

DUNGOG SHIRE COUNCIL



Minutes of the Ordinary Meeting

19 July 2016

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COMPLIMENTS

MINUTES OF THE ORDINARY MEETING OF DUNGOG SHIRE COUNCIL HELD AT DUNGOG SHIRE COUNCIL CHAMBERS ON 19 JULY 2016 COMMENCING AT 6.00 PM.

PRESENT: Mayor H F Johnston and Councillors R A Booth, L M Bowden, N F Knudsen, S B Farrow, A G McKenzie, N B Bale, T Norman and G D Wall.

OFFICERS IN ATTENDANCE: C F Deasey, General Manager, S L Chandler, Executive Manager Corporate Services, S W Hitchens, Executive Manager Infrastructure & Assets, J Tupper, Manager Planning and P J Minett, Manager Environmental Services.

ACKNOWLEDGEMENT OF COUNTRY: Delivered by Cr Johnston.

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

DECLARATION OF INTERESTS: Cr Wall declared a non-significant, non-pecuniary conflict of interest in Manager Environmental Services report No. 2.

CONFIRMATION OF MINUTES:

Minute No. 37160

RESOLVED on the motion of Cr Bowden and seconded by Cr Booth that the Minutes of the Ordinary Meeting of Council, held on Tuesday 21 June 2016 and the Extra Ordinary Meeting of Council held on 24 June 2016 having been circulated amongst the members of the Council be confirmed.

MATTERS ARISING: Nil

The Prayer was delivered by Mrs Bale.

The Ode was delivered by Cr Johnston.

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Minute No. 37161

A MOTION was moved by Cr Knudsen and seconded by Cr Norman that the Order of Council business be suspended to allow members of the public to address Council.

On being put the motion was carried.

The Order of Council business was suspended at 6.03 pm.

Mrs Robinson spoke against the recommendation of Manager Environmental Services report No. 2.

Minute No. 37162

A MOTION was moved by Cr Knudsen and seconded by Cr Booth that Council resume the Order of Council business.

On being put the motion was carried.

The Order of Council business resumed at 6.09 pm.

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REPORTS BY DEPARTMENT REQUIRING COUNCIL DECISION

PLANNING DEPARTMENT MANAGERS REPORT

Kristy Cousins

1. **GOLDSRING (C/- PERCEPTION PLANNING) – POR 67 & 161 IN DP 752501, LOT 10 DP 113360, LOT 101, 102 DP 806447, LOT B DP 389606, LOT F DP 404577, 1265 DUNGOG ROAD, WALLAROBBA & HILLDALE ROAD, HILLDALE DA 90/2015**

Précis:

A Section 96 Modification of Consent to Development Application (DA) No. 90/2015 seeks approval to modify a condition of consent relating to the provision of electricity to the subject property.

Minute No. 37163

RESOLVED on the motion of Cr McKenzie and seconded by Cr Wall that consent be granted to the Section 96 Application for DA 90/2015 subject to the following amendments to condition No. 4 as follows:

4. Suitable arrangements being made with an energy provider to ensure that for Proposed Lot 2:-
 - (a) electricity will be available to the allotment created by the subdivision;
 - (b) that any transmission lines or other assets of an energy provider on private land be “protected” by an easement; and
 - (c) where development requires the relocation of transmission lines or other assets, the applicant is required to make satisfactory arrangements with an energy provider for such relocation to be carried out.

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

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

- 4A. The registration of a Section 88b Instrument against the title of proposed Lot 1:
 - Advising that the allotment is not serviced with reticulated power.

Dungog Council shall be the nominated authority empowered to release, vary or modify this Restriction.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 9 for 0 against as follows:

<i>For: Crs Johnston, Bale, McKenzie, Farrow, Knudsen, Booth, Wall, Bowden, Norman.</i>

ENVIRONMENTAL SERVICES DEPARTMENT MANAGERS REPORT

Paul Minett

1. FORMER SANITARY WASTE DEPOT AT LOT 9 SERENITY WAY VACY EF07/59

Precis:

The purpose of this report is to provide Council with details of the remediation process that has been followed at the former sanitary waste depot at Lot 9 Serenity Way Vacy and to seek resolution for the sale of the property.

Minute No. 37164

RESOLVED on the motion of Cr McKenzie and seconded by Cr Bale that:

1. Council accepts that Lot 9 Serenity Way Vacy has been appropriately remediated and validated for future residential land use as provided in the Environmental Assessment and Validation Reports as prepared by Robert Carr and Associates.
 2. Council resolve to obtain a valuation of Lot 9 Serenity Way Vacy and authorise the General Manager to appoint an agent to negotiate the sale of the property.
-

Paul Minett

2. REVIEW OF PREVENTION NOTICE ISSUED UNDER SECTION 96 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 – LOT 2 BLACK ROCK ROAD MARTINS CREEK. EF07/72

Precis:

The purpose of this report is to provide information regarding a request to vary the conditions of a Prevention Notice served under Section 96 of the Protection of the Environment Act 1997 and to seek Council resolution in the matter.

Minute No. 37165

A MOTION was moved by Cr Farrow and seconded by Cr Knudsen that Council allows the owners of the property at Lot 2 DP 384309 Black Rock Road, Martins Creek to use the property for motorbike riding for a 2 hour block on any given day in the hours between:

- 7.00 am – 8.00 pm Weekdays and
- 8.00 am – 8.00 pm on Weekends and public holidays.

On being put the motion was carried.

INFRASTRUCTURE AND ASSETS DEPARTMENT EXECUTIVE MANAGER'S REPORT

Steve Hitchens

1. **GRANT APPLICATION BY DUNGOG & DISTRICT NEIGHBOUR CARE INC**
EF08/633 EF10/171 TPA302/2
-

Precis:

Providing Council with information regarding a successful grant application by Dungog and District Neighbourcare Inc for fitness stations in Dungog.

Minute No. 37166

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

1. Approves the installation of the Fitness Equipment in Jubilee Park;
2. Approves Staff to liaise with Dungog and District Neighbourcare as regards suitable placement of the equipment, appropriate signage and installation requirements;
3. Allocates \$10,000 toward the project from Special Projects;
4. Writes a letter of thanks to Dungog and District Neighbourcare for their efforts in obtaining funding for this project.

GENERAL MANAGER

Craig Deasey

1. **COUNCILLOR LEAVE OF ABSENCE**
EF08/527
-

Precis:

Reporting on requests for Councillor leave of absence.

Minute No. 37167

RESOLVED on the motion of Cr McKenzie and seconded by Cr Knudsen that Councillor Booths' leave of absence from the Ordinary meeting scheduled for 16 August 2016 and 17 September 2016 be granted.

Craig Deasey

2. **MERGER ASPIRATIONS**
EF16/21
-

Precis:

Reporting to councillors in relation to merger aspirations.

Minute No. 37168

A MOTION was moved by Cr Farrow and seconded by Cr Bowden that Council support the merger aspirations document.

On being put the motion was carried.

**3. UPDATE ON THE FORMATION OF A DUNGOG TOURISM ORGANISATION
EF08/216**

Precis:

The Steering Committee for the establishment of a Dungog Tourism Organisation (or similar name) is proposing the formation of a Selection Committee to manage the selection of a skills-based Board. The Selection Committee would comprise two representatives from each of Dungog Shire Council, Dungog and District Chamber of Commerce and the general membership of the organisation, as well as an independent Chair.

Minute No. 37169

A MOTION was moved by Cr Knudsen and seconded by Cr Norman that:

1. Council endorse a Councillor representative to be involved in the selection of a skills based Board for the Dungog Tourism Organisation in conjunction with the General Manager or his delegate (Executive Manager Corporate Services).
2. Councillor Norman be appointed as the Councillor representative on the selection committee.

On being put the motion was carried.

REPORTS FROM COMMITTEES AND OUTSIDE ORGANISATIONS

Craig Deasey

1. COUNCIL'S MANAGEMENT COMMITTEE MEETING MINUTES

Précis:

Reporting on Minutes of Council Management Committee Meetings provided to Council.

Minute No. 37170

RESOLVED on the motion of Cr Booth and seconded by Cr Knudsen that the minutes of the Management Committee Meeting be received and noted.

Craig Deasey

**2. MINUTES OF OUTSIDE ORGANISATIONS TO WHICH COUNCIL HAS AN
APPOINTED DELEGATE**

Précis:

Reporting on the minutes of outside organisations to which Council has an appointed delegate.

