

DUNGOG SHIRE COUNCIL



Minutes of the Ordinary Meeting

20 September 2016

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GENERAL MANAGER

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MINUTES OF THE ORDINARY MEETING OF DUNGOG SHIRE COUNCIL HELD AT DUNGOG SHIRE COUNCIL CHAMBERS ON 20 SEPTEMBER 2016 COMMENCING AT 6.00 PM.

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

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

ACKNOWLEDGEMENT OF COUNTRY: Delivered by Cr Johnston.

APOLOGIES: Councillor T Norman

Minute No. 37219

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that Cr Norman be recorded as an apology for the Ordinary meeting.

LEAVE OF ABSENCE: Councillor R A Booth

DECLARATION OF INTERESTS: Nil

CONFIRMATION OF MINUTES:

Minute No. 37220

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bale that the Minutes of the Ordinary Meeting of Council, held on Tuesday 16 August 2016 having been circulated amongst the members of the Council be confirmed.

MATTERS ARISING: Nil

The Prayer was delivered by Mr Hetherington.

The Ode was delivered by Cr Johnston.

MOTION OF CONDOLENCE

Craig Deasey

1. PETER NORWOOD DOYLE OAM

Precis:

Reporting on the recent passing of Peter Doyle OAM.

Councillors it is with sadness that I report on the passing of Peter Doyle OAM, Peter was a former councillor of Dungog Shire Council serving between 1979 and 1987 which is only one part of his service to the community.

Peter was awarded the Order of Australia Medal in 2009 for his service to the communities of the lower Hunter through youth, local government and health organisations. He was also recognised by Council at the Australia Day Awards in 2004 as the Citizen of the Year for his work within the community and following his Order of Australia Award he would proudly wear his OAM to every Australia Day event conducted.

Peter was a board member of Dungog Retirement Living Inc., furthermore it was his energies and initial funds invested that enabled the establishment of the Therese Doyle Community and Youth Centre in Gresford and his work within the community continued until recently when ill health limited his movements.

He made contributions through being a part of so many organisations throughout the years, from a board member of the Hunter Valley Co-op (OAK) then through the merger with Australian Cooperative Foods (Dairy Farmers) to being a foundation member of the Gresford/Vacy Scouts movement, president of the Gresford Bowling Club, he was a life member of the Gresford Agricultural Society, Deputy Captain of the Vacy Bushfire Brigade, member of the "Youth off the street" program and the list goes on.

Personally I always found Peter to be a true gentleman a very sincere person who cared so much for his community without ever seeking any acclamation for his efforts, he loved to have a yarn. He was a very proud Australian who embraced a range of principles upon which his life was founded upon, making a contribution within your community was one of his foundation principles.

Vale Peter Norwood Doyle OAM

Minute No. 37223

RESOLVED on the motion of Cr Wall and seconded by Cr McKenzie that Council observe one minutes silence to recognise the passing of Peter Doyle OAM.

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Minute No. 37221

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

On being put the motion was carried.

The Order of Council business was suspended at 6.03 pm.

Kelly Peach spoke in favour of the recommendation for Manager Planning's report No. 3 but against some conditions.

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

On being put the motion was carried.

The Order of Council business resumed at 6.09 pm.

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ELECTION OF MAYOR AND DEPUTY MAYOR

Craig Deasey

1. ELECTION OF MAYOR AND DEPUTY MAYOR EF08/602

Précis:

Reporting on the election of a Mayor by the Councillors.

Minute No. 37224

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

1. The method of election for both (or either) the Mayor and Deputy Mayor be by way of open voting for both positions.
2. The General Manager as Returning Officer advised one nomination for the position of Mayor being Councillor Johnston and one nomination for Deputy Mayor being Councillor McKenzie had been submitted. The General Manager as Returning Officer declared the election of Councillor Johnston as Mayor and Councillor McKenzie to the position of Deputy Mayor.

Craig Deasey

2. FIXING MEETING DATES AND TIMES EF08/603

Précis:

Reporting on the fixing of Council meeting dates and times.

