



NOTICE OF ORDINARY MEETING

Notice is hereby given that a meeting of

GREAT LAKES COUNCIL

Will be held at the Council Chambers, Breese Parade, Forster on

23 JUNE 2009 AT 9.30AM

The order of the business will be as detailed below (subject to variation by Council)

Citizenship Ceremony will be held for Mr Gairatghol Baykhill at 1.30pm, followed by a Farewell Presentation for Mr John Matlawski after nearly 30 years with Great Lakes Council

1. Acknowledgement of Country
2. Opening Prayer
3. Apologies
4. Declarations of Pecuniary & Non-Pecuniary Conflicts of Interest
5. Confirmation of the Minutes from previously held meetings:

<i>Ordinary Meeting</i>	<i>26 May 2009</i>
<i>Extraordinary Meeting</i>	<i>9 June 2009</i>
6. Consideration of Officers' Reports:
General Manager
Director Planning & Environmental Services
Director Engineering Services
Director Corporate & Community Services
7. Meet the Public Session (2.00pm)
8. Urgent Business
9. Close of Meeting

Keith O'Leary
GENERAL MANAGER

GREAT LAKES COUNCIL

COUNCIL STRATEGIC DIRECTION

Council has adopted a Vision, Mission and five Strategic Objectives to guide the overall direction of Great Lakes Council.

VISION

Great Lakes.....

A leader in the provision of infrastructure and services which sustain and enhance the natural environment and achieve a quality lifestyle for residents and visitors.

MISSION

Providing governance which is:

- *Effective*
- *Efficient*
- *Socially Just*
- *Transparent*
- *Visionary*

STRATEGIC OBJECTIVES

1. *Natural and Built Environment*

To plan for future growth while ensuring a healthy well managed natural environment.

2. *Community and Social Wellbeing*

To provide opportunities for recreation and culture for all and to foster a safe and caring community.

3. *Economic Development*

To plan for sustainable economic and tourism development.

4. *Infrastructure Management*

To plan and manage infrastructure and assets to meet community needs.

5. *Corporate Governance*

To ensure Council management and practices provide effective, efficient, socially just, transparent and visionary governance. To create long term financial viability while responding to the needs and demands of the community.

The following is extracted from Council's adopted Code of Conduct. The Code applies to Councillors, members of staff and delegates of Council and also includes contractors and volunteers

GREAT LAKES COUNCIL

CODE OF CONDUCT PRINCIPLES AND ETHICAL DECISION MAKING

- **Integrity** – You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.
- **Leadership** – You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of Council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*
- **Selflessness** – You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*
- **Objectivity** – You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*
- **Accountability** – You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*
- **Openness** – You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*
- **Honesty** – You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*
- **Respect** – You must treat others with respect at all times. This means not using derogatory terms toward others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

Ethical Decision Making

Consider the following points when assessing a potential action or decision.

- Is the decision or conduct legal?
- Is it consistent with Council policy, Council's objectives and Council's Code of Conduct?
- What will the outcome be for yourself, your colleagues, Council and other interested parties?
- Does it raise a conflict of interest?
- Do you stand to privately gain or lose at the public expense?
- Can the decision be justified in terms of the public interest?
- Would the decision withstand public scrutiny?

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CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1 GM - 2009 Local Government Remuneration Tribunal Determinations

Index: Governance - Councillors - Allowances
Author: Manager Corporate Governance - Phil Brennan

SUMMARY OF REPORT:

This report advises of the 2009 Local Government Remuneration Tribunal's Report and Determinations.

SUMMARY OF RECOMMENDATION:

1. That Council fix the following fees for the Mayor and Councillors in accordance with sections 248 and 249 of the Local Government Act 1993 to take effect from 1 July 2009:
 - Mayor \$33,840
 - Councillor \$15,500
2. That 10% (\$3,384) of the Mayoral fee be paid to the Deputy Mayor in accordance with Council's usual practice.