Minute No. 37171

RESOLVED on the motion of Cr Booth and seconded by Cr Wall that the minutes of the Arts Upper Hunter Board General Meetings be received and noted.

REPORTS BY DEPARTMENT FOR INFORMATION ONLY

Jacqui Tupper

1. **DEVELOPMENT APPLICATIONS - DELEGATED AUTHORITY**
EF08/228

Precis:

Development Consent has been granted to the following development applications under delegated authority for the month of June 2016.

Minute No. 37172

RESOLVED on the motion of Cr Wall and seconded by Cr Knudsen that the report be received and the information noted.

Jacqui Tupper

2. **LITIGATION REPORT**
EF08/227

Précis:

Reporting on Planning Legal Costs in relation to litigation and appeal matters.

Minute No. 37173

RESOLVED on the motion of Cr McKenzie and seconded by Cr Booth that the report be received and the information noted.

Jacqui Tupper

3. **UPDATE ON RURAL LAND USE STRATEGY**
EF13/11

Precis:

Dungog Shire Council secured funding from Hunter Water and the Department of Planning and Environment through the Planning Reform Fund to undertake a Rural Land Use Strategy. In addition to these funds Dungog Council also committed \$50,000 to the project given its strategic planning significance.

Minute No. 37174

RESOLVED on the motion of Cr McKenzie and seconded by Cr Bowden that the report be received and the information noted.

4. **PATERSON RIVER FLOOD STUDY**
EF15/30

Précis:

This report provides advice regarding the completion of the draft Paterson River Flood Study prepared in partnership with Maitland and Port Stephens Councils.

Minute No. 37175

RESOLVED on the motion of Cr Wall and seconded by Cr Bowden that the report be received and the information noted.

Steve Hitchens

5. **FIXING COUNTRY ROADS APPLICATION**
EF14/77

Precis:

Providing Council with updated information regarding the Fixing Country Roads Programme Round 2 through Transport for NSW.

Minute No. 37176

RESOLVED on the motion of Cr McKenzie and seconded by Cr Knudsen that the report be received and the information noted.

Steve Hitchens

6. **WORKS PROGRESS REPORT**
EF08/208

Précis:

Reporting on construction and maintenance works undertaken in June 2016

Minute No. 37177

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that the report be received and the information noted.

Shaun Chandler

7. **STATEMENT OF INVESTMENTS**
EF08/220

Précis:

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.

Minute No. 37178

RESOLVED on the motion of Cr Booth and seconded by Cr Bowden that the report be received and the information noted.

**8. WORKS COST STATEMENT
EF08/221**

Précis:

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

Minute No. 37179

RESOLVED on the motion of Cr Booth and seconded by Cr McKenzie that the Works Cost Statement for the period ending 30 June 2016 be received and noted.

Shaun Chandler

**9. COUNCILLORS TRAVELLING & OTHER EXPENSES
EF08/222**

Précis:

Report on Councillors travelling for Councillors information.

Minute No. 37180

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that the report be received and the information noted.

Cheryl Hyde

**10. SUMMARY OF RATES & CHARGES COLLECTED
EF08/261**

Précis

Reporting on the level of outstanding rates and charges as at 30 June 2016.

Minute No. 37181

RESOLVED on the motion of Cr Farrow and seconded by Cr Knudsen that the report be received and the information noted.

Craig Deasey

**11. HUNTER COUNCILS INC. - PILOT JOINT ORGANISATION
EF08/577**

Precis:

Reporting on the recent meeting of the Hunter Pilot Joint Organisation.

Minute No. 37182

RESOLVED on the motion of Cr Wall and seconded by Cr Booth that the report be received and the information noted.

**12. LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) BILL 2016
EF16/48**

Precis:

Reporting on the Bill introduced to NSW Parliament.

Minute No. 37183

RESOLVED on the motion of Cr McKenzie and seconded by Cr Wall that the report be received and the information noted.

**13. NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS
EF08/142**

Précis:

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

Minute No. 37184

RESOLVED on the motion of Cr Knudsen and seconded by Cr Farrow that the report be received and the information noted.

BUSINESS OF AN URGENT NATURE

Nil

There being no further business the meeting terminated at 7.12 pm.

Confirmed

Date