



Dungog Shire Council

MINUTES

**Ordinary Council Meeting
Wednesday, 15 July 2020**

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**MINUTES OF DUNGOG SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BROWN STREET, DUNGOG
ON WEDNESDAY, 15 JULY 2020 AT 6.01PM**

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

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

1 ACKNOWLEDGEMENT OF COUNTRY

Delivered by Mayor John Connors.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTERESTS

Cr T Norman declared a Pecuniary Interest in item 19.1.

Cr K Murphy declared a Non-Pecuniary Significant Interest in item 19.1.

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/134

Moved: Cr Greg Riley

Seconded: Cr Robert Booth

That the minutes of the Ordinary Council Meeting held on 17 June 2020 be confirmed.

CARRIED

RESOLUTION 2020/135

Moved: Cr Robert Booth

Seconded: Cr Digby Rayward

That the minutes of the Confidential Council Meeting held on 17 June 2020 be confirmed.

CARRIED

RESOLUTION 2020/136

Moved: Cr Robert Booth
 Seconded: Cr Steve Low AM

That the minutes of the Extraordinary Council Meeting held on 24 June 2020 be confirmed.

CARRIED

6 MATTERS ARISING FROM MINUTES

Nil

7 PRAYER

Delivered by Lurline Trustum.

8 ODE

Delivered by Mayor John Connors.

9 MAYORAL MINUTE

Nil

10 PUBLIC ACCESS SESSION

SUSPENSION OF STANDING ORDERS

RESOLUTION 2020/137

Moved: Cr Steve Low AM
 Seconded: Cr Kate Murphy

A motion was moved that Council suspend standing orders. Standing Orders suspended at 6.06pm.

CARRIED

Carolyn Elliott spoke against the Officers recommendation of item 11.2.

Matt Brown spoke for the Officers recommendation of item 11.2.

Greg Russell spoke against the Officers recommendation of item 11.2.

Phillip Flannery spoke for the Officers recommendation of item 11.2.

Meagan Hay spoke for the Officers recommendation of item 11.2.

RESUMPTION OF STANDING ORDERS

RESOLUTION 2020/138

Moved: Cr Steve Low AM
 Seconded: Cr Kate Murphy

A motion was moved that Council resume standing orders. Standing Orders resumed at 6.32pm.

CARRIED

11 PLANNING DEPARTMENT

11.1 DEVELOPMENT APPLICATION 18/2020 - ADDITIONS TO EXISTING BUILDING - DEPOT, LOT 58 DP 585620, 81-83 COMMON ROAD, DUNGOG.

Precis

The following report considers Development Application No.18/2020 which seeks approval for additions to an existing building servicing the Dungog Council Depot at Lot 58 DP585620 81-83 Common Road Dungog.

RESOLUTION 2020/139

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 18/2020 for additions to ancillary building within a Depot at Lot 58 DP585620 81-83 Common Road Dungog subject to the conditions of consent in **Annexure '1'**.

CARRIED

In Favour: Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall

Against: Nil

CARRIED 9/0

11.2 DEVELOPMENT APPLICATION DA72/2019 - 30 LOT SUBDIVISION (STAGED) NO 215 - 231 GLEN WILLIAM ROAD, CLARENCE TOWN

Precis

Development Application DA72/2019 seeks approval for the resubdivision of three (3) existing lots into 30 Large Lot Residential Lots over 4 Stages at No 215-231 Glen William Road, Clarence Town. In accordance with Council's Policy C4:12, the application is reported to Council for determination due to the number of lots proposed and the number of public submissions that have been received.

RESOLUTION 2020/140

Moved: Cr Steve Low AM

Seconded: Cr Digby Rayward

1. That Council, as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. 72/2019 for 30 lot subdivision (Staged) at 215 and 231 Glen William Road, Clarence Town subject to conditions as shown in Annexure '3'.
2. That those persons who made a submission to the application are advised of Council's decision.
3. The developer make provisions for bus bays on each side of Glen William Road and these be incorporated into condition 35.

