8.83%
- Illawarra Mutual Building Society: 11.71%

Investment Maturity Distribution:

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
3. WORKS COST STATEMENT

FILE NO: EF08/221

ANNEXURES: A Works Cost Statement

AUTHOR: Executive Manager Corporate Services

COMMUNITY STRATEGIC PLAN: Council Governance & Finance - Council undertakes prudent financial management to ensure its long-term viability.

DELIVERY PROGRAM: 5.1.1 Continue to provide monthly works cost statement to Council.

OFFICERS RECOMMENDATION:

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 31 May 2019 is attached for Councillors information as Annexure ‘A’.

With 11 months of the year gone notional expenditure levels would be expected to be at 92% of budget allocation. Urban Road Maintenance and Reseals, Rural Road Sealed and Unsealed Maintenance and Public Cemeteries are all recording higher than budgeted expenditure.

As previously reported Public Conveniences are over budget which is a result of required changes to cleaning arrangements at some facilities. All other maintenance items 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 mostly within budget allocations. 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.
### Annexure ‘A’ to Item No. 3

#### Works Cost Statement 2019

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised</th>
<th>Expended</th>
<th>Expended</th>
<th>Expended</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vote</td>
<td>Mar-19</td>
<td>Apr-19</td>
<td>May-19</td>
<td></td>
</tr>
<tr>
<td>Urban Roads Maintenance</td>
<td>207,733</td>
<td>175,870</td>
<td>213,643</td>
<td>225,729</td>
<td>108.7%</td>
</tr>
<tr>
<td>Urban Roads Heavy Patching</td>
<td>-</td>
<td>3,890</td>
<td>3,890</td>
<td>3,890</td>
<td></td>
</tr>
<tr>
<td>Urban Roads Reseal</td>
<td>82,243</td>
<td>50,291</td>
<td>50,508</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>644,783</td>
<td>502,010</td>
<td>564,429</td>
<td>662,835</td>
<td>102.8%</td>
</tr>
<tr>
<td>Rural Roads Reseal</td>
<td>361,386</td>
<td>254,462</td>
<td>254,712</td>
<td>350,284</td>
<td>96.9%</td>
</tr>
<tr>
<td>Rural Roads Unsealed Maintenance</td>
<td>458,592</td>
<td>409,846</td>
<td>454,233</td>
<td>502,335</td>
<td>109.5%</td>
</tr>
<tr>
<td>Rural Roads Unsealed Upgrades</td>
<td>68,740</td>
<td>28,177</td>
<td>28,177</td>
<td>28,969</td>
<td>42.1%</td>
</tr>
<tr>
<td>Bridges Maintenance</td>
<td>472,626</td>
<td>255,130</td>
<td>309,987</td>
<td>390,660</td>
<td>82.7%</td>
</tr>
<tr>
<td>Tree Planting &amp; Maintenance</td>
<td>11,173</td>
<td>4,402</td>
<td>6,138</td>
<td>9,107</td>
<td>81.5%</td>
</tr>
<tr>
<td>Traffic Facilities</td>
<td>61,394</td>
<td>15,760</td>
<td>15,929</td>
<td>24,929</td>
<td>40.6%</td>
</tr>
<tr>
<td>Footpaths M &amp; R</td>
<td>53,917</td>
<td>9,887</td>
<td>18,547</td>
<td>18,711</td>
<td>34.7%</td>
</tr>
<tr>
<td>Sporting Grounds</td>
<td>76,930</td>
<td>38,227</td>
<td>44,063</td>
<td>49,622</td>
<td>64.5%</td>
</tr>
<tr>
<td>Parks &amp; Reserves</td>
<td>108,300</td>
<td>73,907</td>
<td>94,026</td>
<td>105,351</td>
<td>97.3%</td>
</tr>
<tr>
<td>Public Conveniences</td>
<td>66,610</td>
<td>59,985</td>
<td>69,488</td>
<td>79,145</td>
<td>118.8%</td>
</tr>
<tr>
<td>Public Cemeteries</td>
<td>39,920</td>
<td>34,191</td>
<td>38,684</td>
<td>42,482</td>
<td>106.4%</td>
</tr>
<tr>
<td><strong>Total Maintenance Works</strong></td>
<td>2,714,347</td>
<td>2,023,952</td>
<td>2,298,253</td>
<td>2,717,908</td>
<td>100.1%</td>
</tr>
</tbody>
</table>