Minute No. 37225

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

1. The Ordinary meetings of Council be held on the third Tuesday of each month commencing at 6.00pm with the exception of January provided that the day of any Ordinary Meeting may for good and sufficient reason be altered by resolution of Council at any preceding Ordinary Meeting.
2. In accordance with Section 367 of the Local Government Act 1993 and Council's Code of Meeting Practice five (5) day's notice be given for Ordinary, Extraordinary and Committee meetings provided that in an emergency the Mayor or General Manager be authorised to call an Extraordinary Meeting by telephone giving 48 hours notice.

3. DETERMINATION OF COUNCIL COMMITTEES EF08/604

Précis:

Reporting on the Determination of Council Committees.

Minute No. 37226

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that the following Committees be adopted and delegates appointed:

** Denotes that the Committee is a requirement of legislation.*

COMMITTEE NAME	CURRENT MEMBERS
* Traffic & Road Safety	The Mayor (Johnston) and One Councillor (Bale) (alternate) and Executive Manager – Infrastructure & Assets.
* Local Emergency Management	One Councillor (McKenzie) & Executive Manager Infrastructure Assets.
Access	The Mayor (Johnston) and Two Councillors (Bowden, Norman), Six community representatives & the Executive Manager Corporate Services.
Pilchers Reserve Committee	One Councillor (Norman) and One Councillor (Bowden) (alternate), six community representatives.
Community Artworks Advisory Committee	Two Councillors (Bowden, Booth), one staff member, four Community Representatives.
General Managers Performance Review Committee	Mayor (Johnston) and three Councillors (Booth, McKenzie, Wall) and LGNSW Officer.
Tourism Advisory Committee	The Mayor (Johnston) and Three Councillors (Farrow, Knudsen, Norman), Economic Development & Tourism Coordinator and Tourism Officer.
Local Noxious Weeds Advisory Committee	One Councillor (Bowden), Manager Environmental Services and Six Community Members

4. APPOINTMENT OF COUNCILLORS TO OUTSIDE ORGANISATIONS OPERATING UNDER DELEGATED AUTHORITY FROM COUNCIL EF08/608

Précis:

Reporting on the Appointment of Council Delegates to Outside Organisations.

Minute No. 37227

RESOLVED on the motion of Cr Wall and seconded by Cr Bowden that the following Committees be adopted and delegates appointed:

ORGANISATION	CURRENT DELEGATES
Shire Facilities	
<ul style="list-style-type: none"> • James Theatre Community Centre Committee 	One "A" Ward Councillor (Farrow).
School of Arts Committees	
<ul style="list-style-type: none"> • Clarence Town • Gresford • Paterson • Vacy • Martins Creek 	One "B" Ward Councillor (McKenzie). One "C" Ward Councillor (Wall). One "C" Ward Councillor (Booth). One "C" Ward Councillor (Bowden). One "B" Ward Councillor (Johnston).
Dungog Showground and Recreation Reserve Committee	One "A" Ward Councillor (Norman).
Paterson Sportsground Committee	One "C" Ward Councillor (Booth).
Gresford Sporting Complex Committee	One "C" Ward Councillor (Booth).
Vacy Sportsground Committee.	One "C" Ward Councillor (Wall).
Alison Court Units Management Committee	One "A" Ward Councillor (Bale), one "B" Ward Councillor (Johnston) & one "C" Ward Councillor (Booth).

5. APPOINTMENT OF COUNCIL DELEGATES TO OUTSIDE ORGANISATIONS EF08/605

Précis:

Reporting on the Appointment of Council Delegates to Outside Organisations.

Minute No. 37228

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

- The following Committees be adopted and delegates be appointed to the various Committees and Associations:

ORGANISATION	CURRENT DELEGATES
Local Government NSW	The Mayor (Johnston).
Hunter Councils Inc	The Mayor (Johnston)
Hunter Councils Ltd	General Manager
Newcastle Regional Joint Library Committee	One Councillor (Norman) and Executive Manager Corporate Services, General Manager (alternate).
Mid North Weight of Loads Group	The Mayor (Johnston) and one Councillor (McKenzie) (alternate).
Williams River Floodplain Management Committee	One Councillor (Norman) and Executive Manager Infrastructure & Assets, Manager Planning, a representative of Port Stephens Council and Government Agencies.
Upper Williams River / Clarence Town Floodplain Management Committee	One Councillor (Norman), Manager Environmental Services and 4 Community Representatives.
Dungog Shire Health Services Forum	General Manager, Community Project Officer and three Councillors (Johnston, Bowden, Vacant).
Lower Hunter Bush Fire Management Committee	One Councillor (Wall) and Executive Manager Infrastructure & Assets
Zone Bushfire Liaison Committee	One Councillor (Wall) and Executive Manager Infrastructure & Assets
Upper Hunter Arts Advisory Committee	One Councillor (Booth) and One Councillor (Knudsen) (Alternate).
Hunter Water Consultative Forum	The Mayor (Johnston) and One Councillor (Norman) (Alternate).
Dungog & District Liquor Accord	The Mayor (Johnston) and One Councillor (Farrow) and General Manager.
NSW Police – Port Stephens Local Area Command Crime Prevention Partnership Committee	The Mayor (Johnston), General Manager and One Councillor (McKenzie) alternate.
NSW Police – Central Hunter Local Area Command Crime Prevention Partnership Committee	The Mayor (Johnston) and One Councillor (Booth) and One Councillor (McKenzie) alternate.
Destiny Haven Community Review Board	The Mayor (Johnston) and One Councillor (McKenzie)
Joint Regional Planning Panel	The Mayor (Johnston) and one Councillor (Wall)
Gloucester Coal Seam Gas Community Consultative Committee	One Councillor (McKenzie) and Manager Environmental Services.
Hunter Local Land Services	One Councillor (Bowden) and One Councillor (alternate)(Norman).

GENERAL MANAGER

Craig Deasey

1. LGNSW ANNUAL CONFERENCE EF07/34

Precis:

Reporting on the annual conference of Local Government NSW.

Minute No. 37229

A MOTION was moved by Cr Knudsen and seconded by Cr McKenzie that Councillors do not attend the LGNSW Conference in 2016.

On being put the motion was carried.

Craig Deasey

2. CLOSED COUNCIL

Précis:

Report referring matters to Closed Council.

Minute No. 37230

RESOLVED on the motion of Cr McKenzie and seconded by Cr Bowden 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 Sec 10A(2) as outlined above.
3. Correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Sec 11(2) of the *Local Government Act 1993*.

PLANNING DEPARTMENT MANAGERS REPORT

Kristy Cousins

1. **WN GRAY – SECTION 96 MODIFICATION OF CONSENT - 33 GLENBURN ROAD, PATERSON DA 63/2014**

Précis:

An application has been received under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent No 63/2014 for a three lot subdivision at Lot 51 DP 1147254, No 33 Glenburn Road, Paterson.

Minute No. 37231

RESOLVED on the motion of Cr Wall and seconded by Cr Bowden that in accordance with Section 96 of the EP&A Act, it is recommended that amendments be made to the following original conditions numbered 1 & 10 respectively, and the insertion of two new conditions as follows:

General

1. The subdivision of Lot 51 DP 1147254 No. 33 Glenburn Road Paterson being carried out in accordance with the following information submitted with development application 63/2014, except as modified by the conditions of this consent:
 - Plan of proposed subdivision of Lot 51 DP1147254, prepared by Graeme Ferguson dated 29.07.2016;
 - Statement of Environment Effects, prepared by WN & DM Gray undated;
 - Bushfire Threat Assessment, prepared by Firebird ecoSultants Pty Ltd dated May 2014;
 - Geotechnical Investigation for On Site Sewerage Disposal System prepared by Valley Geotechnical (NSW) Pty Ltd dated 28/03/02

Prior to Issue of Construction Certificate

10. The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for: -

Roadwork including associated drainage and erosion/sediment controls associated with:

Construction of an access track from Glenburn Road to the southern boundary of the building envelope contained within Lot 511 including forming, gravelling and draining to provide a: -

- A minimum of 4 metre wide, 100mm depth of gravel formation with 1 metre wide cleared verges.
 - Provision of appropriately sized reinforced concrete piped drainage and headwalls where required.
- 30(a). A designated building envelope approved by Council is to be delineated and fully dimensioned on each vacant lot on the final plan of survey, and a Section 88b Instrument submitted for Council's acceptance that restricts building outside of the building envelope.

Advice: A "building envelope" is a parcel of land suitable for the siting of a dwelling house which is not subject to hazards, such as bushfire risk, erosion, landslip, poor drainage soil

or slope constraints, flooding, vegetation /habitat values, wildlife corridors, scenic amenity, buffer areas or the like, and –

- (i) Is based on the principles of the NSW Floodplain Management Manual;
- (ii) If set back from a road at a reasonable distance so as not to result in creating a visual intrusion on the rural landscape;
- (iii) Can be accessed by an all-weather road; and

30(b). Pursuant to section 88B of the Conveyancing Act easements and restrictions as-to-user shall be created to achieve the following purposes:

- (a) Prohibit clearing of native vegetation within the 20m riparian land buffer
- (b) Future development on Lot 511 must be carried so that the integrity of the riparian vegetation is maintained in perpetuity. The required APZ is to be located within the building envelope, or alternately future dwelling construction standards should be increased in accordance with the Planning for Bushfire Protection Guidelines 2006. to reduce the APZ footprint.
- (c) Prohibit the disposal of effluent outside of the nominated effluent disposal area on Proposed lot 511;
- (d) Provide that all boundary fencing should allow for the movement of native fauna across the site and is free from 'netting' type material.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 7 for 0 against as follows:

For: Crs Johnston, Bale, McKenzie, Farrow, Knudsen, Wall, Bowden.

Jenny Webb

2. J N CUSTODIAN PTY LTD – SECTION 96 MODIFICATION TO 5 LOT SUBDIVISION. DA39/2015

Precis:

An application has been received under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent No 39/2015 for a 5 lot subdivision at Lot 218 DP 752497 No 288 Glen William Road, Clarence Town.

Minute No. 37232

RESOLVED on the motion of Cr Bowden and seconded by Cr Knudsen that the application under Section 96(1A) of the Environmental Planning and Assessment Act 1979 be approved, subject to the modification of the following conditions of consent:

➤ **Modify Condition 1 to read:**

The subdivision of Lot 5 DP 752497, 288 Glen William Road, Clarence Town being carried out in accordance with the following information submitted with development application 39/2015, except as modified by the conditions of this consent and any amendments in red:

- Subdivision Plan, DWG REF: PP Plan (10) dated 27.08.16
- Statement of Environmental Effects (and appendices), prepared by Perception Planning on behalf of JN Custodian Pty Ltd dated 6 April 2015;
- Cumulative Impact Assessment prepared by Whiteheads & Associates Environmental Consultants dated May 2016.

➤ **Delete condition 2 which requires a minimum 50 metre separation between building envelopes.** Note: The separation between Lots 1 and 3 and Lots 3 and 4 is 55 metres. The separation between Lots 4 and 5 would be 30 metres as per the approved plans.

➤ **Condition 13 to be modified to read:**

Prior to the issue of the Subdivision Certificate, landscaping is to be provided to the development site in accordance with the with the Landscape Masterplan Plan (revised) Reference No L-01/REV02, prepared by Envisage Consulting Pty Ltd. A landscape implementation report from the landscape consultant is to be submitted to and approved by the Principal Certifying Authority.

➤ **Condition 25 to be modified to read:**

The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:

- Reciprocal rights of carriageway, easements for access and easements for services shall be created over the access corridors serving Lots 1, 2, 3, 4 and 5 in favour of the lots served thereby. The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out the terms of easements as required by this consent. Council, in addition to the owner of the land benefited by the easement, is to be a party whose consent is needed to release or vary easements.
- Restriction on the Use of Land prohibiting the erection of any building or structure upon proposed Lots 1 to 5, except within the nominated building envelope as shown on the approved development plan.
- Restriction on the Use of Land prohibiting any dwelling on proposed lots 1 to 5 in excess of single storey. Any other structures such as tanks and sheds are to be a maximum height of 4 metres from natural ground level.
- Restriction on the Use of Land prohibiting the disposal of effluent waste water upon proposed Lots 1 to 5, except within the nominated effluent disposal areas as identified on the approved development plan.
- Restriction on the Use of Land limiting all boundary fencing to rural style, post and wire or post and rail.
- Positive Covenant requiring the registered proprietor of proposed Lots 1 to 5 to maintain landscape planting in accordance with the Landscape Masterplan Plan (revised) Reference No L-01/REV02, prepared by Envisage Consulting Pty Ltd.
- Positive Covenant requiring the registered proprietor of proposed Lot 2 to ensure on-going vegetation and weed maintenance in accordance with the Environmental Management Plan prepared by Firebird ecoSultants Pty Ltd dated March 2015.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 7 for 0 against as follows:

<i>For: Crs Johnston, Bale, McKenzie, Farrow, Knudsen, Wall, Bowden.</i>
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**3. T W & K E PEACH – SECTION 96 MODIFICATION – 338 DUNOGG ROAD,
MARTINS CREEK.
DA 114/2015**

Precis:

An application has been received under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent No 114/2015 for a dual occupancy (detached) at Lot 2 DP 1171767, No 338 Dunggog Road, Martins Creek.

Minute No. 37233

RESOLVED on the motion of Cr Wall and seconded by Cr Farrow that in accordance with Section 96 of the EP&A Act, it is recommended that the following modifications be made to the conditions of consent:

Condition 1(b) be modified to read:

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

(a) Plans Reference:

Name of Plan	Issue	Drawing No.	Date
Site Plan	-	-	-
Elevations	-	-	September 2015
Floor Plan	-	-	September 2015

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	15 09 21_SoEE_v2	Perception Planning	27 September 2015
Wastewater Management Plan	Revised Report_1536_002	Whiteheads & Associates	11 September 2015
Bushfire Threat Assessment	Final for DA	Firebird ecoSultants Pty Ltd	15 September 2015
Environmental Noise Assessment	J0223-02-R1	Bridges Acoustics	13 September 2015

Condition 6 be modified to read:

Roof water from the dwelling shall be conducted to the water storage tank. Any additional roof water and overflow from the water storage tank shall be connected to rubble stormwater absorption pit, having a cross sectional area of 600mm x 600mm and being one (1) metre long for every 25m² of roof area.

Trenches to be located a minimum three (3) metres clear of any building or lot boundary. All roof water drainage works shall be undertaken in accordance with the Building Code of Australia (BCA) Part 3.5.2

Condition 15 to remain unchanged as follows:

The developer shall arrange for detailed engineering design plans to be submitted to Council for approval for a sealed entrance to the property complying with the requirements of the Council

Drawing Number SD0015 titles "Private Entrance – Rural Bitumen Road – July 2000". The entrance shall be constructed so as not to impede the flow of water in any table drain.

Condition 32 to remain unchanged as follows:

Prior to occupation or use of the relocatable dwelling, certification is to be provided from an appropriately qualified and experienced consultant, confirming that the internal noise levels comply with the requirements of clause 87 of State Environmental Planning Policy (Infrastructure) 2007, being:

- in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Prior to Issue of Occupation Certificate

33. Prior to the issue of any Interim Occupation Certificate, a 'concealed driveway ahead' sign must be erected in accordance with the approval issued under Section 138 of the Roads Act 1993, dated 12 April 2016. A satisfactory inspection of the sign is to be undertaken by Council officers prior to the release of any Interim Occupation Certificate.
34. Prior to release of a final Occupation Certificate the driveway/access crossing shall be constructed and all works completed in accordance with the approval issued under Section 138 of the Roads Act 1993 and approved plans, to the satisfaction of Council. A satisfactory final inspection of the works is to be undertaken by Council officers prior to the release of the final Occupation Certificate.

In the event that an Interim Occupation Certificate is issued, the driveway works are to be completed within 12 months of the issue of the Interim Occupation Certificate.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 7 for 0 against as follows:

<i>For: Crs Johnston, Bale, McKenzie, Farrow, Knudsen, Wall, Bowden.</i>
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ENVIRONMENTAL SERVICES DEPARTMENT MANAGERS REPORT

Paul Minett

**1. PATERSON RIVER FLOOD STUDY- EXHIBITION
EF15/30**

Précis:

This report seeks Council's resolution to place the Draft Paterson River Flood Study on Public Exhibition.

Minute No. 37234

RESOLVED on the motion of Cr Bowden and seconded by Cr McKenzie that the Draft Paterson River Flood Study be placed on public exhibition for a period of 28 days and that after that time the matter be referred back to Council for further consideration.