CARRIED

<u>In Favour:</u>	Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall
<u>Against:</u>	Nil
CARRIED 9/0	

11.3 DEVELOPMENT APPLICATION 49/2020 - NEW DWELLING AND SHED, LOT 104 DP 1116165, 1524 CHICHESTER DAM ROAD, BANDON GROVE

Precis

In accordance with the provisions of Council’s policy C4:12 *Delegated Authority Policy for the assessment of Development Applications* (Adopted 17 February 2009), this application has been reported to Council for determination due to the following:

- 6.2 If a building setback in Council’s DCP is proposed to be varied by more than 30%; unless the site is physically constrained and a building site complying with the setback requirement can not be achieved;

RESOLUTION 2020/141	
Moved:	Cr Greg Riley
Seconded:	Cr Kate Murphy
That Council, as the consent authority pursuant to s4.16 of the <i>Environmental Planning and Assessment Act 1979</i> , grant consent to Development Application No. 49/2020 for construction of a new dwelling and shed at Lot 104 DP 1116165, 1524 Chichester Dam Road, Bandon Grove subject to conditions as shown in Annexure ‘1’.	
CARRIED	
<u>In Favour:</u>	Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall
<u>Against:</u>	Nil
CARRIED 9/0	

11.4 DEVELOPMENT APPLICATIONS - DELEGATED AUTHORITY & TRACKING

Precis

Development Consent has been granted to the following development applications under delegated authority for the month of June 2020.

RESOLUTION 2020/142	
Moved:	Cr Robert Booth
Seconded:	Cr Kate Murphy
That the report be received and the information noted.	
CARRIED	
<u>In Favour:</u>	Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall
<u>Against:</u>	Nil
CARRIED 9/0	

12 ENVIRONMENTAL SERVICES

12.1 HUNTER JOINT ORGANISATION - REGIONAL POLICY AND PROGRAMS DIVISION REPORT - JUNE 2020.

Precis

The purpose of this report is to inform Council of the activities of the Hunter Joint Organisation of Council's Regional Policy and Programs Division (formerly Environment Division) through the submission of the organisation's activity report for the final quarter of 2020. Council should note that the Divisions activity report has not been referred for information since September 2018.

RESOLUTION 2020/143

Moved: Cr Digby Rayward

Seconded: Cr Greg Riley

That the report be received and the information noted.

CARRIED

12.2 CITIES POWER PARTNERSHIP - POTENTIAL MEMBERSHIP

Precis

The purpose of this report is to advise Council of the Hunter Joint Organisation's undertaking to work with all Councils in the Hunter to facilitate participation in the Cities Power Partnership.

RESOLUTION 2020/144

Moved: Cr Greg Riley

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

13 INFRASTRUCTURE AND ASSETS DEPARTMENT

13.1 ALISON COURT RENTAL INCREASE

Precis

The purpose of this report is to recommend increases to the Alison Court rental payments.

RESOLUTION 2020/145

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

1. That the rental amounts for all 14 Alison Court Units be increased to \$344.08 per fortnight effective 1 October 2020; and
2. That the residents of Alison Court be provided the necessary notification of such.

CARRIED

13.2 FIXING LOCAL ROADS GRANT

Precis

This report provides information on the successful Fixing Local Roads Grant and requests Council approval for budget modifications for the partial funding of such.

RESOLUTION 2020/146

Moved: Cr Steve Low AM
 Seconded: Cr Greg Riley

That Council adopt the following modifications to the Local Road Rehabilitation Program:-

Description	Estimate 2020/2021	Estimate 2021/2022	Estimate 2022/2023
Paterson River Road - Coulston Bridge to end of seal	\$ 550,000		
Summer Hill Road – 5.08km west of Bruxner Bridge	\$ 100,000	\$ 325,000	
Salisbury Road – 6.85km North of Underbank		\$ 522,500	
Pinebrush Road – 3.1km south of Old Pinebrush Road		\$ 663,300	\$ 196,700
Lord Street – Mary Street to Myles Street (See separate report)	\$ 132,650		
Glen Martin Road – (Partial Funding – Project Brought forward from 2023/2024)			\$ 573,300
Totals	\$ 782,650	\$ 1,510,800	\$ 770,000

CARRIED

13.3 LORD STREET REHABILITATION - MARY STREET TO MYLES STREET

Precis

To request further funding for the Lord Street Rehabilitation project from Mary Street to Myles Street, Dungog

RESOLUTION 2020/147

Moved: Cr Kate Murphy
 Seconded: Cr Steve Low AM

That a total of \$366,508 be allocated to the Lord Street – Mary Street to Myles Street project funded from the Local Road Rehabilitation Program (Financial Assistance Grant and Special Rate Variation).

CARRIED

13.4 GRAZING LEASES

Precis

The report provides information on current grazing leases and identifies a proposal for renewing these leases.

RESOLUTION 2020/148

Moved: Cr Greg Riley

Seconded: Cr Kate Murphy

That Council:

1. Identify through a workshop the value and/or process for determining the value for the calculation of lease fees;
2. Following the workshop staff write to existing lease holders requesting for them to respond to Council:-
 - a) Indicating if they were willing to enter into new lease agreements for a further term (nominally 5 years); or
 - b) Advising that they no longer willing to enter into a lease arrangement; or
 - c) Expressing an interest to purchase the land.
3. Where an existing lease holder declines to continue the lease, staff write to property owners that adjoin the subject land asking them to respond to Council indicating if they were willing to enter into new lease agreements for a further term (nominally 5 years);
4. A further report be provided to Council at the conclusion of the above process.

CARRIED

13.5 POLICY FOR MANAGING ENCROACHMENTS ON COUNCIL ROAD RESERVES

Precis

This report requests Council's approval of a new Policy for the Management of Encroachments on Council Road Reserves.

RESOLUTION 2020/149

Moved: Cr Greg Riley

Seconded: Cr Glenn Wall

That:

1. The attached Draft Policy C3.39 – Managing Encroachments on Council Road Reserves be placed on Public Exhibition for a period of 28 days; and
2. If no objections are received, the policy be adopted;
3. If objections are received, a further report be presented to Council.

CARRIED

13.6 HEAVY HAULAGE PLAN CONTRIBUTION TO ROADWORKS

Precis

Reporting on the finalisation of funding for the Maitland Road, Paterson roadworks.

RESOLUTION 2020/150

Moved: Cr Greg Riley

Seconded: Cr Kate Murphy

That Council allocate \$120,721 from the Heavy Haulage Developer Contributions Plan to the roadworks undertaken on Maitland Road, Paterson.

CARRIED

13.7 WORKS PROGRESS REPORT

Precis

Reporting on construction and maintenance works undertaken in June 2020.

RESOLUTION 2020/151

Moved: Cr Robert Booth

Seconded: Cr Greg Riley

That the report be received and the information noted.

CARRIED

14 CORPORATE AND CUSTOMER SERVICES DEPARTMENT

14.1 STATEMENT OF INVESTMENTS

Precis

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

RESOLUTION 2020/152

Moved: Cr Greg Riley

Seconded: Cr Robert Booth

That the report be received and the information noted.

CARRIED

14.2 WORKS COST STATEMENT

Precis

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

RESOLUTION 2020/153

Moved: Cr Digby Rayward

Seconded: Cr Robert Booth

That the report be received and the information noted.

CARRIED

14.3 NSW LOCAL GOVERNMENT REMUNERATION TRIBUNAL

Precis

Reporting on the determination of the NSW Local Government Remuneration Tribunal decision as regards Councillor and Mayoral fees for 2020/21 and the conduct of their review.

RESOLUTION 2020/154

Moved: Cr Greg Riley

Seconded: Cr Kate Murphy

That the Mayoral and Councillor fees not be increased in accordance with The Local Government Remuneration Tribunals decision for the financial year commencing 1 July 2020.

CARRIED

15 OFFICE OF THE GENERAL MANAGER

15.1 DELEGATIONS OF AUTHORITY - GENERAL MANAGER

Precis

Reporting the need to delegate powers of authority to the General Manager to enable the undertaking of the day to day operations of the Council.

RESOLUTION 2020/155

Moved: Cr Digby Rayward

Seconded: Cr Jan Lyon

That pursuant to Sec 377 of the *Local Government Act 1993* Council delegate authority to Gareth Curtis as the Dungog Shire Council General Manager.

CARRIED

15.2 RURAL LANDS STRATEGY - DRAFT POLICY DIRECTIONS PAPER EXHIBITION**Precis**

This report seeks Council's endorsement for the draft Policy Directions Paper prepared by GHD as part of the Rural Lands Strategy to be placed on public exhibition for a period of 28 days.

RESOLUTION 2020/156

Moved: Cr Robert Booth

Seconded: Cr Steve Low AM

That:

1. Council endorse the draft Background Review and Rural Issues Paper prepared by GHD for the Rural Lands Strategy;
2. Council exhibit the draft Policy Direction Paper for a period of 28 days;
3. Council receive a report on the submissions received and the review undertaken by the project steering committee prior to the adoption of the Draft Policy Directions Paper

CARRIED

15.3 LOCAL STRATEGIC PLANNING STATEMENT**Precis**

The purpose of this report is to advise Council of the outcomes of the public exhibition of the Draft Dungog Local Strategic Planning Statement (LSPS) and seek councils endorsement of the LSPS for adoption, as amended by the feedback received during community consultation.

RESOLUTION 2020/157

Moved: Cr Digby Rayward

Seconded: Cr Steve Low AM

That Council adopt the Dungog Local Strategic Planning Statement, as amended following community consultation.

CARRIED

15.4 NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS**Precis:**

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

RESOLUTION 2020/158

Moved: Cr Greg Riley

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

15.5 RESOLUTIONS TRACKING REPORT 2020**Precis**

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

RESOLUTION 2020/159

Moved: Cr Digby Rayward

Seconded: Cr Greg Riley

That the report be received and the information noted.

CARRIED

15.6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**Precis**

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

RESOLUTION 2020/160

Moved: Cr Steve Low AM

Seconded: Cr Robert Booth

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2)(di) of the *Local Government Act 1993*:
 - Report No. 19.1 – 74 Common Road, Dungog.
2. That the General Manager reports on these matters to the meeting in Open Session following completion of the Confidential Session.

CARRIED

16 NOTICES OF MOTION

Nil

17 COMMITTEE & OUTSIDE ORGANISATIONS REPORTS

Nil

18 QUESTIONS WITH NOTICE

Nil

19 CLOSED COUNCIL**RESOLUTION 2020/161**

Moved: Cr Steve Low AM
Seconded: Cr Robert Booth

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

19.1 74 Common Road, Dungog

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

CARRIED

Cr T Norman and Cr K Murphy declared an Interest in the following item. Cr Tracy Norman left the Chambers at 7.27pm. Cr Kate Murphy left the Chambers at 7.27pm.

RESOLVE INTO COMMITTEE OF THE WHOLE**RESOLUTION 2020/162**

Moved: Cr Greg Riley
Seconded: Cr Steve Low AM

That Council resolve into Committee of the Whole. Council resolved into Committee of the Whole at 7.30pm.

CARRIED**LEAVE COMMITTEE OF THE WHOLE****RESOLUTION 2020/163**

Moved: Cr Steve Low AM
Seconded: Cr Greg Riley

That Council resume Closed Council. Council resumed Closed Council at 7.42pm.

CARRIED

19.1 74 COMMON ROAD, DUNGOG**Precis**

Following receipt of an Expression of Interest to acquire Lot 335 DP 1141620, 74 Common Road, Dungog, this report seeks to sell the property via an expression of interest process for the purpose of identifying its highest and best use.

RESOLUTION 2020/166

Moved: Cr Greg Riley

Seconded: Cr Steve Low AM

That:

1. A valuation report be obtained from a registered valuer for Lot 335 DP 1141620 [the land] including highest and best use including subdivision potential and associated subdivision costs.
2. A report be provided back to council following the receipt of the valuation report.

CARRIED

20 RESUMPTION OF OPEN COUNCIL**RESOLUTION 2020/167**

Moved: Cr Steve Low AM

Seconded: Cr Greg Riley

That Council moves out of Closed Council into Open Council. Open Council resumed at 7.43pm.

CARRIED

Cr Tracy Norman returned to the Chambers at 7.44pm. Cr Kate Murphy returned to the Chambers at 7.44pm.

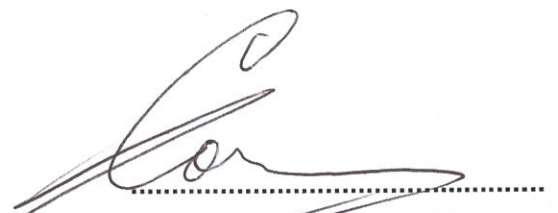
The General Manager read the resolution for Item 19.1 to the open meeting.

The Meeting closed at 7.46pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 August 2020.



.....
GENERAL MANAGER



.....
CHAIRPERSON