#### RMS Ongoing Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised</th>
<th>Expended</th>
<th>Expended</th>
<th>Expended</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Roads Maintenance</td>
<td>902,700</td>
<td>610,369</td>
<td>707,869</td>
<td>775,513</td>
<td>85.9%</td>
</tr>
<tr>
<td>Regional Roads Reseal</td>
<td>237,660</td>
<td>165,845</td>
<td>179,357</td>
<td>249,285</td>
<td>104.9%</td>
</tr>
<tr>
<td>Traffic Facilities</td>
<td>56,000</td>
<td>55,594</td>
<td>60,829</td>
<td>64,409</td>
<td>115.0%</td>
</tr>
<tr>
<td>Regional Roads Storm Damage</td>
<td>-</td>
<td>54,750</td>
<td>64,557</td>
<td>72,877</td>
<td></td>
</tr>
<tr>
<td><strong>Total RMS Ongoing Services</strong></td>
<td>2,717,908</td>
<td>2,298,253</td>
<td>2,717,908</td>
<td>100.1%</td>
<td></td>
</tr>
</tbody>
</table>

#### RMS Grants - Repair/Auslink/Blackspot

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised</th>
<th>Expended</th>
<th>Expended</th>
<th>Expended</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR101 - Maitland Rd - South of William to Albert</td>
<td>1,322,400</td>
<td>1,176,319</td>
<td>1,268,861</td>
<td>1,492,608</td>
<td>112.9%</td>
</tr>
<tr>
<td>MR101 - Dowling - Mary to Mackay</td>
<td>2,139,500</td>
<td>38,320</td>
<td>38,710</td>
<td>414,335</td>
<td>104.9%</td>
</tr>
<tr>
<td>MR101 - Dungog Road East of Merchants</td>
<td>510,000</td>
<td>153,522</td>
<td>324,986</td>
<td>482,535</td>
<td>94.6%</td>
</tr>
<tr>
<td>RR7764 Allyn River Road 1.2km North of CA Bridge</td>
<td>677,000</td>
<td>598,515</td>
<td>645,753</td>
<td>681,327</td>
<td>100.6%</td>
</tr>
<tr>
<td>MR301 Clarence Town Rd Parers Hill Blackspot</td>
<td>260,000</td>
<td>257,377</td>
<td>257,378</td>
<td>260,000</td>
<td>100.0%</td>
</tr>
<tr>
<td>RR7764 Bingleburra Rd Jersey Kerb</td>
<td>190,000</td>
<td>0</td>
<td>10,065</td>
<td>66,033</td>
<td>34.8%</td>
</tr>
<tr>
<td><strong>Total RMS Grants</strong></td>
<td>6,295,260</td>
<td>3,110,611</td>
<td>3,558,365</td>
<td>4,184,168</td>
<td>66.5%</td>
</tr>
</tbody>
</table>

#### Road Construction

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised</th>
<th>Expended</th>
<th>Expended</th>
<th>Expended</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coulston Bridge</td>
<td>1,050,610</td>
<td>1,762</td>
<td>7,498</td>
<td>12,490</td>
<td>1.2%</td>
</tr>
<tr>
<td>Spooner Bridge</td>
<td>1,028,500</td>
<td>36,245</td>
<td>62,510</td>
<td>114,497</td>
<td>11.1%</td>
</tr>
<tr>
<td>Wheelabout Bridge</td>
<td>1,610,510</td>
<td>1,256,588</td>
<td>1,286,445</td>
<td>1,339,992</td>
<td>83.2%</td>
</tr>
<tr>
<td>Bullockeys Bridge</td>
<td>1,670,504</td>
<td>1,219,279</td>
<td>1,243,373</td>
<td>1,276,476</td>
<td>76.4%</td>
</tr>
<tr>
<td>Limeburners Creek Road - West of Boatfalls</td>
<td>351,470</td>
<td>354,442</td>
<td>356,119</td>
<td>356,119</td>
<td>101.3%</td>
</tr>
<tr>
<td><strong>Total Other Capital Works</strong></td>
<td>5,711,594</td>
<td>2,868,316</td>
<td>2,955,945</td>
<td>3,099,574</td>
<td>54.3%</td>
</tr>
</tbody>
</table>

#### Total Capital Works

<table>
<thead>
<tr>
<th>Description</th>
<th>Revised</th>
<th>Expended</th>
<th>Expended</th>
<th>Expended</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12,006,854</td>
<td>5,978,927</td>
<td>6,514,310</td>
<td>7,283,742</td>
<td>60.7%</td>
</tr>
</tbody>
</table>
### 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 May Meeting of Council:

<table>
<thead>
<tr>
<th>Meeting Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Managers Performance Review</td>
<td>16/05/19</td>
</tr>
<tr>
<td>Meeting with CEO Hunter Joint Organisation</td>
<td>20/05/19</td>
</tr>
<tr>
<td>Paterson Sportsground Meeting</td>
<td>21/05/19</td>
</tr>
<tr>
<td>Vacy Sportsground 355 Applications Meeting</td>
<td>21/05/19</td>
</tr>
<tr>
<td>Dungog Showground Meeting</td>
<td>21/05/19</td>
</tr>
<tr>
<td>Vacy School of Arts Committee Meeting</td>
<td>22/05/19</td>
</tr>
<tr>
<td>Police Community Precinct Meeting</td>
<td>27/05/19</td>
</tr>
<tr>
<td>Extra Ordinary Council Meeting</td>
<td>27/05/19</td>
</tr>
<tr>
<td>Codes of Conduct &amp; Meeting Practice Workshop</td>
<td>27/05/19</td>
</tr>
<tr>
<td>Local Traffic Committee</td>
<td>28/05/19</td>
</tr>
<tr>
<td>Country Mayors Meeting</td>
<td>31/05/19</td>
</tr>
<tr>
<td>Sculpture on the Farm Launch</td>
<td>01/06/19</td>
</tr>
<tr>
<td>Dungog Tea Party Meeting</td>
<td>03/06/19</td>
</tr>
<tr>
<td>Dungog Showground &amp; Pony Club Meeting</td>
<td>03/06/19</td>
</tr>
<tr>
<td>Dungog Showground Committee Meeting</td>
<td>03/06/19</td>
</tr>
<tr>
<td>James Theatre Committee</td>
<td>03/06/19</td>
</tr>
<tr>
<td>Lower Hunter BFMC Meeting</td>
<td>05/06/19</td>
</tr>
<tr>
<td>Meeting with Minister for Agriculture</td>
<td>05/06/19</td>
</tr>
<tr>
<td>Meeting with Minister for Local Government</td>
<td>06/06/19</td>
</tr>
<tr>
<td>Meeting with Minister for Regional Transport &amp; Roads</td>
<td>06/06/19</td>
</tr>
<tr>
<td>Ordinary Council Meeting</td>
<td>19/06/19</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 MANAGER

1. LEAVE OF ABSENCE - MAYOR

FILE NO: EF08/527

ANNEXURES: Nil

AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Governance and Finance

DELIVERY PROGRAM: Strategy 8: Council will advocate for the communities in the Dungog Shire by actively pursuing constructive relationships with the other spheres of government

RECOMMENDATION

That a leave of absence be granted for Mayor Norman to attend the National General Assembly of Local Government and that the Deputy Mayor Rayward Chair the June 2019 Ordinary Meeting in her absence.

Precis:

A request for a leave of absence from Mayor Norman for the June 2019 Ordinary Meeting has been received.

*************

In accordance with Sec 235A of the Local Government (General) Regulation 2005 and Section B:12 of Council’s Code of Meeting Practice Councillor Norman has requested a leave of absence from the June 2019 Ordinary Meeting of Council so that she is able to attend and represent Council at the National General Assembly of Local Government to be held at the National Convention Centre in Canberra on 16-19 June 2019.

IMPLICATIONS

Finance and Resourcing
Nil

Previous Council Resolutions

Minute No. 37973
1. That Council attend the Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA) 2019 and that the Mayor and General Manager represent Council
2. That Councillors bring forward matters they wish to be submitted to the Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA) 2019 for consideration in accordance with the NGA criteria and checklist for submission of motions.

Carried
2. **DRAFT CODE OF MEETING PRACTICE**

**FILE NO:** EF08/566  

**ANNEXURES:** Dungog Shire Council Code of Meeting Practice  

**AUTHOR:** The General Manager  

**COMMUNITY STRATEGIC PLAN:** Dungog Shire Council Governance & Finance  

**DELIVERY PROGRAM:** Strategy 2: Decision-making processes are open, transparent and inclusive  

**RECOMMENDATION:**
That the amended draft Model Code of Meeting Practice as it applies to Dungog Shire Council be adopted.