PROCEDURAL MOTION – ORDER OF BUSINESS

Minute No. 37235

A **MOTION** was moved by Cr Knudsen and seconded by Cr McKenzie that the Order of Business be changed to allow the Councillor Report to be considered at this point in the meeting.

On being put the motion was carried.

COUNCILLOR REPORTS

- Crs Nancy Knudsen and Tracy Norman**
1. **ROADSIDE REST AREA ON PART OF FRANK ROBINSON MEMORIAL PARK.
EF14/124**
-

Precis:

This report is prepared to elucidate and support the business paper by Steve Hitchens entitled *Road Widening on Stroud Hill Road, Dungog at Frank Robinson Memorial Park.*

Minute No. 37236

RESOLVED on the motion of Cr Knudsen and seconded by Cr McKenzie that the Council accept the report, note the contents and the aspirations expressed in the creation of the roadside rest area.

INFRASTRUCTURE AND ASSETS DEPARTMENT EXECUTIVE MANAGER'S REPORT

- Steve Hitchens**
1. **ROAD WIDENING ON STROUD HILL ROAD, DUNGOG AT FRANK ROBINSON
MEMORIAL PARK
EF14/124**
-

Précis:

The report recommends that Council approves a road widening on Stroud Hill Road from part of the existing Public Reserve known as Frank Robinson Memorial Park for a Rest Area.

Minute No. 37237

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

1. A detailed survey be prepared to identify the portion of Lot 213 DP 1057178 required for road widening;
2. Council, as the Roads Authority, approve the defined area as Road Widening;
3. Authority be given by Council to fix the Council Seal to the Plan of Road Widening; and
4. \$10,000 be allocated to the project from residual funds in the Town Funds Program.

2. REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUELS, OILS AND LUBRICANTS - TENDER T201617HUN EF08/290

Precis:

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Bulk Fuels, Oils and Lubricants (Tender T201617HUN).

Minute No. 37238

RESOLVED on the motion of Cr McKenzie and seconded by Cr Bowden that in relation to Regional Procurement Tender T201617HUN - Supply and Delivery of Bulk Fuel, Oil and Lubricants, Council resolves:-

Supply & Delivery of Bulk Fuels

1. That Hastings Coop be awarded Category 1 - Supply & Delivery of Bulk Fuels as the single source supplier to Dungog Shire Council for the period 1 October 2016 to 30 September 2018; 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 2019.

Supply & Delivery of Oils & Lubricants

3. That Redpoint be awarded Category 2 - Supply and Delivery of Oils and Lubricants as the single source supplier to Dungog Shire Council for the period 1 October 2016 to 30 September 2018; and
4. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 September 2019.

3. ROAD AND BRIDGE NAMING POLICY EF 08/307

Précis:

This report requests the amendment of Council Policy C3:25 to reflect current requirements for Road and Bridge Naming Purposes.

Minute No. 37239

RESOLVED on the motion of Cr Bowden and seconded by Cr Knudsen that Council adopts the modifications made to Policy C3:25.

4. DRAFT AMENDMENT TO DUNGOG LEP 2014 - PLANNING PROPOSAL RECLASSIFICATION OF LOT 20 DP 729796 PRINCE STREET, CLARENCE TOWN. EF08/460

Precis:

This report seeks Council's endorsement of the attached Planning Proposal (PP) to amend the Dungog Local Environmental Plan 2014 (LEP 2014). The intent of the Planning Proposal is to reclassify land owned by Council known as Lot 20 DP 729796 Prince Street Clarence Town from community to operational land.

Minute No. 37240

RESOLVED on the motion of Cr Wall and seconded by Cr McKenzie that Council resolves to:

1. Endorse the attached planning proposal to amend the Dungog Local Environmental Plan 2014, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to reclassify Lot 20 DP 729796, Prince Street, Clarence Town to operational land as outlined in the Planning Proposal - Amendment to Dungog Local Environmental Plan 2014 - Clarence Town Court House Museum Reclassification - Lot 20 DP 729796 Prince Street, Clarence Town - September 2016;
2. Forward the planning proposal to the Minister for Planning and Environment for a gateway determination pursuant to Section 56 of the EP&A Act 1979;
3. Advise the Director-General of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979;
4. Upon receipt of the Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with any direction, Council authorises the consultation and exhibition of the Planning Proposal; and
5. Council authorises notification of the public hearing in a local newspaper in accordance with section 29 of the Local Government Act 1993.

Steve Hitchens

5. TRAFFIC AND ROAD SAFETY COMMITTEE EF08/5

Précis:

Reporting on the Traffic and Road Safety Committee meeting held on 23 August 2016.

Minute No. 37241

RESOLVED on the motion of Cr Wall and seconded by Cr Bowden that the Minutes of the Traffic & Road Safety Committee from its meeting of 23 August 2016 be received and adopted.

REPORTS FROM COMMITTEES AND OUTSIDE ORGANISATIONS

1. COUNCIL'S MANAGEMENT COMMITTEE MEETING MINUTES

Craig Deasey

Précis:

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

Minute No. 37242

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

REPORTS BY DEPARTMENT FOR INFORMATION ONLY

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 of August 2016.

Minute No. 37243

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

2. LITIGATION REPORT EF08/227

Jacqui Tupper

Précis:

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

Minute No. 37244

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

**3. COMPLETION OF VOLUNTARY ACQUISITION PROCESS FOR FLOOD AFFECTED PROPERTIES IN DOWLING STREET DUNGOG.
EF15/119**

Precis:

The purpose of this report is to advise of the completion of the process to acquire five (5) flood affected properties in Dowling Street Dungog.

Minute No. 37245

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

**4. DUNGOG FLOODPLAIN MANAGEMENT COMMITTEE
EF15/97**

Précis:

This report is to provide the minutes of the Dungog Floodplain management committee meeting of 23rd August 2016.

Minute No. 37246

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

**5. RISK BASED LICENSING FOR COUNCIL'S ENVIRONMENTAL PROTECTION LICENCES
EF07/58**

Precis:

The purpose of this report is to inform Council of the Environmental Protection Authority's (EPA) new risk based licensing system and its application to Council's Environmental Protection Licences.

Minute No. 37247

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

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

Précis:

Reporting on construction and maintenance works undertaken in August 2016

Minute No. 37248

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

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

Précis:

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

Minute No. 37249

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

Cheryl Hyde

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

Précis:

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

Minute No. 37250

RESOLVED on the motion of Cr McKenzie and seconded by Cr Knudsen that the Works Cost Statement for the period ending 31 August 2016 be received and noted.

Shaun Chandler

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

Précis:

Report on Councillors travelling for Councillors information.

Minute No. 37251

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

Shaun Chandler

**10. EMERGENCY SERVICES PROPERTY LEVY
EF16/59**

Precis:

Report to Council on changes to the NSW Government Emergency Services Levy.

Minute No. 37252

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

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

Précis:

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

Minute No. 37253

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

BUSINESS OF AN URGENT NATURE

Councillors expressed their condolence to the Lowrey family on their recent loss.

CLOSED COUNCIL

Minute No. 37254

RESOLVED on the motion of Cr McKenzie and seconded by Cr Knudsen 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 confidential under the provisions of section 10A(2) of the *Local Government Act 1993*.
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 *Local Government Act 1993*.

Council closed its meeting at 7.28 pm. The public and media left the Chambers.

Minute No. 37256

RESOLVED on the motion of Cr Knudsen and seconded by Cr Bowden that Council move out of Closed Council and into Open Council.

On being put the motion was carried.

Open Council resumed at 7.31 pm.

The following resolutions of Council while the meeting was closed to the public were read to the meeting by the General Manager.

GENERAL MANAGER

Craig Deasey

-
1. COMMON ROAD – SALE OF LAND
EF09/25
-

Precis:

Reporting on an enquiry in relation to Council land in Common Road.

Minute No. 37255

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

1. The General Manager in consultation with the Mayor be authorised to negotiate the sale of Lot 335 DP1141620, at or above the assessed market value by the Councils valuer.
2. The common seal of Council be affixed to any sales related contracts or property transfers associated with the property known as Lot 335 DP1141620

There being no further business the meeting terminated at 7.35 pm.

Confirmed

Date