FINANCIAL/RESOURCE IMPLICATION:

Increases of 4% were factored into the 2009/2010 draft budget. In view of the maximum increase granted by the Tribunal there will be a small saving in this budget which will be adjusted during the September 2009 Quarterly Budget Review.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Council can only adopt fees within the range determined by the Remuneration Tribunal. The recommendation is in accordance with the Tribunal's Determination.

LIST OF ANNEXURES:

Nil.

ATTACHMENTS:

A: Report and Determination of the Local Government Remuneration Tribunal dated 29 April 2009.

Due to its large size, Attachment A has been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on the Department of Local Government's Website at www.dlg.nsw.gov.au and copies are available on request.

REPORT:

The Local Government Remuneration Tribunal has recently handed down its determinations in relation to the payment of fees for Mayors and Councillors of New South Wales Council effective from 1 July 2009. A copy of the Tribunal's Report and Determinations has been circulated to Councillors as an attachment to this report.

The Executive Summary of the Report provides the following information:

"Categories: As forecast in the 2008 Report, the Tribunal has undertaken a fundamental review of the categories of Councillors and Mayoral officers in accordance with section 239 of the Act.

The Tribunal's review has had regard to issues raised in submissions received from the Local Government and Shires Associations ("Associations") and individual Councils, as well as advice from the Department of Local Government. The Tribunal also considered the findings of previous reviews and considered the relative merits of a number of alternate models.

After considering all these factors the Tribunal finds that there is no strong case to significantly alter the current categories of Councillors and Mayoral offices or to move individual Councils between categories.

While the groupings remain unchanged, the Tribunal has applied descriptive titles for each of the categories. The descriptive titles for the categories are as follows:

Previous Category	New Category
4	Rural
3	Regional Rural
2	Metropolitan
1	Metropolitan Centres
1A	Metropolitan Major
S2	Major City
S1	Principal City
S3	County Councils
S4	County Council - Water

Fees: The Tribunal has also reviewed the minimum and maximum fees applicable to each category.

The Tribunal has had regard to submissions received and to comments made by the Associations and individual Councils with respect to the level of fees. The Tribunal has also considered broader issues facing local government at this time, including the potential impact of State Government planning reforms and the challenges posed by the global economic downturn and its likely impact upon local communities.

Having regard to these factors and after taking the views of the Assessors into account the Tribunal considers that an increase of 2.5 per cent in the fees for Councillors and Mayors is appropriate for the current year and so determines.

The Tribunal's findings in respect of this review are outlined in the main body of the report. The Tribunal's determination provides the categories of Councillors and Mayoral offices and the range of fees effective from 1 July 2009."

Under the previous groupings Great Lakes Council was a Category 3 Council. It is now a Regional Rural Council under the new groupings.

The table below provides the range of fees payable across the various New South Wales Council categories.

	Councillor / Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	21,140	31,000	126,310	170,150
Major City	14,080	23,250	29,940	67,750
Metropolitan Major	14,080	23,250	29,940	67,750
Metropolitan Centre	10,560	19,730	22,460	52,410
Metropolitan	7,040	15,500	14,980	33,840
Regional Rural	7,040	15,500	14,980	33,840
Rural	7,040	9,290	7,480	20,280
County Council - Water	1,400	7,750	3,000	12,730
County Council - Other	1,400	4,640	3,000	8,460

* This fee must be paid in addition to the fee paid to the Mayor / Chairperson as a Councillor / Member (s.249(2)).

Council currently pays the following fees:

Mayor - \$33,010

Councillors - \$15,120

Council also has a longstanding practice of paying the Deputy Mayor 10% of the Mayoral Allowance in recognition of the times when the Deputy Mayor is called on to act or stand-in for the Mayor during periods of absence etc. This fee is deducted from the Mayoral Allowance.

The 2009/2010 budget has been prepared on the basis of a 4% increase in these fees and as such a revision of the budget will occur at the September 2009 quarterly budget review to account for the small saving that will eventuate.

While Council is able to adopt the maximum fees as set out above for a Regional Rural Council (and traditionally has) it may also choose to adopt any other fee within that range.