---

**Precis:**

The purpose of this report is to seek Council adoption for the Dungog Shire Council Code of Meeting Practice following the exhibition period.

*******

At the April meeting of Council held 17 April 2019 the Council resolved:

1. *That the Model Code of Meeting Practice as it applies to Dungog Shire Council be placed on exhibition for a period of 28 days with submissions from the public being taken for a period of 42 days.*

2. *That the Model Code to be placed on exhibition include clauses:*

   3.32 *Prior to each ordinary meeting of the council, the General Manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.*

   3.33 *Pre-meeting briefing sessions are to be held in the absence of the public.*

   *Moved Cr J Connors, Seconded Cr K Murphy Carried*

The Draft Model Code of Meeting Practice was placed on exhibition for a period of 42 days in accordance with Section 361 of the *Local Government Act 1993* to provide members of the community opportunity to comment on the document.

At the conclusion of the submission period on 3 June 2019 it is advised that there have been no public submissions received in relation to the Council’s Code of Meeting Practice.

Councillors attended a strategic workshop conducted by the NSW Office of Local Government on the 27 May 2019. Changes proposed by Councillors in this workshop were included in the Draft Model Code of Meeting Practice and the revised document was
circulated by the General Manager for further Councillor review and feedback. No further feedback was received. The proposed changes are reflected in the attached document.

Accordingly it is recommended that the Code of Meeting Practice as amended be adopted.

**IMPLICATIONS**

*Finance and Resourcing*

There are no financial implications to this report.

*Previous Council Resolutions*

Minute 38027, 17 April, 2019 Ordinary Meeting as outlined above.

*Implementation*

Following the adoption of the draft Model Code of Meeting Practice Council will conduct all statutory meetings in accordance with the Code. The Code will apply to all meetings of Dungog Shire Council and committees of Council of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

*Statutory*

This draft Code of Meeting Practice is made under section 360 of the NSW *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

The draft Code of Meeting Practice was exhibited in accordance with Sec 361 of the *Local Government Act (NSW) 1993*. 
3. MODEL CODE OF CONDUCT AND PROCEDURES

FILE NO: EF08/142

ATTACHMENTS:
1. Code of Conduct
2. Procedures for Administration of the Code of Conduct

AUTHOR: The General Manager

COMMUNITY STRATEGIC PLAN: Dungog Shire Council Governance & Finance

DELIVERY PROGRAM: Strategy 2: Decision-making processes are open, transparent and inclusive

RECOMMENDATION:


2. That Council adopt the Division of Local Government Model procedures for the administration of the Model Code of Conduct for Local Councils in NSW as Dungog Shire Councils procedures for the administration of the Code of Conduct.

Precis:

Reporting on the implementation of a new model Code of Conduct framework.

********

On the 18 December 2018 the Office of Local Government released Circular 18-44 to advise Councils that the new Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW have now been prescribed under the Local Government (General) Regulation 2005.

The Model Code of Conduct for Local Councils in NSW prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

The most obvious change to the Code of Conduct is that the pecuniary interest provisions previously contained in the Local Government Act and Regulation have now been included in the Model Code of Conduct.
The Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

**IMPLICATIONS**

**Finance and Resourcing**

There are no financial implications associated with this report.

**Previous Council Resolutions**

Nil

**Implementation**

Councillors and senior staff attended a workshop on the new Code of Conduct on 27 May 2019 provided by the Office of Local Government.

**Statutory**

Councils have six months from the date of prescription, *(14 December 2018 – 14 June 2019)* to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.
OFFICERS RECOMMENDATION:

That the Mayoral fee be increased to $15,455 and the Councillor fees be increased to $9,190 in accordance with The Local Government Remuneration Tribunals decision for the financial year commencing 1 July 2019.

Precis:

Reporting on the determination of the NSW Local Government Remuneration Tribunal decision as regards Councillor and Mayoral fees for 2019/20 and the conduct of their review.

The NSW Local Government Remuneration Tribunal handed down their decision in relation to fees for Mayors and Councillors for the 2019/2020 financial year on 15 April 2019. Council is classified as a General Purpose Council – Non Metropolitan - Rural Council and is one of 57 Councils categorised as such in NSW by the Tribunal.

The Tribunal has approved an increase of 2.5% in Councillor and Mayoral fees for 2019/20 with the following table reflecting the comparison between the current years allowance and the 2.5% increase.

<table>
<thead>
<tr>
<th>2018/2019</th>
<th>Councillor Annual Fee</th>
<th>Mayor Additional Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Category Rural</td>
<td>$8,969</td>
<td>$11,859</td>
</tr>
<tr>
<td>2019/2020</td>
<td>Category Rural</td>
<td>$9,190</td>
</tr>
</tbody>
</table>

In the past the Council has always determined that the Councillor fee be at the minimum level 2018/19 annual fee $8,969 whereas the Mayoral fee has only increased by the percentage determined by the remuneration tribunal in the past 10 years. The 2018/19 Mayoral fee of $15,078 effectively equated to 1.58 times the minimum mayoral fee.

Council needs to fix the remuneration level for the period 1st July 2019 to 30th June 2020 for the Mayor and Councillors by way of resolution. Should Council not determine or fix an annual fee, then in accordance with Section 248 (4) and 249(4) of the Local Government Act 1993 the minimum remuneration levels as determined by the Tribunal will apply.
IMPLICATIONS

Finance and Resourcing

The 2019-2020 draft budget includes the proposed 2.5% increase.

Previous Council Resolutions

June 2018 Ordinary Meeting, Minute No. 37805

That the Mayoral fee be increased to $15,078 and the Councillor fees be increased to $8,969 in accordance with The Local Government Remuneration Tribunals decision for the financial year commencing 1 July 2018.

Implementation

The new fees will apply from 1 July 2019.

Statutory

The basis of the fixing of payment of annual fees is enshrined within Sections 248 to 251 of the Local Government Act 1993.
5. VACY SPORTSGROUND MANAGEMENT COMMITTEE

FILE NO: EF08/87
ANNEXURES: Nil
AUTHOR: The General Manager
COMMUNITY STRATEGIC PLAN: Recreation and Open Space
DELIVERY PROGRAM: Strategy 2: Encourage and support a diversity of sporting and recreational activities throughout the Shire

OFFICERS RECOMMENDATION:

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.

Précis:

Reporting on the nominations received for the Vacy Sportsground Management Committee.

**********

Following the notification of the resignation of the Vacy Sportsground Management Committee in late 2018 nominations were called for members of the community to participate on the committee.

As a consequence of the advertising campaign nominations were received from twelve members of the community for positions on the Committee. The applications were reviewed by the Mayor Tracy Norman, Councillor Kate Murphy and the General Manager, Coralie Nichols as required by the Constitution. As a result of the review of nominations the following applicants are being nominated to Council for positions on the Vacy Sportsground Management Committee:

- Ian Muncaster
- Josh Evans
- Susan Doyle
- Robyn Dunford
- Grant Richards
- Leigh Collison
- Angus Uren

Section 6 of the Vacy Sportsground Constitution states:

The Committee shall be appointed by Council and shall comprise one Councillor and six (6) community members that reside within Dungog Shire.

As the review Committee has nominated seven (7) applicants be appointed to the Vacy Sportsground Committee an amendment to the Constitution is required.
IMPLICATIONS

Statutory

The Vacy Sportsground is owned by Council. Sec 355 (b) of the *Local Government Act 1993* enables the Council to exercise its functions by way of delegation to a Committee of Council.

There are a range of functions of the Council that are non delegable by the Council as detailed in Sec 377 (1) of the Local Government Act 1993 and these have also been detailed in the constitution for the Committee.
6. 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 May 2019 Ordinary Meeting and is provided for Councillors information.

IMPLICATIONS

There are no implications associated with this report, information only.
## ANNEXURE ‘A’

### 2019 COUNCIL RESOLUTIONS – ITEMS REQUIRING FURTHER ACTION

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPORT</th>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Department</td>
<td>Development Application – 76/2018 Min. 37942</td>
<td>1. That the applicant be formally advised that Council has considered their legal advice but have formed the view that clearing of the building envelope was not previously approved under Development Consent 235/2003 (as amended) and therefore development application 76/2018 must address the relevant provisions of the Biodiversity Conservation Act in order to facilitate a proper assessment under Part 7 of the Biodiversity Conservation Act 2016 and Section 1.7 of the Environmental Planning and Assessment Act 1979 and that the application be deferred for that purpose; 2. That Council raises concerns about the retrospective application of the Biodiversity Act applying to existing vacant residential lots that require clearing to provide an APZ for construction of a dwelling in a designated building envelope. 3. That Council raise concerns about Slaty Redgum trees (<em>Eucalyptus glauca</em>) being treated as rare and threatened in Dungog Shire when they are common in non-forested areas of the Shire.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER &amp; ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Complete</td>
<td>Letters sent to Michael Johnsen MP and the Scientific Committee on 14 February 2019. No response from Michael Johnsen MP but response received from Scientific Committee on 8 March 2019 stating assessment is done on a national or state scale not local area.</td>
</tr>
<tr>
<td>Date: 8 May 2019</td>
<td></td>
</tr>
</tbody>
</table>

### 20 FEBRUARY 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 – 170/2013 – Deferred Min. 37961</td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER &amp; ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>× Not complete</td>
<td>Matter deferred, workshop to be scheduled.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>General Manager - CONFIDENTIAL REPORT</td>
<td>Williams River Holiday Park Min. 37984</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>× Not complete</td>
<td>This matter is ongoing in accordance with the agreed Action Plan</td>
</tr>
</tbody>
</table>

Dungog Shire Council | Ordinary Meeting Agenda | 19 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. |

<table>
<thead>
<tr>
<th>COMPLETION STATUS &amp; DATE</th>
<th>OFFICER COMMENTS</th>
</tr>
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<tbody>
<tr>
<td>✗ Not complete</td>
<td>Road name advertised in Chronicle 29 May 2019 providing 28 days for public submissions.</td>
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## 20 March 2019 Ordinary Meeting – Action Items

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<th>Council Resolution</th>
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| 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 Sportsground 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 Sportsground, 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 Sportsground be obtained from Council under Section 68 of the Local Government Act 1993. |

### Completion Status & Date

| Officer & Action | 1. Complete  
2. Complete  
3. Consultant engaged.  
4. Complete  
5. A Plan of Management needs to be prepared for the Sportsground. This Plan of Management could include amongst its provisions the supply of camping facilities year round as an income stream / visitor economy asset. 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

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<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>

### Completion Status & Date

| Officer Comments | Further information required. |

Further information required.
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<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>
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| Infrastructure & Assets Department | Draft Boating Facilities Requirements Study – Paterson & Allyn Rivers. | 1. That the Draft Boating Facilities Requirements Study – Paterson and Allyn Rivers be placed on public exhibition for a minimum of 28 days.  
2. That Council receives a further report that outlines the responses to any submissions received during the exhibition period.  
3. If no submissions are received during the public exhibition period, Council adopt the Boating Facilities Requirements Study – Paterson and Allyn Rivers and a notice be placed within the local newspaper notifying the public of the adoption of the Plan and it becomes operational. |

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| General Manager | Williams River Holiday Park | THAT:  
1. The report be received and noted  
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  
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  
4. The public be provided access to the AEC Group, Low Cost Short-Term Accommodation Feasibility Study 2014  
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  
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. |

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4. The public be provided access to the AEC Group, Low Cost Short-Term Accommodation Feasibility Study 2014  
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| General Manager | Draft Code of Meeting Practice, Minute No. 38027 | 1. That the Model Code of Meeting Practice as it applies to Dungog Shire Council be placed on exhibition for a period of 28 days with submissions from the public being taken for a period of 42 days.  
2. That the Model Code to be placed on exhibition include clauses:
   3.32 Prior to each ordinary meeting of the council, the General Manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
   3.33 Pre-meeting briefing sessions are to be held in the absence of the public. |

**Completion Status & Date** | × Not complete | Officer Comments | Draft Model Code of Meeting Practice placed on exhibition with amendments. No submissions received. Adoption report to June 2019 Ordinary Meeting.

| General Manager | Proposed Sale of Land: Lots 21 & 22, DP 1057004, Paterson, Minute No. 38034 | That:
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.
2. The sale of land take place through a private treaty process.
3. The General Manager be delegated authority to select the marketing agent.
4. An update report identifying the outcomes of the property marketing process be provided to a future meeting of the Council. |

**Completion Status & Date** | × Not complete | Officer Comments | EOI advertised. Closing date 14.6.19.

### 15 May 2019 Ordinary Meeting – Action Items

| Planning Department | Development Application – DA 4/2018, 2 Lot Subdivision, 26 Boulton Drive, Paterson, Minute No. 38036 | That the proposed two (2) lot subdivision at Lot 18 DP 1125795, No 26 Boulton Drive, be approved subject to the conditions listed in Annexure ‘A’:

**Completion Status & Date** | ✓ Complete | Officer Comments | Determination issued.

| Planning Department | Development Application – DA 76/2018, Proposed Dwelling, 72 Boulton Drive, Paterson, Minute No. 38037 | That consent be granted to the dwelling house and ancillary shed, subject to the conditions in Annexure ‘A’.

**Completion Status & Date** | ✓ Complete | Officer Comments | Determination issued.
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| Infrastructure & Assets Department | Regional Procurement Tender for the Supply & Delivery of Ready Mixed Concrete - Tender T511920HUN Minute No. 38039 | 1. That the following tenderers for Regional Procurement Tender for the Supply and Delivery of Ready Mixed Concrete – T511920HUN be appointed to this contract as Panel Source Suppliers to Dungog Shire Council for the period 1 July 2019 to 30 June 2022:-  
   a. Dungog Shire Concrete Pty Ltd  
   b. Maitland Ready Mixed Concrete Pty Ltd  
   c. Hymix Australia Pty Limited  
2. That a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2023. |

**COMPLETION STATUS & DATE** | ✓ Complete | Date: 8 May 2019 | OFFICER COMMENTS | Tenderers appointed and notified. |
| General Manager | Dungog Showground Plan of Management Consultancy Minute No. 38055 | That: |  
1. The report be received and noted.  
2. Landsas be engaged to prepare the Plan of Management.  
3. The General Manager be authorised to engage Landsas following negotiation regarding the inclusion of the 355 Committee in the Plan of Management preparation process. |

**COMPLETION STATUS & DATE** | × Not complete | OFFICER COMMENTS | Landsas has been engaged to prepare the Plan of Management.
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:

- James Theatre Community Centre Committee Meeting held 1 March 2019
- James Theatre Community Centre Committee Meeting held 6 May 2019
- Clarence Town Sportsground Committee Meeting held 17 May 2019

IMPLICATIONS

Financial

There are no financial implications the report is for information purposes only.
ANNEXURE ‘A’

JAMES THEATRE COMMUNITY CENTRE MEETING HELD MONDAY 1ST APRIL 2019 AT THE DUNGOG SHIRE MEETING ROOM AT 7.30 PM

PRESENT: K Tickle, N Helyer, J Cresdee, F Prentice, J Lyon. Apologies L Hughes & M Flannery  
Minutes of the March Meeting confirmed N Helyer sec J Cresdee

BUSINESS ARISING  
No approach re sale of Seats

Light checks briefing by Martin Thorsby. Will follow up on downlights at next meeting.

Carpets have been cleaned

We have received one quote for the floor sanding. Waiting on another. Will follow up at next meeting.

Waste and Recycling signs completed

TREASURERS REPORT  
Has completed the BAS for the 3rd Quarter  
Confirmed bank balance at 31/3/19 as $41,191.26  
An amount of $27 to be reimbursed to Sharon Farrell re EBAY waste stickers  
Moved J Cresdee that these figures are accepted. Sec K Tickle

GENERAL BUSINESS  
Friends of James Theatre have held their AGM and have full committee (includes a new committee member). We are to expect a copy of the presidents report at our next meeting

Discussion on fire safety training. How far do we have to go to ensure that key stakeholders of the James Theatre know their responsibilities in relation to fire safety? N Helyer to check with fire expert re any checklist already in operation that we could use to assist the learning process for existing Fire Wardens.

Discussion about the lights being on out the back of the theatre and under the stage 24/7. We needed clarification that this was part of the emergency lighting solution.

We agreed to ask Liz Hughes at our next meeting about the emergency lighting and about the best way forward re fire safety issue.

Meeting closed 8pm
JAMES THEATRE COMMUNITY CENTRE MEETING HELD MONDAY 6TH MAY 2019 AT 7.30 PM
AT THE DUNGOG SHIRE COUNCIL MEETING ROOM

PRESENT: M Flannery, K Tickle, J Cresdee, F Prentice, N Helyer, L Hughes, J Lyon.

Minutes of the April meeting were confirmed J Cresdee sec N Helyer

BUSINESS ARISING
Jan to try to sell seats through Gumtree. $80
Down lights have been done at the Theatre.
Floor sanding - $12,000 was the only quote we have received so far shall try for another
quote, someone else has said that they would give us one when in the area.
Nick has got from M Thorsby the list of Electrical Emergency light procedures list. To get the
fire check list together with the above and then we shall have them both for all users.

TREASURER’S REPORT
Balance of $41,920.61 moved J Cresdee sec J Lyon

GENERAL BUSINESS
Toilets – we have had to get the plumber to fix the flush button etc and it is done. Centennial
Plumbing did it for $80. Moved M Flannery sec N Helyer to pay account.
M Thorsby to fix the highest ball light soon, needs a long ladder.

The Friends of the James are applying for a grant, which could be from $5,000 to $50,000.
Air conditioner in the back area, kitchen re fit, stage lighting. This committee is to ask Council
for advise as to how to get the kitchen area as a workable cooking facility. What changes are
needed in order to upgrade the kitchen area to a cooking facility?

Liz presented the requests from Hannah Hopson for the Dance group. She has requested to
replace the wooden slat seats. As we have the old theatre seats for sale maybe they could be
used?

There is a water leak on the stage. To have it identified so that we can get Centennial
Plumbing to do it.

She wants to put storage cubes near the chair area for the students to put their shoes, bags
in each day. We agreed to this but it is only for daily use. No long term storage.

She wants to replace the present mirrors with a slightly higher one, about 300 mil. We
agreed but they are not to exceed the height of the present tallest mirror. (They need to be
able to be covered as at present)

She wants to put a mirror on the eastern side of the stage. She can but will need to have a
cover to go over it and it needs to be securely fixed to the wall also.

NEXT MEETING 3RD June 2019

MEETING CLOSED 8-20 p.m.

CHAIRMAN
Clarence Town Sports Ground Meeting

Date 17/5/19  Time 6.30pm

Attendees; P Trappell, S. Lofts, S. O’Mullane, B. Whale,
Apologies T. Maher

Minutes Previous meeting  Passed

Agenda

Proposed Charges to user groups for use of Clarence Town Sports Facilities.
Moved B. Whale  seconded S. O’ Mullane

That the following fees be applied for use of the Clarence Town Sports Grounds

Rugby League  $750
Soccer  $500
Cricket  $500
Day Use  $50
Event charge  $250
Motion Carried

Meeting closed 7.15pm

Next meeting 23rd August

Steve Lofts
Chairman
2. HUNTER JOINT ORGANISATIONS MEETINGS

FILE NO: EF08/577

ANNEXURES: A Minutes and summary of Hunter JO Meetings

AUTHOR: The General Manager

OFFICERS RECOMMENDATION:

That the minutes of the Hunter Joint Organisation Meetings be received and noted.

Precis:

Reporting on Hunter Joint Organisation meetings held in May 2019.

********

The Minutes and summary for the following Hunter Joint Organisation Meetings are attached as Annexure ‘A’ to this report:

- Hunter Joint Organisation Meeting held 9 May 2019
1. CEO Report

CEO reported on Standing Committees and Working Groups:

**Greater Newcastle Metropolitan Standing Committee (GNMP)**

- pursuing a revised collaboration agreement between the State and Local Government to ensure appropriate governance for implementation of the GNMP
- working with Hunter and Central Coast Development Corporation to establish industry groups to support implementation of the GNMP.

In discussion with the respect to port and freight matters, an action item was recorded for the CEO to work with the DCP and TfNSW on a briefing, for the whole of the JO Board, in relation to the status of the Inland Rail project.

**The Circular Economy Working Group** - met following the board meeting.

**Intergovernmental Partnership Project**

Since the last board meeting, a delegation of Board Members and the CEO has met with Greg Piper, MP and provided him with a briefing on the Intergovernmental Partnership.

2. Budget

The Board decided that it would not accept deficit budgets for the JO and resolved that the General Managers group bring back a formula for Council contributions and strategies for a balance budget.

3. Establishing an Australian Foundation for Economic Transition in the Hunter

The JO Board supported Muswellbrook’s work on Transition and the wider Hunter Councils need strategies in place for this shift in employment opportunities.

4. ALGA General Assembly 2019

The Board supports media opportunities re: The Inland Rail Project. A regional get-together of Councillors attending be organised by the CEO to brief Councillors on JO happenings.