

# **DUNGOG SHIRE COUNCIL**

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**DRAFT**

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**ORDINARY MEETING**

**MINUTES**

**16 OCTOBER 2019**

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Nil

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Nil

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Nil

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1. Williams River Holiday Park Business Matters

**COMPLIMENTS**

Meeting commenced at 6.00 pm.

**PRESENT:** Councillors T Norman, D Rayward, J Connors, G Riley, J Lyon, R Booth, S Low AM, G Wall and K Murphy.

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

**ACKNOWLEDGEMENT OF COUNTRY:** Delivered by Mayor T Norman.

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**DECLARATION OF INTERESTS:**

Cr S Low declared a significant non-pecuniary interest in Planning Report No. 4  
 Cr K Murphy declared a pecuniary interest in Planning Report No. 6  
 Cr J Lyon declared a significant non-pecuniary interest in Planning Report No. 7  
 Cr T Norman declared a less than significant non-pecuniary interest in Planning Report No. 7  
 Cr K Murphy declared a significant non-pecuniary interest in General Managers Report No. 5

**CONFIRMATION OF MINUTES:**

**COUNCIL RESOLUTION**

<b>38196</b>	<p>That the minutes of the Ordinary Council Meeting held on 18 September 2019 be confirmed.</p> <p>Moved Cr K Murphy, Seconded Cr D Rayward.</p> <p style="text-align: right;">Carried.</p>
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**MATTERS ARISING:**

General Managers Memorandum Page 1:

Only parts one to six were able to be implemented of Minute No. 38177. Part seven was unable to be implemented lawfully.

The Prayer was delivered by Mr Gordon Crimp.

The Ode was delivered by Mayor T Norman.

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**MOTION**

<b>38197</b>	<p>That the Order of Council business be suspended to allow members of the public to address Council.</p> <p>Moved Cr K Murphy, Seconded Cr D Rayward.</p> <p style="text-align: right;">Carried.</p> <p>The Order of Council business was suspended at 6.09 pm.</p>
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Mr J Friggieri spoke against the Officer recommendation of Planning Report No. 4.  
 Mr D Dlugogorski spoke against the Officer recommendation of Planning Report No. 4.  
 Mr C Horn spoke in favour of the Officer recommendation of Planning Report No. 1.  
 Mr D O'Neil spoke in favour of the Officer recommendation of Planning Report No. 7.  
 Mr M Fallding spoke on extension to Barrington Tops National Park.

**MOTION**

<b>38198</b>	<p>That Council resumes the Order of Council business.</p> <p>Moved Cr S Low, Seconded Cr G Riley</p> <p style="text-align: right;">Carried.</p> <p>The Order of Council business resumed at 6.25 pm.</p>
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## PLANNING DEPARTMENT

### 1. DEVELOPMENT APPLICATION – 131/2019 – FARM BUILDING, LOT 115 DP 1117260, 361 HORNS CROSSING ROAD VACY

**FILE NO:** DA131/2019

A Recommended conditions of consent

**ANNEXURES:** B Plans

C Objections

**AUTHOR:** Snr Development/Building Officer

**APPLICANT:** Barry Horn

**OWNER:** Mrs K M Horn

**PROPOSAL:** Farm Building

**LOCATION:** Lot 15 DP 1117260, 361 Horns Crossing Road, Vacy

**ZONE:** RU1 Primary Production

#### OFFICERS RECOMMENDATION:

That Development Application 131/2019 being for the use of an existing unauthorised structure as a Farm Building, at Lot 115 DP 1117260, 361 Horns Crossing Road, Vacy, be approved subject to the conditions in **Annexure 'A'**.

#### Precis:

The Development Application is required to be reported to Council for determination due to the Council receiving three (3) objections to the proposed development.

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#### RESOLUTION

<b>38199</b>	<p>That Development Application 131/2019 being for the use of an existing unauthorised structure as a Farm Building, at Lot 115 DP 1117260, 361 Horns Crossing Road, Vacy, be approved subject to the conditions in <b>Annexure 'A'</b>.</p> <p>Moved: Cr S Low, Seconded: Cr G Wall.</p> <p style="text-align: right;">Carried.</p>
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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:

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

## ANNEXURE 'A'

### CONDITIONS

#### General

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

Plan / Document	Drawn by	Date
Statement of Environmental Effects	Mr Barry Horn	28 <sup>th</sup> August 2019
Site Plan	-	-
Concrete Slab Plan	Best Sheds	20 <sup>th</sup> December 2018
Bolt Fixing Details	Best Sheds	20 <sup>th</sup> December 2018
Elevations	Best Sheds	20 <sup>th</sup> December 2018
Elevations (2)	Best Sheds	20 <sup>th</sup> December 2018
Section A-A	Best Sheds	20 <sup>th</sup> December 2018
Connection Details	Best Sheds	20 <sup>th</sup> December 2018
Connection and Bracing Details	Best Sheds	20 <sup>th</sup> December 2018

2. The building shall not be adapted or used for any purposes other than the use of the structure as a Farm Building as defined under the provisions of Dungog Local Environmental Plan 12014.
3. Roof water from the building shall be conducted to the nominated water storage tanks and then to a level spreader to allow even dispersion of stormwater. The level spreader shall be located a minimum 3m clear of any property boundaries and 3m clear of any building footings system.

Drainage shall be 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.

#### During Construction

4. The installation of the stormwater management system, shall not be undertaken 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.
5. All disturbed land surface areas are to be revegetated to the satisfaction of Council prior to the lawful use or occupation of the building as a Farm Building.

#### Prior to the Use of the Building

6. Prior to the use of the Farm Building a Building Certificate is to be issue by council for the unauthorised Farm Building.
7. 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.
8. Prior to the use or occupation of the Farm Building all roof water from the building shall be conducted to the approved disposal system as prescribed by the conditions of this consent.

## 2. DEVELOPMENT APPLICATION – 40/2019 - PROPOSED DWELLING AND GARAGE , 16 MAITLAND ROAD, PATERSON

**FILE NO:** DA40/2019

**ANNEXURES:** A Conditions of Consent  
B Development Plans

**AUTHOR:** Senior Town Planner/Development Officer

**APPLICANT:** Lincoln Rein

**OWNER:** Mr L R Rein & Ms A C Oseland

**PROPOSAL:** Dwelling and Garage

**LOCATION:** Lot 23 DP 1148076, No 16 Maitland Road, Paterson

**ZONE:** E3 Environmental Management and RU5 Village

### OFFICERS RECOMMENDATION:

That the proposed dwelling and garage at Lot 23 DP 1148076, No 16 Maitland Road, Paterson be approved subject to the conditions listed (**Annexure 'A'**).

### Precis:

The following report considers Development Application No. 40/2019 which seeks consent for the erection of a dwelling and associated garage at 16 Maitland Road, Paterson. The development application is reported to Council for determination due to flooding, on-site sewage management and building line setback variations. An assessment of the development application has been undertaken by relevant staff in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and it is recommended that Council approves the proposed dwelling, subject to conditions.

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### RESOLUTION

<b>38200</b>	<p>That the proposed dwelling and garage at Lot 23 DP 1148076, No 16 Maitland Road, Paterson be approved subject to the conditions listed (<b>Annexure 'A'</b>).</p> <p>Moved: Cr R Booth, Seconded: Cr K Murphy.</p> <p style="text-align: right;">Carried.</p>
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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:

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



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## ANNEXURE 'A'

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### Prescribed Conditions

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

5. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons expense:
  - a. protect and support the adjoining premises from possible damage from excavation, and
  - b. where necessary, underpin the adjoining premises to prevent any such damage.

This does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

### General and at All Times

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

(a) Plans Reference:

Drawings prepared by: Verte Design & Drafting			
Name of Plan	Drawing No.	Issue	Date
Site Plan	A1	1	31/07/2019
Roof Plan	A2	1	31/07/2019
Proposed Floor Plan	A3	1	31/07/2019
Elevations	A4	1	31/07/2019
Elevations	A5	1	31/07/2019
Sections/Images	A6	1	31/07/2019
Shed	A7	1	31/07/2019
Shed Elevation/Section	A8	1	31/07/2019

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	-	Verte Design & Drafting	-
Wastewater Management Report	R.0331.001.00_16maitlandroad_Paterson_WMR	Decentralised Water Consulting	26/07/2019
BASIX Certificate	1001474S	Verte Design & Drafting	15/03/2019
Bushfire Assessment Report	Rev 1	Newcastle Bushfire Consulting	23/08/2019

8. Roof water from the dwelling shall be conducted to the water storage tank in accordance with the BASIX requirements.

Any additional roof water and overflow from the water storage tank shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm prior to use or occupation of the development. All roof water drainage works shall be undertaken in accordance with the Building Code of Australia (BCA) Part 3.5.2.

9. Colour and texture of the external materials of the dwelling house and rainwater tank are to be as submitted with the Development Application to ensure they blend into the natural surroundings and Heritage Conservation Area, including:
- Walls - Bluestone Heritage
  - Architraves – Wiltshire White
  - Fascia and guttering - Ironstone
  - Roof – Colorbond Windspray
  - Non-reflective materials shall be used in all external finishes.

10. There is to be no direct vehicular access from Maitland Road to Lot 23 DP 1148076. All vehicular access is to be via the right of carriageway over Lot 101 DP 872887.

11. Compliance with the recommendations of the Bushfire Assessment Report prepared by Newcastle Bushfire Consulting dated 23/8/19.

#### **Prior to the issuing of a Construction Certificate**

12. Prior to the release of any construction certificate a detailed schedule of construction materials/systems demonstrating compliance with Australian Standard 3959 – 2009 'Construction of Buildings in bushfire prone areas' for Bushfire Attack level 12.5 shall be submitted to the Principal Certifying Authority.
13. A separate approval will be required under Section 68 of the Local Government Act 1993 for the installation of an on-site sewage management system to be approved by Council. The Aerated Waste Water Treatment System (AWTS) is to be located above the 1 and 100 flood level.

Advisory: A waste water management plan prepared by Decentralised Water Consulting (Ref Report.0331.001.00, 26/07/2019) has been prepared in relation to site/soil conditions for effluent disposal on the above mentioned site.

14. The flood planning level for this development is RL12.2m AHD, being the 1% Annual Exceedance Probability (AEP) flood level plus 500mm freeboard. Prior to the issue of the Construction Certificate, plans shall be submitted to and approved by the Certifying Authority demonstrating that habitable floor levels within the proposed dwelling shall be at or above the flood planning level.
15. Prior to issue of the Construction Certificate a report from a suitably qualified and experienced engineer shall be submitted to and approved by the Certifying Authority verifying that:
  - Any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream building or property
  - The building structure will be able to withstand the force of flood waters including buoyancy and the impact of debris

#### **Prior to Commencement of Works**

16. 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.
17. Prior to the commencement of work for the construction of the dwelling or garage, 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.

#### **During Construction**

18. Submission of a check survey by a registered Surveyor prior to the fixing or pouring of any floor verifying the floors are at or above the nominated levels. The minimum floor level of the dwelling shall be not less than RL 12.2m AHD.
19. 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 1.00 pm Saturday. No construction or demolition work on Sunday or public holidays.

20. Approved toilet facilities are to be provided, at or in the vicinity of the work site on which the work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every twenty (20) persons employed at the site. The provision of toilet facilities in accordance with the Clause must be completed before any other work is commenced.
21. A waste containment facility to Council's requirements is to be provided on the building site immediately after the first concrete pour for the building and is to be regularly serviced.

Council and the Environmental Protection Authority may issue "on the spot" fines if breaches of the Environmental Offences and Penalties Act, are detected.

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

22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. Alterations to the natural surface contours must not result in natural drainage from adjoining land to be obstructed or result in surface water being diverted to adjoining land.
24. Trees identified on the approved plans and any other trees not specifically indicated for removal on the approved plans, are to be protected and retained.
25. 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
26. To minimise soil erosion during construction, the owner and builder shall ensure that the following measures are implemented in the sequence outlined:-
- (i) A dish shaped diversion drain or similar structure will be constructed above the proposed house site to divert run-off to a stable discharge area such as an area with a grass cover. (This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall).
  - (ii) A sediment trapping fence using a geotextile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (eg "silt stop").
  - (iii) Vegetation is to be cleared from the construction site only; other areas are to remain undisturbed.
  - (iv) 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.

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27. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

**Prior to Issue of Occupation Certificate or Use of the building**

28. 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.
29. Where Council is not the Principal Certifying Authority (PCA), an Occupation Certificate shall be submitted to Council when the building works has been completed and prior to the Occupation of the building.

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

30. Prior to the release of any Occupation Certificate, the Onsite Sewage Management System is to be installed in accordance with the Design Specification Appendix A from the waste water management report prepared by Decentralised Water Consulting (Ref Report.0331.001.00, 26/07/2019) and a satisfactory final inspection undertaken by Council. The Aerated Waste Water Treatment System (AWTS) is to be located above the 1 and 100 flood level.
31. Prior to the release of any occupation certificate all roof water from the dwelling shall be conducted to the water storage tank/s in accordance with the BASIX requirements, with the overflow storm water management system completed in accordance with the conditions of development consent.
32. Prior to the release of any Occupation Certificate certification is to be provided to the Principal Certifying Authority confirming that the measures outlined in the Bushfire Assessment Report have been complied with.

### 3. DEVELOPMENT APPLICATION 128/2018 – LOT BOUNDARY ADJUSTMENT, 351 MONKERAI ROAD, MAIN CREEK

**FILE NO:** DA128/2018

**ANNEXURES:** A Draft Conditions of Consent  
B Proposed Subdivision Plan

**AUTHOR:** Senior Town Planner

**APPLICANT:** Perception Planning Pty Ltd

**OWNER:** Bartkins Pty Ltd; Mr R I Watkins

**PROPOSAL:** 2 Lot Boundary Adjustment

**LOCATION:** LOT: 18 DP: 753206, Lot 1 DP 219170, No 351 Monkerai Road, Main Creek

**ZONE:** RU1 Primary Production

#### OFFICERS RECOMMENDATION:

That:

1. The report be received and noted;
2. Council consider the draft Conditions of Consent provided at **Annexure 'A'**.
3. Council determine the conditions of approval for DA128/2018.

#### Precis:

A Development Application has been lodged seeking consent for a two lot boundary adjustment at 351 Monkerai Road, Main Creek.

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#### AMENDMENT

<b>38201</b>	<p>That Council adopt the draft Conditions of Consent provided at <b>Annexure 'A'</b>.</p> <p>Moved: Cr S Low AM, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 8 for 1 against as follows:

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

## ANNEXURE 'A'

### **General**

- The boundary adjustment of Lot 18 DP 753206 and Lot 1 DP 219170, No 351 Monkerai Road, Main Creek being carried out in accordance with the following information submitted with development application 128/2018, except as modified by the conditions of this consent:

(a) Plans Reference:

Name of Plan	Rev	Drawn by	Date
Boundary Adjustment	1	Perception Planning	26/7/2018

(b) Document Reference:

Document	Rev	Author	Date
Statement of Environmental Effects	2	Perception Planning	27 July 2018

### **Prior to the Issue of a Subdivision Certificate**

- Application for a Subdivision Certificate is to be submitted to and approved by Council prior to release of the final linen plan of subdivision.
- Submission of an original plan of survey by a Registered Surveyor and six (6) copies to Council for subdivision approval.

**Advice:** The final plans must conform generally with the subdivision proposal shown on the concept plan submitted with the Development Application and incorporate Council's requirements.

- Prior to issue of the Subdivision Certificate, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to the Principal Certifying Authority.
- The developer shall ensure that satisfactory arrangements have been made with Council for the supply and erection of property identification numbers in accordance with Council's Rural Addressing Program.

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

- Any relocation or alterations of public utilities made necessary as a result of the development are to be carried out at no cost to Council.
- Prior to the release of a Subdivision Certificate, certification by a suitably qualified person is to be provided to the Principle Certifying Authority demonstrating compliance with the NSW Rural Fire Service Bushfire Safety Authority conditions (conditions 9 to 12).
- A Subdivision Certificate will not be issued nor the final plan signed and released by Council until all conditions of consent have been complied with to Council's satisfaction.

### **APPROVAL UNDER SECTION 4.46 – NSW RURAL FIRE SERVICE**

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning

and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

9. The proposed development is to comply with the plan titled 'Boundary Adjustment', prepared by Perception Planning, amendment dated 26 July 2018, except where modified by conditions of this Bush Fire Safety Authority.

### **Asset Protection Zones**

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

10. At the issue of subdivision certificate and in perpetuity the property around the existing dwelling on proposed lot 1 shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
  - North for a distance of 48 metres as an inner protection area;
  - East for a distance of 100 metres as an inner protection area;
  - South for a distance of 100 metres as an inner protection area; and
  - West for a distance of 48 metres or to the boundary where insufficient, as an inner protection area.
11. At the issue of subdivision certificate and in perpetuity the property around the existing dwelling on proposed lot 2 shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
  - North for a distance of 100 metres as an inner protection area;
  - East for a distance of 80 metres as an inner protection area;
  - South for a distance of 100 metres as an inner protection area; and
  - West for a distance of 30 metres or to the boundary where insufficient, as an inner protection area.

### **Design and Construction**

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

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



Cr S Low declared an interest in the following item and left the Chambers at 6.36pm.

**4. DEVELOPMENT APPLICATION – 201/2019 – SEEKING CONSENT TO USE OF UNAUTHORISED STRUCTURE AS A FARM BUILDING, LOT 62 DP 872415, 630 LIMEBURNERS CREEK ROAD, CLARENCE TOWN**

**FILE NO:** DA 201/2018

A Reasons for refusal

**ANNEXURES:** B Plans of existing structure

C Letters of Objection

**AUTHOR:** Garry Warnes – Town Planner

**APPLICANT:** David Dlugogorski

**OWNER:** Mr B Z & Mrs E A Dlugogorski

**PROPOSAL:** Application to use unauthorised structure as a Farm Building

**LOCATION:** Lot 26 DP 872415, 630 Limeburners Creek Road, Clarence Town

**ZONE:** Zone RU1 Primary Production

**OFFICERS RECOMMENDATION:**

That Development Application 201/2018 being an application to use an unauthorised structure as a Farm Building on Lot 26 DP 872415, 630 Limeburners Creek, Clarence Town be refused for the reasons as set out in **Annexure 'A'**.

**Precis:**

The following report considers an application under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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**RESOLUTION**

<b>38202</b>	<p>That Development Application 201/2018 being an application to use an unauthorised structure as a Farm Building on Lot 26 DP 872415, 630 Limeburners Creek, Clarence Town be refused for the reasons as set out in <b>Annexure 'A'</b>.</p> <p>Moved: Cr G Riley, Seconded: Cr D Rayward.</p> <p style="text-align: right;">Carried.</p>
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The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 8 for 0 against as follows:

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

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**ANNEXURE 'A'**

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**Reasons for refusal**

1. The development is contrary to the terms of Council's Development Control Plan No 1 as set out in *Part C3 Building Line Setbacks* as it does not comply with Aim (a) of that DCP that is "*to ensure physical separation of buildings and uses between adjoining properties that may create community conflict.*"
2. The development is contrary to the terms of Council's Development Control Plan No 1 as set out in *Part C3 Building Line Setbacks* as it does not comply with the minimum numerical setback standard as set out in *Part 2.4.1 Side and Rear Boundaries (including secondary road frontage)* for lands within *Zone RU1 Primary Production* wherein the minimum side setback standard is 40m for lots with an area of more than 30 hectares but less than 60 hectares.
3. Approval of the development would result in a significant variation to Councils standards adopted within its DCP No 1 and would undermine public confidence and the communities expectations that Council uphold its adopted development standards.
4. Approval of the development would not be in the public interest.

Cr S Low returned to the Chambers at 6.39pm.

## 5. TELECOMMUNICATIONS IN NEW SUBDIVISIONS POLICY

<b>FILE NO.</b>	EF08/307
<b>ANNEXURES:</b>	A Draft Telecommunications Policy
<b>AUTHOR:</b>	Senior Town Planner/ Development Officer
<b>COMMUNITY STRATEGIC PLAN</b>	Rural and Urban Development
<b>DELIVERY PROGRAM:</b>	Strategy 4: Ensure that our land use planning for the Shire acknowledges the importance of our rural character and agricultural activities.

### OFFICERS RECOMMENDATION:

1. That Council endorse the draft Telecommunications Subdivisions Policy;
2. That Council advertise the draft Policy in the local newspaper for a period of 28 days for public comment;
3. That Council endeavour to seek formal feedback from NBN representatives during the exhibition period;
4. That should no objections be received, Council adopt the draft Policy and publish notice of the Policy in the local newspaper.
5. That in the event objections are received and those objections cannot be satisfied, the matter be reported back to Council for consideration.

### Precis:

To present to Council a Draft Telecommunications in Subdivisions Policy.

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### AMENDMENT

<b>38203</b>	<ol style="list-style-type: none"> <li>1. That the report be stood over until the November meeting to allow Manager Planning to consider further a draft policy.</li> <li>2. That a workshop on the Draft Policy be conducted on Monday 11 November 2019.</li> </ol> <p>Moved: Cr S Low, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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Cr K Murphy declared an interest in the following item and left the Chambers at 6.42pm.

## 6. DEVELOPMENT APPLICATIONS – DELEGATED AUTHORITY & TRACKING

<b>FILE NO:</b>	EF 08/228
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	Planning Manager
<b>COMMUNITY STRATEGIC PLAN:</b>	Rural & Urban Development - Ensure that our land use planning for the Shire acknowledges the importance of our rural character and agricultural activities.
<b>DELIVERY PROGRAM:</b>	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 September 2019.

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### RESOLUTION

<b>38204</b>	<p>That the report be received and the information noted.</p> <p>Moved: Cr S Low, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 8 for 0 against as follows:

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

Cr K Murphy returned to the Chambers at 6.48pm.

Cr J Lyon declared an interest in the following item and left the Chambers at 6.48pm.

**7. DEVELOPMENT APPLICATION – DA121/2019 LIVESTOCK PROCESSING INDUSTRY, 391 HANLEYS CREEK ROAD, HANLEYS CREEK**

**FILE NO:** DA128/2018

**ANNEXURES:** A Draft Conditions of Consent  
B Site Plan

**AUTHOR:** Senior Town Planner/Development Officer

**APPLICANT:** Dominic O'Neil

**OWNER:** Dominic O'Neil

**PROPOSAL:** Livestock Processing Industry

**LOCATION:** Lot 45 DP 752457, No 391 Hanleys Creek Road, Hanleys Creek

**ZONE:** RU1 Primary Production

**OFFICERS RECOMMENDATION:**

That Consent be granted, subject to the conditions included in Annexure 'A'

**Precis:**

The following report considers Development Application No 121/2019 which seeks development consent for a livestock processing industry at Lot 45 DP 752457, No 391 Hanleys Creek Road, Hanleys Creek. The proposed development is identified as 'designated development' under Clause 4 and Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and an Environmental Impact Statement (EIS) has been submitted with the development application. As staff do not have delegations to determine designated development applications, the matter is reported to Council for determination and it is recommended that the application is approved, subject to conditions.

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**AMENDMENT**

<b>38205</b>	<p>That Consent be granted, subject to the conditions included in Annexure 'A' with the following changes:</p> <ul style="list-style-type: none"> <li>- That the standard for the upgrade to Hanleys Creek Road in conditions 19 and 20 be changed to 6m wide Rural Local Unsealed 1 (RLU1).</li> </ul> <p>Moved: Cr G Riley, Seconded: Cr S Low.</p> <p style="text-align: right;">Carried.</p>
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The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 8 for 0 against as follows:

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

Cr J Lyon returned to the Chambers at 7.01pm.

## ANNEXURE 'A'

### Conditions of Consent

#### General and At All Times (Including Ongoing Operation of the Rural Industry)

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent, or as modified in red.

Supporting Document	Reference	Prepared by	Dated
Environmental Impact Statement	119051 Draft	Environmental Earth Sciences	14 August 2019
Wastewater Management Report	Revision 0 R.00281.001.00_Ethic alfarmersruralindustryf acil lty_391hanley screekrdhanleyscreek WMR	Decentralised Water Consulting	9/04/2019

Plan No	Reference	Prepared by	Dated
Site Plan	119051 Fig 2	Environmental Earth Sciences	July 2019
Floor Plan	119051 Fig 3	Environmental Earth Sciences/Dukes Workshop Pty Ltd	July 2019
Elevation Plan - North/South	119051 Fig 4a	Environmental Earth Sciences/Dukes Workshop Pty Ltd	July 2019
Elevation Plan - East/West	119051 Fig 4b	Environmental Earth Sciences/Dukes Workshop Pty Ltd	July 2019
Wastewater Treatment System Layout	Figure 5	Environmental Earth Sciences/ Decentralised Water Consulting	-

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The livestock processing industry is limited to the production of 30 tonnes of meat and/or products annually.
3. This development consent does not authorise the slaughter of animals on the site. All carcasses delivered to and/or processed on the site are to be received from an approved abattoir.
4. The hours of operation for the activity, including all deliveries to and from the site are restricted to between 6am and 6 pm each day. Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.
5. Access to the development site shall not be permitted by vehicles larger than the 7.1m long medium rigid vehicle specified by AS2890.2 Parking Facilities – Off Street Commercial Vehicle Facilities.
6. Ongoing maintenance of the waste water management system is to undertake to ensure satisfactory operation, including (but not limited to):

- Periodic clean out of grease trap by an approved contractor (monitored monthly); and
  - Periodic desludging of the septic tank (approximately every 5 years) by an approved contractor; and
  - Inspection of the arch trench to confirm operation (annual); and
  - Mowing of arch trenches, including the removal of clippings (monthly); and
  - Periodic checking operation of the effluent transfer pump (annual).
7. A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those that are exempt development or permitted without consent by Council.
  8. Colour and texture of the external materials of the buildings are to be chosen to ensure they blend into the natural surroundings. In this regard, non-reflective materials shall be used in all external finishes.
  9. The work must be carried out in accordance with the requirements of the Building Code of Australia.

#### **Prior to Commencement of Work**

10. Prior to the commencement of work for the internal fitout or any footings, 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.
11. At least two days prior to the commencement of works, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.
12. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:-
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted.
  - (c) identifying the Principal Certifying Authority and a telephone number at which that person may be contacted.

Any such sign is to be removed when the work has been completed.

13. The applicant shall ensure that arrangements are made for Council to carry out **CRITICAL STAGE INSPECTIONS** indicated as follows in bold.

Request for inspections may be made either by telephone or in person.

Forty eight (48) hours notice must be given for inspections.

Applicants are required to nominate the relevant Construction Certificate Number and location prior to the inspection request being granted.

**Note: STAGE INSPECTIONS** are required to be carried out in order to ensure that an Occupation Certificate can be issued. In the event that any stage inspection is not carried out, an Occupation Certificate cannot be issued.

- a) After stripping of topsoil from roads and fill areas, all Erosion & Sediment Control devices and Traffic Control signs shall be installed at this stage.**
- b) After completion of road sub grade.**
- c) After placement and compaction of each layer of gravel pavement material.**

- d) After laying and jointing of all stormwater drainage pipelines prior to backfilling.**
- e) After restoration and completion of all works.**
- f) After placement of all steel reinforcing in footpaths and driveways.**
- g) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls and conditions of Development Consent.**

It should be noted that Council charge fees for inspections and Compliance Certificates. These inspection fees must be paid prior to release of the Construction/Occupation/Subdivision Certificate associated with the Development Consent. Compliance (Inspection) Fees will be adjusted in accordance with Council's Fees & Charges operating at the time of inspection. In the event further additional inspections are required those inspections will attract inspection fees.

14. Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Infrastructure & Assets department to discuss the extent and scope of all works and details required on the design plans. Some of the issues to be discussed and incorporated in the design plans include the following:
- Location of passing bays.
  - Erosion & sediment controls.
  - Stormwater drainage.
  - Pavement standards including carriageway widths etc.
  - Vehicle access locations.
  - Provision of Water & Sewer.
  - Road widening.
  - Standard of river/creek crossing detail.
  - Earthworks details including quantities.
  - Traffic control details.
  - Restoration details.

#### **Prior to Issue of a Construction Certificate**

15. The area where food is handled and repackaged is to be constructed and fitted out in accordance with the following-
- The Food Act 2003
  - Food Regulation 2015
  - Australian Standard 4674-2004- construction and fitout of food premises.
- Full details shall be submitted to Council for approval prior to the issue of a Construction Certificate.
16. The proposed development shall be constructed so as to be fully compliant with the Building Code of Australia for a Class 8, Type C building. Full details shall be submitted to Council for approval prior to the issue of a Construction Certificate.
17. Prior to the issue of a Construction Certificate a detailed landscape plan nominating the location, species and mature height of the proposed plants is to be submitted to Council for approval.
18. Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 for the works detailed in conditions 19 and 20. For any such works, detailed engineering design plans must be submitted to Council for approval prior to issue of the Construction Certificate.



19. Prior to issue of the s138 approval the developer shall arrange for detailed engineering design plans to be submitted to Council for approval for -

Upgrade Hanleys Creek Road to a minimum 6m wide Rural Local Unsealed Road 1 (RLU1) standard, from the end of the existing bitumen seal at approximate Ch 1.7km to Ch 2.73km, a distance of approximately 1km. All works shall be in accordance with the latest Auspec standards and Council's Roads Management Strategy. All works shall be at no cost to Council

All works shall be complete to the satisfaction of Council prior to the release of the Occupation Certificate.

20. Prior to issue of the s138 approval the developer shall arrange for detailed engineering design plans to be submitted to Council for approval for -

Upgrade Hanleys Creek Road to include road widening at crests to provide a minimum 6m wide Rural Local Unsealed Road 1 (RLU1) pavement allowing 2 vehicles to pass in compliance with Austroads sight distance requirements for an 80km/h speed environment.

All works shall be in accordance with the latest Auspec standards and Council's Roads Management Strategy. All works shall be at no cost to Council

All works shall be complete to the satisfaction of Council prior to the release of the Occupation Certificate.

**Advice:** The following locations are provided as advice and are approximate only:

- Approximate Ch 2.05km – Crest, poor sight distance
- Approximate Ch 2.3km – Crest, poor sight distance
- Approximate Ch 2.93km – Crest, poor sight distance
- Approximate Ch 3.5km – Crest, poor sight distance

### **During Works**

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

22. A waste containment facility to Council's requirements is to be provided on the building site immediately after the commencement of works and is to be regularly serviced.

Council and the Environmental Protection Authority may issue "on the spot" fines if breaches of the Environmental Offences and Penalties Act, are detected.

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

23. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

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

- (i) A dish shaped diversion drain or similar structure will be constructed above the proposed house site to divert run-off to a stable discharge area such as an area with

- a grass cover. (This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall).
- (ii) A sediment trapping fence using a geotextile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (eg "silt stop").
  - (iii) Vegetation is to be cleared from the construction site only; other areas are to remain undisturbed.
  - (iv) 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.

- 25. Any relocation or alterations of public utilities made necessary as a result of the development are to be carried out by the developer at no cost to Council.
- 26. 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.

#### **Prior to Issue of Occupation Certificate/Use of Premises**

- 27. 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.
- 28. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. No occupational use is permitted until the Principal Certifying Authority issues an Occupation Certificate.

Note: The Principal Certifying Authority must submit a copy of the Occupation Certificate to Council, with all associated documentation, within two days of it being issued.

- 29. All conditions of Development Consent No 77/2019 issued by Dungog Shire Council are to be satisfied prior to the issue of any Occupation Certificate or use of the premises authorised under this consent.
- 30. Prior to the issue of any Occupation Certificate, a rain water tank with a minimum capacity of 20,000 litres is to be installed to collect rainwater from the building.
- 31. Prior to the issue of any Occupation Certificate, the building is to be screened with plant species that are endemic to the area and that will grow to a height to provide visual screening of the development from Hanleys Creek Road as detailed in the landscape plan submitted with and approved with the Construction Certificate.
- 32. Prior to the issue of any Occupation Certificate or use of the building, the onsite sewage management system is to be installed in accordance with its approval, with a satisfactory final inspection to be undertaken by Council.

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33. A trade waste service shall be provided that is sufficient for the collection and disposal of waste products generated from the activity. The applicant shall provide details of the trade waste arrangements prior to the Occupation Certificate being issued.
34. Prior to the issue of any Occupation Certificate, all road works included in conditions 19 and 20 of this consent and as approved under Section 138 of the Roads Act 1993 are to be completed, with a satisfactory final inspection being undertaken by Council.

**Advice:**

The approved use is limited to a livestock processing industry as defined under Dungog Local Environmental Plan (LEP) 2014. Any use of the premises in association with poultry farming or the sorting, packing and distribution of eggs is separately defined under Dungog LEP 2014 and may require separate development consent.

## INFRASTRUCTURE AND ASSETS DEPARTMENT

### 1. EBSWORTH ROAD - ROAD BOUNDARIES DEFINITION AT GLEN MARTIN

<b>FILE NO:</b>	EF08/183 – DA29/1998
<b>ANNEXURES:</b>	A - DP 1252038 B - Detailed Plan Showing Closures C - Detailed Plan Showing Closures
<b>AUTHOR:</b>	Executive Manager – Infrastructure & Assets
<b>COMMUNITY STRATEGIC PLAN</b>	Public Infrastructure & Services
<b>DELIVERY PROGRAM:</b>	8. Council Programs and Activities Supporting Public Infrastructure and Services

#### OFFICERS RECOMMENDATION:

That Council:-

1. Transfers Lots 6 and 7 DP 1252038 to the adjoining property owner of Lots 3 and 5 DP 1252038.
2. Delegates to the General Manager the authority to execute the above Transfer(s) and relevant documents to complete the actions.

#### Precis:

The purpose of this report is to make a minor amendment to the previous Council Resolution for the 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.

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#### RESOLUTION

<b>38206</b>	<p>That Council:-</p> <ol style="list-style-type: none"> <li>1. Transfers Lots 6 and 7 DP 1252038 to the adjoining property owner of Lots 3 and 5 DP 1252038.</li> <li>2. Delegates to the General Manager the authority to execute the above Transfer(s) and relevant documents to complete the actions.</li> </ol> <p>Moved: Cr D Rayward, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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## 2. CLARENCE TOWN VILLAGE GREEN AND WETLANDS

<b>FILE NO:</b>	EF09/48
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	Executive Manager – Infrastructure & Assets
<b>COMMUNITY STRATEGIC PLAN</b>	Public Infrastructure & Services
<b>DELIVERY PROGRAM:</b>	8. Council Programs and Activities Supporting Public Infrastructure and Services

### OFFICERS RECOMMENDATION:

1. That the report be received and the information noted;
2. That an increase of \$10,000 be applied to the Parks & Reserves Maintenance Vote for 2019/2020; and
3. That a letter of gratitude be provided by Council to the working group for their efforts in maintaining and improving this facility for the past 6 years.

### Precis:

The purpose of this report is to provide Council with information with respect to the maintenance of the Clarence Town Village Green and Wetlands areas.

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### RESOLUTION

<b>38207</b>	<ol style="list-style-type: none"> <li>1. That the report be received and the information noted;</li> <li>2. That an increase of \$10,000 be applied to the Parks &amp; Reserves Maintenance Vote for 2019/2020; and</li> <li>3. That a letter of gratitude be provided by Council to the working group for their efforts in maintaining and improving this facility for the past 6 years.</li> </ol> <p>Moved: Cr S Low, Seconded: Cr G Riley.</p> <p style="text-align: right;">Carried.</p>
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### 3. WORKS PROGRESS REPORT

<b>FILE NO:</b>	EF08/208
<b>ANNEXURES:</b>	'A' Major Works to continue or commence in the next 3 months
<b>AUTHOR:</b>	Steve Hitchens
<b>COMMUNITY STRATEGIC PLAN:</b>	Public Infrastructure & Services
<b>DELIVERY PROGRAM:</b>	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 September 2019.

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#### RESOLUTION

<b>38208</b>	<p>The report be received and the information noted.</p> <p>Moved: Cr S Low, Seconded: Cr R Booth.</p> <p style="text-align: right;">Carried.</p>
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## CORPORATE & CUSTOMER SERVICES DEPARTMENT

### 1. REVIEW OF WARD BOUNDARIES

<b>FILE NO:</b>	EF12/7
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	Executive Manager Corporate Services
<b>COMMUNITY STRATEGIC PLAN:</b>	Council Governance and Finance – Other council programs and activities supporting our community and culture.
<b>DELIVERY PROGRAM:</b>	2. Decision making processes are open, transparent and inclusive

#### OFFICERS RECOMMENDATION:

1. That the report is received and noted.
2. Council resolve to proceed with the proposed Ward Boundary Plan as submitted. (Annexure B).
3. Following advice from the NSW Electoral Commissioner of council's proposed ward boundaries being satisfactory and pursuant to Section 210A(2) of the Local Government Act 1993, Council give public notice the Ward Boundary Plan may be inspected at Council's office, and will be exhibited for a period of 28 days, with submissions regarding the plan being accepted by Council for a period of 42 days from the date of public exhibition.
4. If no submissions regarding the plan are received upon expiry of the submission period the final Ward Boundary Plan is submitted to the Electoral Commissioner for consideration.
5. If submissions regarding the plan are received upon expiry of the submission period a further report is tabled on the outcome of the public exhibition for Council consideration and action.

#### Precis:

Report on discussions with the NSW Electoral Commission and Australian Statistician regards adjusting Council's Ward boundaries.

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#### RESOLUTION

<b>38209</b>	<ol style="list-style-type: none"> <li>1. That the report is received and noted.</li> <li>2. Council resolve to proceed with the proposed Ward Boundary Plan as submitted. (Annexure B).</li> <li>3. Following advice from the NSW Electoral Commissioner of council's proposed ward boundaries being satisfactory and pursuant to Section 210A(2) of the Local Government Act 1993, Council give public notice the Ward Boundary Plan may be inspected at Council's office, and will be exhibited for a period of 28 days, with submissions regarding the plan being accepted by Council for a period of 42 days from the date of public exhibition.</li> </ol>
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|  | <p>4. If no submissions regarding the plan are received upon expiry of the submission period the final Ward Boundary Plan is submitted to the Electoral Commissioner for consideration.</p> <p>5. If submissions regarding the plan are received upon expiry of the submission period a further report is tabled on the outcome of the public exhibition for Council consideration and action.</p> |
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Moved: Cr G Riley, Seconded: Cr K Murphy.

Carried.



## 2. DRAFT FINANCIAL REPORTS FOR THE PERIOD ENDED 30 JUNE 2019 – COUNCIL STATEMENT GENERAL PURPOSE FINANCIAL REPORTS

<b>FILE NO:</b>	EF08/64
	A Income Statement
	B Statement of Financial Position
<b>ANNEXURES:</b>	C Statement of Cash Flows
	D Statement of Comprehensive Income
	E Statement by Councillors and Management
<b>AUTHOR:</b>	Executive Manager Corporate Services
<b>COMMUNITY STRATEGIC PLAN:</b>	Council undertakes prudent financial management to ensure its long term viability.
<b>DELIVERY PROGRAM:</b>	5.1 Finance - Budget

### OFFICERS RECOMMENDATION:

1. That Council's 2018/2019 Financial Statements be referred to the NSW Audit Office for audit.
2. That approval be granted for the Financial Statements, pursuant to Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the Local Government (General) Regulation 2005 and the Local Government Code of Accounting Practice and Financial Reporting, be signed on behalf of Council and attached to the Annual Financial Reports.

### Precis:

The Draft 2018/2019 Financial Statements have been prepared and are currently undergoing external audit. This report recommends to Council the adoption of the Draft 2018/2019 Financial Statements and the completion of the Statement by Council in the approved form as to its opinion on the general purpose financial reports in accordance with Section 413(2)(c) of the *Local Government Act 1993* and a statement by Council in the approved form as to its opinion on the special purpose financial reports in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

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### RESOLUTION

<b>38210</b>	<ol style="list-style-type: none"> <li>1. That Council's 2018/2019 Financial Statements be referred to the NSW Audit Office for audit.</li> <li>2. That approval be granted for the Financial Statements, pursuant to Section 413(2)(c) of the <i>Local Government Act 1993</i> and Clause 215 of the Local Government (General) Regulation 2005 and the Local Government Code of Accounting Practice and Financial Reporting, be signed on behalf of Council and attached to the Annual Financial Reports.</li> </ol> <p>Moved: Cr G Riley, Seconded: Cr D Rayward.</p> <p style="text-align: right;">Carried.</p>
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### 3. STATEMENT OF INVESTMENTS

<b>FILE NO:</b>	EF08/220
<b>ANNEXURES:</b>	'A' Statement of Investments
<b>AUTHOR:</b>	Executive Manager Corporate & Customer Services
<b>COMMUNITY STRATEGIC PLAN:</b>	Council Governance & Finance - Council undertakes prudent financial management to ensure its long-term viability
<b>DELIVERY PROGRAM:</b>	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.

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#### RESOLUTION

<b>38211</b>	<p>The report be received and the information noted.</p> <p>Moved: Cr S Low, Seconded: Cr G Riley.</p> <p style="text-align: right;">Carried.</p>
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#### 4. WORKS COST STATEMENT

<b>FILE NO:</b>	EF08/221
<b>ANNEXURES:</b>	A Works Cost Statement
<b>AUTHOR:</b>	Senior Finance Officer
<b>COMMUNITY STRATEGIC PLAN:</b>	Council Governance & Finance - Council undertakes prudent financial management to ensure its long-term viability.
<b>DELIVERY PROGRAM:</b>	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.

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#### RESOLUTION

<b>38212</b>	<p>The report be received and the information noted.</p> <p>Moved: Cr D Rayward, Seconded: Cr J Lyon.</p> <p style="text-align: right;">Carried.</p>
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## 5. COUNCILLORS TRAVELLING & OTHER EXPENSES

<b>FILE NO:</b>	EF08/222
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	Executive Manager Corporate & Customer Services
<b>COMMUNITY STRATEGIC PLAN:</b>	Council Governance & Finance - Councillors are responsive, accessible and actively involved within local communities
<b>DELIVERY PROGRAM:</b>	1.1 Councillor representation

### OFFICERS RECOMMENDATION:

The report be received and information noted.

### Precis:

Report on Councillors travelling for Councillors information.

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### RESOLUTION

<b>38213</b>	<p>The report be received and the information noted.</p> <p>Moved: Cr J Lyon, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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## GENERAL MANAGERS REPORTS

### 1. PECUNIARY INTEREST RETURNS

**FILE NO:** EF08/525

**ANNEXURES:** Nil

**AUTHOR:** The General Manager

#### OFFICERS RECOMMENDATION:

1. That the report be received and noted.
2. That the General Manager make the Pecuniary Interests Register publically available on request.

#### Precis:

Reporting on the statutory requirement to table pecuniary interest declarations.

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#### RESOLUTION

<b>38214</b>	<ol style="list-style-type: none"> <li>1. That the report be received and noted.</li> <li>2. That the General Manager make the Pecuniary Interests Register publically available on request.</li> </ol> <p>Moved: Cr S Low, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p>
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## 2. COUNCIL CHRISTMAS ARRANGEMENTS 2019

<b>FILE NO:</b>	EF07/53
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	Executive Manager Corporate Services
<b>COMMUNITY STRATEGIC PLAN:</b>	Not applicable
<b>DELIVERY PROGRAM:</b>	Not applicable

### OFFICERS RECOMMENDATION:

That the report is received and the information noted.

### Precis:

Reporting on the proposed Christmas arrangements for 2019.

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### RESOLUTION

<b>38215</b>	<p>That the report be received and the information noted.</p> <p>Moved: Cr S Low, Seconded: Cr G Riley.</p> <p style="text-align: right;">Carried.</p>
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### 3. COUNCIL USU PICNIC DAY 2019

**FILE NO:** EF07/53

**ANNEXURES:** Nil

**AUTHOR:** The General Manager

**COMMUNITY STRATEGIC PLAN:** N/A

**DELIVERY PROGRAM:** N/A

#### OFFICERS RECOMMENDATION:

That the report be received and the information noted.

#### Precis:

Reporting on the United Services Union advising of their Union Picnic Day.

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#### RESOLUTION

<b>38216</b>	<p>That the report be received and the information noted.</p> <p>Moved Cr S Low, Seconded Cr J Lyon.</p> <p style="text-align: right;">Carried.</p>
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#### 4. COUNCIL'S OPERATIONAL PLAN – FEES & CHARGES ADJUSTMENT – DUNGOG SHOWGROUND & RECREATION RESERVE

<b>FILE NO:</b>	EF08/470
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	The General Manager
<b>COMMUNITY STRATEGIC PLAN:</b>	Recreation and Open Space - Encourage and support a diversity of sporting and recreational activities throughout the Shire
<b>DELIVERY PROGRAM:</b>	2.6 Pricing

#### OFFICERS RECOMMENDATION:

That:

1. Council adopt the proposed Dungog Showground & Recreation Reserve casual fees outlined in this report
2. The proposed Dungog Showground & Recreation Reserve casual fees be placed on public exhibition in accordance with the *Local Government Act 1993* for inclusion in the Dungog Shire Council Operational Plan 2019-2020 – Fees and Charges
3. If no submissions are received that the General Manager include the Dungog Showground casual fees in the Dungog Shire Council Operational Plan 2019-2020 – Fees and Charges.

#### Precis:

This report outlines proposed amendments to the Dungog Showground & Recreation Reserve fees in Council's Operational Plan 2019-2020 - Fees and Charges.

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#### RESOLUTION

<b>38217</b>	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council adopt the proposed Dungog Showground &amp; Recreation Reserve casual fees outlined in this report</li> <li>2. The proposed Dungog Showground &amp; Recreation Reserve casual fees be placed on public exhibition in accordance with the <i>Local Government Act 1993</i> for inclusion in the Dungog Shire Council Operational Plan 2019-2020 – Fees and Charges</li> <li>3. If no submissions are received that the General Manager include the Dungog Showground casual fees in the Dungog Shire Council Operational Plan 2019-2020 – Fees and Charges.</li> </ol> <p>Moved: Cr J Connors, Seconded: Cr K Murphy.</p> <p style="text-align: right;">Carried.</p>
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Cr K Murphy declared an interest in the following item and left the Chambers at 7.13pm.



## 5. COMMUNITY SMALL GRANTS RECOMMENDATIONS

<b>FILE NO:</b>	EF 18/69
<b>ANNEXURES:</b>	A Small Equipment and Community Development Grant Recommendations B Love Water Grant Recommendations
<b>AUTHOR:</b>	Community Projects Officer
<b>COMMUNITY STRATEGIC PLAN:</b>	3. Community and Culture
<b>DELIVERY PROGRAM:</b>	12.2 Working with existing local organisation securing funding for development of their organisations

### OFFICERS RECOMMENDATION:

That Council:

1. Note and endorse the Community (Small) Grants Program 2019/2020 funding recommendations to be funded by Council as provided in Annexure 'A'; and
2. Note the Community (Small) Grants Program 2019/2020 recommendations to be funded by Hunter Water (Love Water) as provided in Annexure 'B'.

### Precis:

This report seeks Council consideration and endorsement of funding recommendations for the Community (Small) Grants Program 2019/2020.

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### RESOLUTION

<b>38218</b>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Note and endorse the Community (Small) Grants Program 2019/2020 funding recommendations to be funded by Council as provided in Annexure 'A'; and</li> <li>2. Note the Community (Small) Grants Program 2019/2020 recommendations to be funded by Hunter Water (Love Water) as provided in Annexure 'B'.</li> </ol> <p>Moved: Cr D Rayward, Seconded: Cr G Riley.</p> <p style="text-align: right;">Carried.</p>
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Cr K Murphy returned to the Chambers at 7.14pm.

## 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.

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### RESOLUTION

<b>38219</b>	<p>That the report be received and the information noted.</p> <p>Moved: Cr G Riley, Seconded: Cr S Low.</p> <p style="text-align: right;">Carried.</p>
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## 7. NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS

**FILE NO:** EF08/142

**ANNEXURES:** Nil

**AUTHOR:** The General Manager

### OFFICERS RECOMMENDATION:

That the report be received and the information noted.

### Precis:

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

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### RESOLUTION

<b>38220</b>	<p>That the report be received and the information noted.</p> <p>Moved: Cr K Murphy, Seconded: Cr R Booth.</p> <p style="text-align: right;">Carried.</p>
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**8. CLOSED COUNCIL**

<b>FILE NO:</b>	N/A
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	The General Manager
<b>COMMUNITY STRATEGIC PLAN:</b>	Council Governance & Finance – Decision-making processes are open, transparent and inclusive
<b>DELIVERY PROGRAM:</b>	2.1 Governance - Meetings

**RECOMMENDATION:**

That:

1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting
2. Pursuant to Section 10A (1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of section 10A (2) as outlined above.
3. Correspondence and reports relevant to the subject business be withheld from the access to the media and public as required by Section 11 (2) of the *Local Government Act 1993*.

**Precis:**

Report referring matters to Closed Council.

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**RESOLUTION**

<b>38221</b>	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting</li> <li>2. Pursuant to Section 10A (1)-(3) of the <i>Local Government Act 1993</i>, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of section 10A (2) as outlined above.</li> <li>3. Correspondence and reports relevant to the subject business be withheld from the access to the media and public as required by Section 11 (2) of the <i>Local Government Act 1993</i>.</li> </ol> <p>Moved: Cr R Booth, Seconded: Cr S Low.</p> <p style="text-align: right;">Carried.</p>
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## REPORTS FROM COMMITTEES AND OUTSIDE ORGANISATIONS

### 1. COUNCIL'S MANAGEMENT COMMITTEE MEETING MINUTES

**FILE NO:** N/A

**ANNEXURES:** A Management Committee Meeting Minutes

**AUTHOR:** The General Manager

#### 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.

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#### RESOLUTION

<b>38222</b>	<p>That the minutes of the Management Committee Meeting be received and noted.</p> <p>Moved: Cr R Booth, Seconded: Cr G Riley.</p> <p style="text-align: right;">Carried.</p>
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#### BUSINESS OF AN URGENT NATURE

Nil

#### QUESTIONS WITH NOTICE

Nil

**CLOSED COUNCIL****MOTION**

<b>38223</b>	<p>1. Council resolve into closed council to consider business identified, together with any late reports tabled at the meeting.</p> <p>2. Pursuant to section 10A(1)-(3) of the <i>Local Government Act 1993</i>, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) of the <i>Local Government Act 1993</i>.</p> <p>3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the <i>Local Government Act 1993</i>.</p> <p>Moved Cr S Low, Seconded: Cr J Lyon.</p> <p style="text-align: right;">Carried.</p> <p>Council closed its meeting at 7.18 pm. The public and media left the Chambers.</p>
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**MOTION**

<b>38224</b>	<p>That Council move into Committee of the Whole.</p> <p>Moved Cr K Murphy, Seconded: Cr S Low.</p> <p style="text-align: right;">Carried.</p> <p>Council resolved into Committee of the Whole at 7.19pm.</p>
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**MOTION**

<b>38225</b>	<p>That Council resume Closed Council.</p> <p>Moved Cr S Low, Seconded: Cr J Lyon.</p> <p style="text-align: right;">Carried.</p> <p>Council resumed Closed Council at 7.29pm.</p>
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**MOTION**

<b>38226</b>	<p>That Council resume the Order of Council business.</p> <p>Moved Cr S Low, Seconded: Cr J Connors.</p> <p style="text-align: right;">Carried.</p> <p>The Order of Council business resumed at 7.30pm.</p>
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The following resolutions of Council while the meeting was closed to the public were read to the meeting.

## GENERAL MANAGER

### 1. WILLIAMS RIVER HOLIDAY PARK BUSINESS MATTERS

<b>FILE NO:</b>	EF11/56
<b>ANNEXURES:</b>	Nil
<b>AUTHOR:</b>	General Manager
<b>COMMUNITY STRATEGIC PLAN:</b>	Local Economy
<b>DELIVERY PROGRAM:</b>	Strategy 8: Identify and develop, in partnership with local business operators, local tourism opportunities with a focus on overnight stay visitors to the Shire.

#### OFFICERS RECOMMENDATION:

That the General Manager be authorised to finalise negotiations in regard to the matters identified within this report.

#### Precis:

The purpose of this report is to seek Council's concurrence to the acquisition of a caravan / annexe previously occupied by a long term tenant at the Williams River Holiday Park with a view to removal of the structures and the retrofitting of their former location as a casual powered / sillage disposal available site.

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#### RESOLUTION

<b>38227</b>	That the General Manager be authorised to finalise negotiations in regard to the matters identified within this report.  Moved: Cr S Low, Seconded: Cr J Connors.  Carried.
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There being no further business the meeting terminated at 7.31 pm.

Confirmed: .....  
*Mayor*

Confirmed: .....  
*General Manager*

Date: .....

Date: .....