



Dungog Shire Council

MINUTES

**Ordinary Council Meeting
Wednesday, 15 September 2021**

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**MINUTES OF DUNGOG SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BROWN STREET, DUNGOG
ON WEDNESDAY, 15 SEPTEMBER 2021 AT 6.00PM**

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

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

1 ACKNOWLEDGEMENT OF COUNTRY

Delivered by Mayor John Connors.

2 APOLOGIES

Cr Jan Lyon is an apology

3 LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/172

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That the minutes of the Ordinary Council Meeting held on 18 August 2021 be confirmed.

CARRIED

6 MATTERS ARISING FROM MINUTES

Nil

7 PRAYER

Delivered by Mayor John Connors.

8 MAYORAL MINUTE

1.1 MAYORAL MINUTE - EXTENSION OF PUBLIC EXHIBITION PERIOD FOR THE DRAFT RURAL LANDS STRATEGY TO END OF NOVEMBER 2021

RESOLUTION 2021/173

Moved: Mayor John Connors

That the draft Rural Lands Strategy Exhibition period be extended to 31 March 2022 to allow in-person pop-up information sessions, drop in sessions, appointments, focus groups and workshops in accordance with the adopted community engagement strategy, subject to COVID-19 public health order restrictions.

CARRIED

9 PUBLIC ACCESS SESSION

Nil

10 PLANNING DEPARTMENT

10.1 DEVELOPMENT APPLICATION NO. 111/2021 - GARAGE - 2493 CLARENCE TOWN ROAD, CLARENCE TOWN

Precis

A development application has been lodged with Council for the construction of a six (6) bay garage on Lot 1536 DP1168332 and known as 2493 Clarence Town Road, Clarence Town. The application includes a request to vary the front building line setback that is supported by council officers but exceeds council officer delegations to grant consent. The application is, therefore, reported to Council for determination.

Council Policy C4:12 Delegated Authority Policy for the assessment of Development Applications (Adopted 17 February 2009):

- 6.2 If a building setback in Council’s DCP is proposed to be varied by more than 30%, Unless the site is physically constrained and a building site complying with the setback requirement cannot be achieved.

RESOLUTION 2021/174

Moved: Cr Steve Low AM
 Seconded: Cr Digby Rayward

That

- 1. Development Application No. 84/2021 for the construction of a garage on Lot 1536 DP1168332 and known as No. 2493 Clarence Town Road, Clarence Town be granted consent subject to the recommended schedule of conditions included in this report at **Annexure 1**.
 - (a) The front building line setback variation from the required 70m setback to 22m setback from Clarence Town Road forms part of this approval.

CARRIED

In Favour: Crs John Connors, Steve Low AM, Digby Rayward, Robert Booth, Kate Murphy and Glenn Wall

Against: Nil

CARRIED 6/0

10.2 DEVELOPMENT APPLICATION DA126/2021 - 2 LOT SUBDIVISION AT 18 NIRVANA CLOSE, VACY

Precis

The following report considers Development Application No 126/2021, which seeks development consent to subdivide Lot 6 DP 1009184, No 18 Nirvana Close, Vacy into 2 Lots. The site is zoned R5 Large Lot Residential with the proposed lots having areas of 15,260 m² and 8,005 m², which satisfies the minimum lot size specified within Dungog Local Environmental Plan (LEP) 2014.

The site is located within the area subject to the South Vacy Village Local Area Plan (LAP), which forms part of Council’s Development Control Plan (DCP). The proposed building envelope does not comply with the site specific building line setbacks adopted within the LAP. In accordance with Policy C4:12 Delegated Authority Policy for the Assessment of Development Applications, the application is reported to Council for determination.

RESOLUTION 2021/175	
Moved:	Cr Glenn Wall
Seconded:	Cr Kate Murphy
That the proposed two (2) lot subdivision of Lot 6 DP 1009184, No 18 Nirvana Close, Vacy, be approved subject to the conditions listed in Annexure 1	
CARRIED	
<u>In Favour:</u>	Crs John Connors, Steve Low AM, Digby Rayward, Robert Booth, Kate Murphy and Glenn Wall
<u>Against:</u>	Nil
CARRIED 6/0	

10.3 DEVELOPMENT APPLICATIONS - DELEGATED AUTHORITY & TRACKING

Precis

Development Consent has been granted to the following development applications under delegated authority for the month of August 2021.

RESOLUTION 2021/176	
Moved:	Cr Digby Rayward
Seconded:	Cr Kate Murphy
That the report be received and the information noted.	
CARRIED	
<u>In Favour:</u>	Crs John Connors, Steve Low AM, Digby Rayward, Robert Booth, Kate Murphy and Glenn Wall
<u>Against:</u>	Nil
CARRIED 6/0	

11 ENVIRONMENTAL SERVICES

11.1 AMMENDMENT TO SANITARY SERVICES CHARGE

Precis

Council is required to make rates and charges prior to the commencement of each financial year in accordance with Sections 535, 537 & 538 of the Local Government Act 1993. Rates and charges for 2021-22 were adopted by Council at its Extra-ordinary meeting on 23 June 2021 however an anomaly has been identified relating to the adopted Sanitary Service charge. This report recommends that it be amended.

RESOLUTION 2021/177

Moved: Cr Glenn Wall
 Seconded: Cr Kate Murphy

- a) That in accordance with Chapter 15 of the Local Government Act 1993, Council make an amendment to the Sanitary Service charge for the year 1 July 2021 to 30 June 2022 as follows:-

Sanitary Services

In pursuance of Section 501 of the Local Government Act, 1993 an annual charge of **one thousand six hundred and fifty four dollars (\$1654.00)** per regular service for the weekly removal of nightsoil will be levied as follows:-

No. of Regular Services per Assessment	Annual Charge per Assessment
1.	\$1654.00

- b) That the amended charge be placed on public exhibition for a period of 28 days inviting public comment and if no submissions are received then the amendment be adopted without further referral to Council.

CARRIED

11.2 LOWER HUNTER WATER SECURITY PLAN-COUNCIL SUBMISSION

Precis

Hunter Water's Draft Lower Hunter Water Security Plan is currently on public exhibition. Councillors have considered the implications of the Draft Plan from Councils perspective and a draft submission has been prepared which provides an organisational response.

This report seeks Council's endorsement for the lodgement of the draft submission.

RESOLUTION 2021/178

Moved: Cr Digby Rayward

Seconded: Cr Steve Low AM

That Council endorse the Draft submission, provided in Annexure 1 - in relation to the Lower Hunter Water Security Plan and that it be submitted prior to the expiration of the public exhibition period.

CARRIED

12 INFRASTRUCTURE AND ASSETS DEPARTMENT

12.1 CLARENCE TOWN BRIDGE PROJECT UPDATE SEPTEMBER 2021

Precis

The purpose of this report is to provide Council with an update of the Clarence Town Bridge Project.

RESOLUTION 2021/179

Moved: Cr Steve Low AM

Seconded: Cr Digby Rayward

That Council receive the report and note the information.

CARRIED

12.2 FIXING COUNTRY BRIDGES PROGRAM UPDATE

Precis

The purpose of this report is to provide Council with an update of the Fixing Country Bridges Program.

RESOLUTION 2021/180

Moved: Mayor John Connors

Seconded: Cr Kate Murphy

1. That Council receive the report and note the information.
2. That council write to the Minister and Deputy Premier highlighting the inadequacy of the grant funds to meet the promised replacement of 23 timber bridges due to rapidly increasing costs and the flooding of the construction market with numerous councils throughout NSW having simultaneously received grants to replace timber bridges.

CARRIED

12.3 CLARENCE TOWN ROAD PROJECT UPDATE

Precis

The purpose of this report is to provide Council with an update of the Clarence Town Road Upgrade Project.

RESOLUTION 2021/181

Moved: Cr Kate Murphy

Seconded: Cr Digby Rayward

That Council receive the report and note the information.

CARRIED

12.4 WORKS PROGRESS REPORT

Precis

Reporting on construction and maintenance works undertaken in August 2021.

RESOLUTION 2021/182

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

13 CORPORATE AND CUSTOMER SERVICES DEPARTMENT**13.1 INVESTMENT POLICY C2.8 REVIEW****Precis**

Reporting on changes to Council's current Investment policy to align with updated legislative requirements; risk management in accordance with TCorp's Investment Framework and Audit requirements in relation to periodic reviews for adequacy of Council's investments policy.

RESOLUTION 2021/183

Moved: Cr Robert Booth

Seconded: Cr Kate Murphy

That:

1. Council note changes to the investment requirements; and
2. Council adopt the updated C2.8 Investment Policy.

CARRIED**13.2 BANDON GROVE SCHOOL OF ARTS REQUEST FOR RATE RELIEF****Precis**

Request for rate assistance from Bandon Grove School of Arts for the 2021/2022 rate year.

RESOLUTION 2021/184

Moved: Cr Kate Murphy

Seconded: Cr Digby Rayward

That Council provide a rebate of \$844.00 to the Bandon Grove School of Arts, being the total general rates raised on the property for the 2021/2022.

CARRIED**13.3 AGENCY INFORMATION GUIDE 2021-22****Precis**

Reporting on the requirement for Council to adopt its Agency Information Guide under The Government Information (Public Access) Act 2009 (NSW).

RESOLUTION 2021/185

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council adopt the Agency Information Guide as submitted, post a copy on Council's website and forward a copy to the Information Commissioner.

CARRIED

13.4 STATEMENT OF INVESTMENTS**Precis**

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

RESOLUTION 2021/186

Moved: Cr Robert Booth

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

13.5 WORKS COST STATEMENT**Precis**

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

RESOLUTION 2021/187

Moved: Cr Glenn Wall

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

14 OFFICE OF THE GENERAL MANAGER

14.1 EXHIBITION OF AMENDED FEES AND CHARGES - WILLIAMS RIVER HOLIDAY PARK

Precis

The purpose of this report is to recommend a rate increase for the Williams River Holiday Park, on par with similar camping ground facilities in the region, and in keeping with Council’s aim of this tourism venue being self-funded from its operating revenues.

RESOLUTION 2021/188

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council place the following accommodation rate table increase on public exhibition for 28 days and following no unresolved objections or significant amendments, resolve to adopt the new rates taking effect on Monday 1 November 2021.

WRHP - Rates	LS Unpowered	LS Powered	HS Unpowered	HS Powered
Current	\$25	\$30	\$30	\$40
Proposed effective 1 November 2021	\$30	\$35	\$35	\$50

* LS – Low Season

* HS – High Season

CARRIED

14.2 RESOLUTIONS TRACKING REPORT

Precis

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

RESOLUTION 2021/189

Moved: Cr Digby Rayward

Seconded: Cr Steve Low AM

That the report be received and the information noted.

CARRIED

14.3 ELECTION OF THE MAYOR AND DEPUTY MAYOR

Precis

In accordance with section 230 (4) of the Local Government Act 1993 (the Act) Council is required to elect a Mayor given the expiry of the term of the current Mayor in September 2021.

Additionally, in accordance with section 231, Council may also elect a Deputy Mayor given the current term of the Deputy Mayor also expires in September 2021.

Elections are carried out in accordance with Local Government Act 1993 and Local Government (General) Regulation 2005 (the Regulation).

RECOMMENDATION

1. That the Mayor and Deputy Mayor elections be carried out by open voting (show of hands) as outlined in Schedule 7 of the *Local Government (General) Regulation 2005*
2. That the General Manager, as returning officer, declare the results of the elections (including the name of the candidates elected as Mayor and Deputy Mayor) in accordance with Clause 13 of Schedule 7 of the *Local Government (General) Regulation 2005* and record the names in the minutes.

The General Manager, as the returning officer, advised one nomination had been received for the position of Mayor being Councillor Connors and one nomination for the position of Deputy Mayor being Councillor Low.

As only one nomination was received for each position Councillor Connors was elected as Mayor and Councillor Low was elected as Deputy Mayor.

14.4 PATERSON SPORTSGROUND PLAN OF MANAGEMENT - PUBLIC EXHIBITION

Precis

Council has previously resolved at its Ordinary Meeting of 19 February 2020 (number) to place the Draft Paterson Sportsground Plan of Management on public exhibition. After a short period of exhibition, the documents were taken down in order to ensure governance issues including Native Title matters could be satisfactorily progressed.

Native Title matters have now progressed to the point where the Draft Plan of Management may now be placed on public exhibition.

RESOLUTION 2021/190

Moved: Cr Robert Booth

Seconded: Cr Kate Murphy

1. That the draft Paterson Sportsground Plan of Management be placed on public exhibition for 28 days.
2. That the draft Paterson Sportsground Plan of Management be adopted by Council following public exhibition and reported back to Council for further consideration, only in the event of unresolved submissions being received..

CARRIED

14.5 POSITIVE COMMUNITY FEEDBACK REPORT

RESOLUTION 2021/191

Moved: Cr Kate Murphy
 Seconded: Cr Steve Low AM

Precis

To ensure Council is aware of feedback received in relation to Councils operation and works delivery.

CARRIED

14.6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

Precis

Reporting on the intention to deal with matters in Confidential Session.

RESOLUTION 2021/192

Moved: Cr Steve Low AM
 Seconded: Cr Kate Murphy

1. The Council is satisfied that, pursuant to Section 10A(2) (a) (c) & (di) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:
 - 18.1 - *Tender 02/2021 Bridge Replacement Saxby's Hopsons Bridges for the reason that it deals with (di) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
 - 18.2 - *2260 Stroud Hill Road for the reason that it deals with (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
 - 18.3 – *28 Melbee Circuit – Public Road Dedication for the reason that it deals with (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
 - 18.4 – *Planning Service Review and Organisation Service Review Framework Update for the reason that it deals with (a) personnel matters concerning particular individuals (other than councillors).*
2. That the General Manager reports on this matter to the meeting in Open Session following completion of the Confidential Session.

CARRIED

15 NOTICES OF MOTION

Nil

16 COMMITTEE & OUTSIDE ORGANISATIONS REPORTS

Nil

17 QUESTIONS WITH NOTICE

Nil

18 CLOSED COUNCIL**RESOLUTION 2021/193**

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

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

1.1 Tender 02/2021 Bridge Replacment Saxby's and Hopsons Bridges

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

1.2 2260 Stroud Hill Road

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

1.3 28 Melbee Circuit - Public Road Dedication

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

1.4 Planning Service Review and Organisation Service Review Framework Update

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

CARRIED

1.1 TENDER 02/2021 BRIDGE REPLACEMENT SAXBY'S AND HOPSONS BRIDGES**Precis**

This report provides Council with the evaluation of the tenders received for Tender 02/2021 Bridge Replacement Saxby's and Hopson's Bridges.

RESOLUTION 2021/194

Moved: Cr Digby Rayward

Seconded: Cr Glenn Wall

That Council

1. accept Tender 02/2021 from Waeger Pty Ltd, for the Bridge Replacement Saxby's and Hopsons Bridges Lump Sum contract of \$1,433,000.00 (excluding GST);
2. provide delegated authority to the General Manager to conduct all relevant functions under the contracts;
3. allocate \$230,000 from Restricted Assets – Financial Assistance Grant to the Saxby's bridge project.

CARRIED

1.2 2260 STROUD HILL ROAD**Precis**

The purpose of this report is to reaffirm Council's intention of pursuing the marketing and sale of its 2260 Stroud Hill Road property once Public Health restrictions are lifted and conditions allow.

RESOLUTION 2021/195

Moved: Cr Glenn Wall

Seconded: Cr Kate Murphy

That Council:

1. Reiterate its approval of the sale of Lot 22 DP 1093765, known as 2260 Stroud Hill Road, Dungog;
2. Authorise the sale of the property by public auction to be held as soon as possible and as soon as Public Health conditions allow, to be conducted by Dillon & Sons;
3. If the property is not sold at this forthcoming public auction, authorise the continued marketing by Dillon & Sons;
4. Authorise and delegate the General Manager the power to:
 - a. negotiate a final sale price at no less the confidential valuation, by either auction or private treaty sale if required; and
 - b. maintain Dillon & Sons as the seller's agent and following express consent provided by the General Manager, execute the Contract for Sale of Land on the day of sale as the authorised agent of the vendor.
5. That the Common Seal of Council be affixed, as required, to the Contract for the Sale of Land, for the sale of Lot 22 DP 1093765.

CARRIED

1.3 28 MELBEE CIRCUIT - PUBLIC ROAD DEDICATION**Precis**

The purpose of this report is to approve the dedication of 28 Melbee Circuit (Lot 72 DP 1054070) as a public road.

RESOLUTION 2021/196

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council:

1. Approve the dedication of 28 Melbee Circuit (Lot 72 DP 1054070) as a public road;
2. Authorise the General Manager to sign the attached Section 10 notice, "Dedication of Lands as Public Road" under the Roads Act 1993;
3. Authorise publication of the Section 10 notice in the NSW Government Gazette.

CARRIED

1.4 PLANNING SERVICE REVIEW AND ORGANISATION SERVICE REVIEW FRAMEWORK UPDATE

Precis

The recent completion of the independent Planning Review by City Plan Strategy and Development Pty Limited provides an excellent opportunity for Council to consider changes in both the workplace and structure to facilitate a culture of service and improvement. The finalisation of this review also considered the very positive Client Feedback Survey Report prepared by independent survey firm, Micromex.

As a Council we are continuing the approach of reviewing each service area with a focus on service improvement. The Organisational Service Review framework project being conducted in conjunction with the University of Newcastle is progressing well and an update is provided for Council's reference. Related reviews into organisation roles is also provided for Council to consider resourcing needs created by recent changes to staffing and state government requirements.

RESOLUTION 2021/197

Moved: Cr Digby Rayward

Seconded: Cr Steve Low AM

1. That Council note the positive results from the Micromex independent customer feedback survey of the planning staff and service and thank the staff for this achievement;
2. That Council note the Dungog Shire Council Planning Service Review and recommendations for service and process improvement for implementation by the General Manager subject to operational resourcing requirements;
3. That Council endorse the structural realignment and changes outlined in the report for consultation with relevant staff and unions and implementation following consultation requirements, including a two phased approach to realign the strategic land use planning, planning and environmental services sections into a Planning and Environment Department
4. That Council endorse the proposed Business Support role be included in Council full time equivalent establishment, funded by the increase in the financial assistance grant (\$42,000) and managerial salary savings (\$28,000) at a total annual budget salary cost of \$70,000 (plus on costs)
5. That Council note progress on the Organisation Service Review Framework and endorse the proposed Risk/Governance role (0.6FTE) and IPR Business Improvement role (0.6FTE) from existing FTE plus an increase of 0.2 FTE and funded from existing FTE budgeted salary costs (\$50,000) and \$40,000 funded from the increase in the financial assistance grant at a total annual budget inclusion of \$90,000 (plus on costs).

CARRIED

Cr Glenn Wall voted against the motion.

19 RESUMPTION OF OPEN COUNCIL

RESOLUTION 2021/198

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That Council moves out of Closed Council into Open Council.

CARRIED

The Meeting closed at 6.47pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 October 2021.

.....
GENERAL MANAGER

.....
CHAIRPERSON