RECOMMENDATION:

1. That Council fix the following fees for the Mayor and Councillors in accordance with sections 248 and 249 of the Local Government Act 1993 to take effect from 1 July 2009:
 - Mayor \$33,840
 - Councillor \$15,500
2. That 10% (\$3,384) of the Mayoral fee be paid to the Deputy Mayor in accordance with Council's usual practice.

2 GM: Determination of Organisational Structure.

Index: Corporate Management
Author: General Manager - Keith O'Leary

SUMMARY OF REPORT:

Section 333 of the Local Government Act 1993 provides that a Council's organisational structure may be re-determined by Council from time to time, however it must be re-determined within 12 months after each Ordinary Election. The current organisational structure is therefore presented for re-determination.

SUMMARY OF RECOMMENDATION:

It is recommended as follows:-

1. That the attached three (3) Division Organisational Structure be adopted by Council in accordance with Section 333 of the Local Government Act 1993.
2. That the position of Design Technical Officer (21 hours/week) in the Engineering Services Division be filled within a period of three months and be funded in accordance with the funding sources outlined in this report.
3. That the position of Building Inspector (to replace the officer retiring at the end of June 2009) be recognised as essential to retain current service levels, with this position to be referred to Manex with a view to addressing funding options for the 2009/10 budget year.
4. That the temporary position of Parks Natural Assets Support Officer, as included in the attached structure, be designated as a permanent position in view of the fact that it has been temporary for some years and is 100% funded by ongoing external funding.

FINANCIAL/RESOURCE IMPLICATION:

The current organisational structure has been accommodated in the draft 2009/10 budget except for the seven (7) positions (including one part-time) which were vacant at the time the budget was developed. As Council is aware, the positions concerned were not funded for 2009/10 due to severe budgetary constraints, however as these positions are still required they have been retained in the current structure and shown by shading (and marked "not funded"). Of these positions, the non-replacement of two in particular is causing considerable difficulties and is therefore addressed in this report.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Section 333 of the Local Government Act 1993 requires Council to re-determine its organisational structure during the first 12 months of each new Council term.

LIST OF ANNEXURES:

Nil.

ATTACHMENTS:

A: Copy of Council's current organisational structure.

Due to its large size, Attachment A has been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

REPORT:

Council has an organisational structure which was originally determined in accordance with Section 332 of the Local Government Act 1993 (along with the General Manager's position being the only "senior staff" position as defined under that Section of the Act). Section 333 of the Act provides that the organisational structure may be re-determined by Council from time to time, however it must be re-determined within the first 12 months of each new Council term.

A copy of Council's current organisational structure is attached to this report. There are no recommended changes to the current three Divisional Structure (ie Corporate and Community Services, Planning and Environmental Services, and Engineering Services) as I believe that it is the most effective and efficient structure for this local government area. Whilst some councils do have variances relating to which Division is responsible for some functions, the three Divisional approach is widely acknowledged in local government as being the most relevant at this time.

As Council is aware, this organisation has generally prided itself on having a relatively lean structure, with the need for each position being reviewed on each occasion that a vacancy occurs. Although the Great Lakes area continues to grow and increased demands are placed on staff through legislative changes, etc., the staff numbers have remained generally stable, apart from the areas which have staff positions that are 100% funded by external sources (eg. Environmental and Community Services areas).

In recent years savings have been made in various areas of Council's Organisational Structure. Examples include the creation of a new position to meet current legislative and Best Practice requirements (Manager Corporate Governance) which was mainly funded by a restructure of the Finance Section which saved one position. Also, during the past 4 years the Planning and Environmental Services Division has responded to the down-turn in development (along with Council's budgetary constraints) by reducing staff in the following areas:-

- Development Assessment
DA Planner on hold
DA Planner position amended to Trainee position to reduce cost and now placed on hold.
- Strategic Planning
Two Strategic Planning positions on hold

- Building Assessment
District Building Surveyor on hold.
- Business Support
Executive Co-ordinator position downgraded to Executive Secretary.
Business Support position on hold (utilised to fund Executive Secretary position).
- Release Area Co-ordinator's Position - fully funded by proponents

As Council is aware, due to the difficulty in obtaining a balanced budget for 2009/10 (ie. prior to the need to go into deficit following advice being received that an additional superannuation contribution of \$660,000 would be required), a decision was made not to fund some seven (7) staff positions (including one part-time) that were either vacant at that time, or would shortly be vacant. These positions are as follows:-

Records	1 day per week	\$ 7,700
Planning	D/A Trainee	\$ 32,000
	Strategic Planning	\$ 77,200
	Executive Coordinator	\$ 63,000
	Building Inspector	\$ 68,000
Engineering	Design Technical Officer	
	(21 hrs/week)	\$ 30,000
	Graduate Engineer	\$ 60,000
Total Salaries Not Funded in 2009/10		\$337,900

Whilst it was acknowledged that each of these positions are still required, it was out of necessity that they weren't funded in the 2009/10 draft budget. Because of these severe budgetary constraints, the decision was made not to fund them, however it was certainly understood that the non-replacement of these positions would have a significant impact on the organisation, particularly in the area of service levels.

The two positions which are causing the most concern at this stage are as follows:-

- Building Inspector
- Design Technical Officer (21 hours).

In relation to the non-replacement of the Building Inspector, Council's Manager Building Assessment (Gary Mead) has provided the following comments:-

"Due to the serious financial constraints on the preparation of Council's 2009/10 budget a decision was taken not to replace a building surveyor position following the pending retirement of John Matlawski. This decision was also influenced by the decline in building activity and subsequent reduction in Construction Certificate income.

However Council's building surveyors are also responsible for assessment of Development Applications for all domestic developments including dwellings and other minor developments. There has only been a marginal decline in the number of these DA assessments from 40.2 to 39.2 DA's per month since July 2007. This suggests that there is still significant activity in the "lower end of town".

Furthermore, and given the geographies of our local government area, the building surveyors still need to travel to areas to undertake inspections, regardless of whether there are numerous inspections or just one. In other words a down turn in construction certificate income does not represent a commensurate reduction in work loads.

The loss of one building surveyor as a result of the downturn in Construction Certificate income alone does not equate to the loss of one full-time building surveying position and will have a marked effect on the workloads of existing staff. The reduced staffing level will not be equitable with other sections within the Council and may lead to dissatisfaction and low morale.

It is therefore recommended that this position is filled as soon as possible."

I must say that the Director Planning and Environmental Services and myself do concur with the comments provided by the Manager and feel that every effort should be made to fund this position as soon as possible. This will obviously be difficult given the current budget deficit position. The difficulty is that if the organisation is required to operate without this position for any significant length of time it will no doubt result in a reduction in service levels such as processing times. This Council is in competition with Private Certifiers and this could result in lost business and reduced income for Council.

In relation to the position of "Design Technical Officer (21 hours/week), the Director Engineering Services has provided the following comments:-

"The position of Drainage Engineer has traditionally been difficult to fill and has been vacant for a number of years. This has resulted in the drainage responsibilities falling to the Manager or the Design Engineer, which effectively means that higher level staff are dealing with many routine issues.

Following the retirement of Council's investigations Coordinator in late 2008 the opportunity was taken to look at redesigning the vacant positions to attempt to fill the void created by the lack of a Drainage Engineer. The main functions of the Investigations Coordinator were the management of footpath programs, road closure processes, land acquisitions, grant applications and liaison with the RTA and a number of S94 programs. The proposal was to distribute a number of the Investigations Coordinator's functions to other staff, eg footpaths to the Traffic Engineer, and combine the remainder of the two vacant positions to create a position of Investigation Engineer which would take on the drainage responsibilities as well as many of the functions of the Investigations Coordinator. The only remaining specialist function which was unable to be transferred to other staff was that related to property. This function requires a person with knowledge of the Roads Act, Just Terms Compensation, Road Closures and the like. Often this person would have a surveying background, as was the case with the previous Investigations Coordinator. The position was referred to in the staff structure as Property Officer and because there is no need to do this work 5 days a week it was proposed to fill the job on the basis of 3 days per week to achieve some savings. This may then attract a person nearing retirement or a person looking for part time employment.

Unfortunately, when preparing the budget for 2009/10, this part time position was deleted to achieve further savings of \$30,000. The position of Graduate Engineer was also deleted to achieve a saving of \$60,000. It is considered essential to fill the position of Property Officer to complete the outstanding projects which are currently on hold.

With other staff changes in the Department there will now be a shortfall of \$11,000 in the 2009/10 budget if the Property Officer position is reinstated. Accordingly, in order to balance the budget, it is proposed to delay filling this position for a period of 3 months.

Therefore, it is recommended that the position of Property Officer be reinstated in the Engineering staff structure but the position not be filled for a period of 3 months."

I concur with this recommendation as the proposal represents a cost saving in the Engineering area, but provides a way that this important function can continue. Whilst delaying the appointment for a period of three months will help fund the position in 2009/10 it must be remembered however that the full allocation of \$30,000 will be required in the following year's budget (ie 2010/11). This however will no doubt be addressed as part of Council's rate variation application for the next four years which will commence with an extensive community consultation process later this year.

The one final position that requires addressing at this stage is that of Parks Natural Assets Support Officer (shown as temporary position in the attached structure). In relation to this position the Director Engineering Services has advised as follows:-

"The position of Parks Natural Assets Support Officer was created as a temporary position some years ago and has continued on a yearly temporary basis since being added to Council's structure.

The position is responsible for supporting Council's Noxious Weeds Activities, Regeneration activities and meeting the requirements under the Rural Fires Act and Noxious Weeds Act. The position is funded from grants from the Department of Primary Industries and other external funding agencies. The position is also funded from Council's Fire Mitigation Fund. The two secure sources of funding, the Noxious Weed and Fire Mitigation vote cover his wages and plant requirements on a ratio of 30% Fire and 40% Noxious Weeds with the remainder from various programs. 30% of the funding is from Council Operational Budgets and the work currently undertaken by the position would need to be undertaken by Council's day labour staff if not undertaken by this position.

In view of the ongoing nature of the funding it is recommended that the position be made permanent on Council's structure.

The current incumbent has undertaken the role in exceptional fashion and has a very good rapport with the community he deals with. He obtained the position through a competitive process and will continue in the position if made permanent."

As this position is 100% funded from external sources, I certainly support this recommendation.

SUMMARY: (GENERAL MANAGER)

The organisational structure is being presented at this time to comply with the legislative requirements of having it re-determined by Council within 12 months of an Ordinary Election.

As mentioned in the report, this organisation has operated on a relatively streamlined basis for many years in terms of staff numbers, with any increase in staff numbers of note being attributable to positions which are 100% funded from external sources. The extremely difficult circumstances that confronted Council during the preparation of the 2009/10 draft budget however resulted in some seven positions that were vacant at that time (or about to become vacant) being placed on hold with a view to obtaining budget savings. This was always going to cause some difficulties however, and due to further investigation it is now agreed that two of those positions (Building Inspector and Design Technical Officer - 21 hrs/week) need to be reinstated when a way can be found to obtain the necessary level of funding.

The only other change proposed at this stage is the amendment in status from temporary to permanent for the position known as Parks Natural Assets Support Officer, based on the fact that this position has been operating as temporary for some years even though it is 100% funded from external sources. This decision will have no impact on the budget but will provide some certainty for an excellent employee.

RECOMMENDATION:

It is recommended as follows:-

1. That the attached three (3) Division Organisational Structure be adopted by Council in accordance with Section 333 of the Local Government Act 1993.
2. That the position of Design Technical Officer (21 hours/week) in the Engineering Services Division be filled within a period of three months and be funded in accordance with the funding sources outlined in this report.
3. That the position of Building Inspector (to replace the officer retiring at the end of June 2009) be recognised as essential to retain current service levels, with this position to be referred to Manex with a view to addressing funding options for the 2009/10 budget year.
4. That the temporary position of Parks Natural Assets Support Officer, as included in the attached structure, be designated as a permanent position in view of the fact that it has been temporary for some years and is 100% funded by ongoing external funding.

3 GM - Delegation of Authority to General Manager

Index: Registers - Delegated Authority Register
Author: General Manager - Keith O'Leary

SUMMARY OF REPORT:

The Local Government Act 1993 (Section 380) requires that a review of delegations be carried out during the first 12 months of each new Council. The General Manager's delegations are reported herewith for consideration and adoption. A major change to the format of the delegation is proposed.

SUMMARY OF RECOMMENDATION:

That the Delegation of Authority to the General Manager as contained in the recommendation be granted.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Section 380 of the Local Government Act 1993 requires Council to review its delegations during the first 12 months of each new Council term.

LIST OF ANNEXURES:

A: Proposed Delegation of Authority to the General Manager.

ATTACHMENTS:

Nil

REPORT:

In accordance with Section 377 of the Local Government Act 1993, Council may delegate to the General Manager, or any other person or body (not including another employee of Council) any of the functions of Council, other than those stipulated in the Act. The General Manager then sub-delegates the various functions to staff (in accordance with Section 378 of the Act) which allow staff to implement Council's decisions and to function as required in their respective roles.

Section 380 of the Local Government Act 1993 requires council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

The delegations from Council to the General Manager have basically remained unchanged since the Local Government Act was introduced in July 1993. A closer review was undertaken in 2004 which resulted in a number of amendments and deletions being made to reflect changes that had occurred in the various Acts and Regulations over that period.

In undertaking a review of the delegations for this report it became obvious that there may have been duties, authorities, functions or specific references to legislation that Council had responsibility for but had not been included in the General Manager's instrument of delegation. This potentially could mean that Council would be unable to legally perform or exercise those functions because the General Manager did not have the necessary authority.

The existing delegation of authority is very specific containing 133 different statements including as examples "to deal with all matters relating to the administration of cemeteries in accordance with the provisions of the Local Government Act, Public Health Act and policies of Council", "to sign cheques on behalf of Council" and "to issue photo identification cards to staff where appropriate".

There is no guarantee that this current document covers everything that Council has responsibility to undertake. In fact it can be safely assumed that it does not, given that Fairfield City Council recently prepared a Legislative Compliance Register which identifies all legislation that impacts on Council in some manner. This register contains 134 separate Acts of State or Federal Parliament that either make councils responsible for some function or require compliance. There are only a handful of Acts on that list that do not apply to this Council.

The very specific nature of the current "Delegation of Authority" for the position of General Manager leaves Council and its staff vulnerable to unintentionally omitting certain statutory powers for efficient and legal operation. Further if there are amendments to legislation (new powers/functions added, existing ones deleted or amended) the current "Delegation of Authority" easily becomes out of date.

It is proposed that Council move to a broad and flexible "Delegation of Authority" to the General Manager. The one set out in Appendix A which is currently used by several councils including Clarence Valley, Kempsey and Narrabri. Bathurst Regional Council also has a similar statement contained within its General Manager delegation followed by a list of functions, powers authorities etc.

It is acknowledged that the proposed Delegation represents a significant departure from the current version and could be viewed as giving the General Manager unlimited power without review. The limitations contained in Schedule 2 are the control on the exercise of this power as there are functions within the Local Government Act which require Council, as the elected body, to make certain decisions or undertake certain tasks and Council retains the ability to direct by resolution the exercise by the General Manager of any power, duty, authority or function. Council could if it chose, add additional limitations to Schedule 2 if it wished to identify areas where it wished to exercise its authority.

The proposed Delegation of Authority is cleaner than the existing model and the broad, all encompassing nature offers some protection to Council from potential legal action from acting outside of a delegation.

It should be noted that there is no intention to change the manner in which the General Manager currently exercises his delegations, consults with Council or refers matters to Council for consideration. Those practices that currently exist for Council to have its input into a matter or to determine a matter will still be followed.

It should be noted that Council has already reviewed the delegations granted to the Mayor and Deputy Mayor. Delegations to staff flow from the General Manager's delegation and these are reviewed as required in accordance with an adopted procedure.

RECOMMENDATION:

That Council confer upon the General Manager of Great Lakes Council (and the Acting General Manager as appointed from time to time), the functions, powers, authorities and duties as outlined in the following Delegation of Authority:

"Great Lakes Council, in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities, in accordance with Council's resolution hereby delegates, pursuant to Section 377 of the Local Government Act, 1993, to the person specified by resolution of Council to have the functions of the General Manager and to the person, from time to time, holding the aforementioned position in an acting capacity, the exercise of Council's powers, functions, duties and authorities arising from the legislation and matters specified in Schedule 1 below, subject to the limitations specified in Schedule 2 below. This delegation shall remain in force until specifically altered or revoked in writing.

All delegations to staff shall be made by, and shall flow from, the General Manager pursuant to sections 377(2) and 378 of the Local Government Act, 1993.

Schedule 1

The powers, functions, duties and authorities of the Council as specified in:

- (i) the Local Government Act, 1993 and Regulations, and
- (ii) all other Acts and Regulations under which Council has powers, authorities, duties and functions, including those powers delegated to the General Manager by the Director General of the NSW Foods Authority.

Schedule 2

1. Limitations arising from the provisions of the Local Government Act, 1993 and all other legislation relevant to this delegation of authority.
2. All resolutions from time to time of Council directing the General Manager from time to time in the exercise of any powers, authorities, duties and functions."

4 GM: Arrangements Whilst General Manager on Leave.

Index: Human Resources - Leave
Author: General Manager - Keith O'Leary

SUMMARY OF REPORT:

Advising of arrangements made for Acting General Manager role whilst I am on leave and seeking Council's endorsement.

SUMMARY OF RECOMMENDATION:

It is recommended that the arrangements made for the position of Acting General Manager whilst I am on leave, as detailed in this report, be endorsed, with the delegations applicable to the General Manager to be delegated to the three staff concerned whilst they are acting in the position of General Manager.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Council is able to endorse arrangements made for the Acting General Manager's position in accordance with the provisions of the Local Government Act 1993.

LIST OF ANNEXURES:

Nil.

ATTACHMENTS:

Nil.

REPORT:

As I will be on extended leave from 29th June 2009 to 14th August 2009, the following arrangements have been made in relation to the Acting General Manager's position, which are now submitted for Council's endorsement:-

- 29th June 2009 to 10th July 2009 - Ron Hartley (Director Engineering Services)
 - 13 July 2009 to 31st July 2009 - Steve Embry (Director Corporate & Community Services)
 - 3rd August 2009 to 14 August 2009 - Glenn Handford (Director Planning & Environmental Services)
-

RECOMMENDATION:

It is recommended that the arrangements made for the position of Acting General Manager whilst I am on leave, as detailed in this report, be endorsed, with the delegations applicable to the General Manager to be delegated to the three staff concerned whilst they are acting in the position of General Manager.

5 GM: Nomination of Councillors for Membership of Hunter Councils Board Advisory Groups

Index: Hunter Councils
Author: General Manager - Keith O'Leary

SUMMARY OF REPORT:

Seeking the nomination of one Councillor for each of the three (3) Hunter Council's Board Advisory Groups that are being established to compliment the recent restructure of the Hunter Council's Board (ie to include the Mayors from the 11 member Councils).

SUMMARY OF RECOMMENDATION:

It is recommended as follows:-

1. That Council nominate one Councillor to each of the three Hunter Council's Advisory Groups.
2. That any Councillor who may be interested in nominating for membership to one of the State and Regional Groups should complete the attached nomination for and return it to Hunter Councils.

FINANCIAL/RESOURCE IMPLICATION:

Costs will be limited to the travel allowances for each of the three nominated Councillors required to attend the bimonthly meetings (with the extent of this depending on the location of the subject meetings).

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

A: Report from CEO of Hunter Councils

ATTACHMENTS:

Nil.

REPORT:

As Council is aware, a unanimous decision was made by all 11 member councils of Hunter Councils (of which Great Lakes Council is one) to restructure the Board so that its membership was restricted to the Mayors of all member Councils. As Council was advised at that time, the newly restructured Board is to be supported by the introduction of three Strategic Advisory Groups, with these being as follows:-

- