

DUNGOG SHIRE COUNCIL



Minutes of the Ordinary Meeting

15 October 2013

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COMPLIMENTS

MINUTES OF THE ORDINARY MEETING OF DUNGOG SHIRE COUNCIL HELD AT DUNGOG SHIRE COUNCIL CHAMBERS ON 15 OCTOBER 2013 COMMENCING AT 6.00 PM.

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

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

LEAVE OF ABSENCE: Nil

APOLOGIES: Nil

ACKNOWLEDGEMENT OF COUNTRY: Delivered by Cr Johnston.

DECLARATION OF INTERESTS: Nil

CONFIRMATION OF MINUTES:

Minute No. 36215

RESOLVED on the motion of Cr Bowden and seconded by Cr McKenzie that the Minutes of the Ordinary Meeting of Council, held on Tuesday 17 September 2013 having been circulated amongst the members of the Council be confirmed.

MATTERS ARISING: Nil

The Prayer was delivered by Mr Gordon Crimp.

The Ode was delivered by Cr Johnston.

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Minute No. 36216

A MOTION was moved by Cr Booth and seconded by Cr Bale 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 6.08 pm to allow members of the public to address Council.

Margaret Jones – spoke in favour of the waiving of fees for the Relay for Life event.

Lyn Moseley - spoke in favour of the waiving of fees for the Relay for Life event.

Tom Boorer – spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Dave Berry - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Matthew Brown - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

John Connors - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Judy Dircks - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Brian Doherty - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Hilton Grugeon - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Suzanne Landers - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

John Lidbury - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Jock Mackay - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Gerdi Schumacher – Mogileksy - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Peter Dillon - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Vayle Wolstenholme - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Felix Prentice - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Ros Runciman - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Beau Blundell - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Tim Olsen - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Jim Olsen - spoke in favour of Option 1 in Manager Planning's Report Item No. 1.

Robert Muscat - spoke in favour of Option 2 in Manager Planning's Report Item No. 1.

Minute No. 36217

A MOTION was moved by Cr McKenzie 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 7.27 pm.

PLANNING DEPARTMENT MANAGERS REPORT

Kristy Cousins /Jacqui Tupper

- 1. PLANNING PROPOSAL FOR LOT 16 DP 865027 HANLEYS CREEK ROAD,
HANLEYS CREEK
EF10/60**
-

Précis:

This report considers the public submissions received during the exhibition period of the Planning Proposal to rezone part of Lot 16 DP 865027, Hanleys Creek Road from Rural 1(a) to Rural Lifestyle 1(l) and Rural 1(a) under the Dungog LEP 2006 or R5 Large Lot Residential and RU1 Primary Production under the draft LEP 2013 whichever is in force at the time the amendment is published on the NSW Legislation website. The report discusses the issues raised by the public and provides two options for Councillor Determination.

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Minute No. 36218

A MOTION was moved by Cr McKenzie and seconded by Cr Booth that Council move into Committee of the Whole.

On being put the motion was carried.

Council resolved into Committee of the Whole at 7.28 pm.

Councillors discussed the Manager Planning's Report No. 1.

Minute No. 36219

A MOTION was moved by Cr Wall and seconded by Cr Farrow that Council resolves into Open Council at 8.10 pm.

On being put the motion was carried.

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A MOTION was moved by Cr Wall and seconded by Cr Farrow that:

- (a) In accordance with section 57 & 58 of the Environmental Planning and Assessment Act 1979, Council consider the submissions received during the exhibition period, and make no changes to the proposed LEP amendment.
- (b) In accordance with Section 59 of the Environmental Planning and Assessment Act 1979, Council submit the planning proposal to the Department of Planning & Infrastructure requesting that the Minister make the LEP.
- (c) That Council advise the proponent that a site specific chapter of Dungog Development Control Plan No.1 must be drafted for Councils consideration and formally adopted prior to any development being approved on the site. The contents of the chapter shall include but not be limited to the matters raised in the respective preliminary consultant reports as well as other relevant environmental issues affecting the site.

On being put the motion was carried.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 5 for 4 against as follows:

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

Carolyn Maginnity

2. STEWART BLAND - SECTION 96 APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT - LOT 56 DP 753176, EBSWORTH ROAD, BOORAL DA 29/1998

Minute No. 36221

RESOLVED on the motion of Cr Wall and seconded by Cr Farrow that the application for modification of Development Consent No. 29/1998 be determined by granting approval pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* for deletion of condition 18 and amendment of conditions 3, 4, 5, 6 and 7 by the addition of the following advisory note at the end of each condition:-

Advice: *A suitable 88B instrument creating the Restriction of the use of land, in accordance with the requirements of the Conveyancing Act 1919, should be submitted to Council for endorsement prior to issue of a Subdivision Certificate.*

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, Norman, McKenzie, Farrow, Knudsen, Booth, Wall, Bowden.</i>

**3. DUNGOG HERITGE STUDY REVIEW 2013
EF11/100**

Precis:

The purpose of this report is to gain a resolution of Council to place the draft Dungog Heritage Study Review on exhibition for a period of 28 days.

Minute No. 36222

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

1. Council exhibit the draft Dungog Heritage Study Review 2013 for a period of 28 days.
2. Council notify in writing all property owners that are listed in the Draft Dungog Heritage Review seeking their comments prior to the preparation of a final report for consideration by Council.

ENVIRONMENTAL SERVICES DEPARTMENT MANAGERS REPORT

Paul Minett

**1. SWIMMING POOLS SAFETY BARRIER INSPECTION PROGRAM
EF13/41**

Precis:

The purpose of this report is to seek Council's adoption of the Swimming Pools Safety Barrier Inspection program.

Minute No. 36223

RESOLVED on the motion of Cr Wall and seconded by Cr Knudsen that Council adopt the Swimming Pool Barrier Inspection Program provided in this report.

Paul Minett

**2. DUNGOG LANDFILL CAPITAL WORKS PLAN 2013 -14
EF07/58**

Precis:

Reporting on the Capital Works Plan prepared for Dungog Landfill 2013-2014.

Minute No. 36224

RESOLVED on the motion of Cr Farrow and seconded by Cr Knudsen that the works contained in the ten year forward capital works program for Dungog Landfill in 2013-14 be funded from the Restricted Assets in the Waste Management area.

INFRASTRUCTURE & ASSETS DEPARTMENT EXECUTIVE MANAGERS REPORT

Steve Hitchens

1. **REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF CONCRETE PIPES, FIBRE REINFORCED CONCRETE (FRC) PIPES AND ANCILLARY ITEMS – TENDER T021314HUN EF08/290**
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Precis:

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Concrete Pipes, Fibre Reinforced Concrete (FRC) Pipes and Ancillary Items (Tender T021314HUN).

Minute No. 36225

RESOLVED on the motion of Cr Wall and seconded by Cr Farrow that:

Category 1 – Concrete Pipes and Ancillary Items

1. That Holcim (Australia) Pty trading as Humes be awarded the tender as the single source supplier for Category 1 - Concrete stormwater pipes and ancillary items for the period 16 October 2013 to 30 September 2015; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30 September 2016.

Category 2 – Fibre Reinforced Concrete Pipes and Ancillary Items

1. That James Hardie Australia Pty Ltd be awarded the tender as the single source supplier for Category 2 – Fibre Reinforced Concrete stormwater pipes and ancillary items for the period 16 October 2013 to 30 September 2015; and
 2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30 September 2016.
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Steve Hitchens

2. **REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF BULK CATIONIC RAPID SETTING (CRS) GRADE BITUMEN EMULSION - TENDER T091314HUN EF08/290**
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Precis:

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion (Tender T091314HUN).

Minute No. 36226

RESOLVED on the motion of Cr Booth and seconded by Cr Farrow that:

1. The tender submission of Downer EDI Works Pty Ltd be accepted as the Single Source supplier for the period 1 January 2014 to 31 December 2015; and
 2. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31 December 2016.
-

3. REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUELS, OILS AND LUBRICANTS - TENDER T061314HUN EF08/290

Precis:

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Bulk Fuels, Oils and Lubricants (Tender T061314HUN).

Minute No.36227

RESOLVED on the motion of Cr Wall and seconded by Cr Booth that Council endorses Regional Procurement to enter into a Deed of Agreement on behalf of Dungog Shire Council for the Supply and Delivery of Bulk Fuel, Oils and Lubricants (Tender T061314HUN) as follows:-

Supply & Delivery of Bulk Fuels

1. That the tender submission of Centrel P/L t/a Reliance Petroleum BP be awarded this tender as the single source supplier per council to Dungog Shire Council for the period 16 October 2013 to 30 September 2015; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 September 2016.

Supply & Delivery of Oils & Lubricants

1. That Redpoint be awarded this tender as the single source supplier per council to Dungog Shire Council for the period 16 October 2013 to 30 September 2015 for Oils and Lubricants pending confirmation from plant and equipment manufacturers that this will not void any warranties of equipment; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 September 2016.

CORPORATE SERVICES DEPARTMENT EXECUTIVE MANAGER'S REPORT

Shaun Chandler

1. **DUNGOG SHIRE RELAY FOR LIFE REQUEST TO WAIVE SHOWGROUND
MANAGEMENT COMMITTEE HIRE FEES
EF 08/461, 13/71285**
-

Precis:

Dungog Shire Relay for Life seeking Council approval to waive the Dungog Showground Management Committee ground hire fee.

Minute No. 36228

A MOTION was moved by Cr Farrow and seconded by Cr Bale that:

1. Council waive \$796.00 of the hire fee for the 2014 Dungog Shire Relay for Life event to use the Dungog Showground and Recreation Reserve.
2. Council give public notice of its intentions in accordance with the Local Government Act.
3. Council donate an amount of \$796.00 to the Dungog Showground Management Committee being the equivalent of the hire fee waiver.

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. 36229

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

Ivan Skaines

2. **AN UPDATE ON DUNGOG SHIRE EVENTS INCORPORATED
EF 08/311**
-

Précis:

Reporting on the progress of Dungog Shire Events Incorporated.

Minute No. 36230

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

QUESTIONS WITH NOTICE

Nil

INFORMATION ONLY REPORTS

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

Jacqui Tupper

Precis:

Development Consent has been granted to the following development applications under delegated authority for the month September 2013.

Minute No. 36231

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

2. **SEPTIC TANK INSPECTION AND RECTIFICATION PROJECT (SIRP) - A
PARTNERSHIP WITH HUNTER WATER CORPORATION AND PORT STEPHENS
COUNCIL
EF08/301**

Paul Minett

Precis:

The purpose of this report is to inform of participation in the Hunter Water drinking water catchment Septic Tank Inspection and Rectification Project (SIRP).

Minute No. 36232

RESOLVED on the motion of Cr McKenzie and seconded by Cr Knudsen that the report be received and Councils participation in the SIRP be noted.

3. **ENVIRONMENTAL HEALTH OFFICERS REPORT
EF08/301, EF08/182 & EF08/69**

Damien Reeves

Précis:

This report provides an update on Environmental Health programs for the 1st Quarter of 2013-14.

Minute No. 36233

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

4. ENVIRONMENTAL COMPLIANCE OFFICERS QUARTERLY REPORT
EF08/301

Précis:

This report provides an update on the work programs of the Environmental Compliance Officer for the period of July, August, September 2013.

Minute No. 36234

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

Nigel Atkins

5. WORKS PROGRESS REPORT
EF08/208

Précis:

Reporting on construction and maintenance works undertaken in August 2013.

Minute No. 36235

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

Shaun Chandler

6. 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. 36236

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

Cheryl Hyde

7. 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. 36237

RESOLVED on the motion of Cr Booth and seconded by Cr McKenzie that the Works Cost Statement for the period ending 30 September 2013 be received and noted.

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

Précis:

Report on Councillors travelling for Councillors information.

Minute No. 36238

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

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

Précis

A report detailing rates outstanding after the due date of the first rate instalment for the 2014 rating year.

Minute No. 36239

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

**10. FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013
EF08/64**

Précis:

Presentation of the audited general purpose financial statements, special purpose financial statements and special schedules as per the requirements of Section 419 of the Local Government Act 1993.

Minute No. 36240

RESOLVED on the motion of Cr Booth and seconded by Cr Farrow that the Financial Statements and Auditors Reports for the year ended 30 June 2013 be received and noted.

**11. 2013-14 FINANCIAL ASSISTANCE GRANT
EF 08/592**

Precis:

Reporting on correspondence from the NSW Local Government Grants Commission.

Minute No. 36241

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

**12. COUNCIL CHRISTMAS ARRANGEMENTS
EF07/53**

Précis:

Reporting on the proposed Christmas arrangements.

Minute No. 36242

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

**13. PECUNIARY INTEREST RETURNS
EF08/525**

Précis:

Reporting on the statutory requirement to table pecuniary interest declarations.

Minute No. 36243

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

1. The report be received and noted.
2. The General Manager now table the Pecuniary Interests Register.

**14. NSW DIVISION OF LOCAL GOVERNMENT CIRCULARS
EF08/142**

Précis:

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

Minute No. 36244

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

BUSINESS OF AN URGENT NATURE

Nil

There being no further business the meeting terminated at 9.02 pm.

Confirmed

Date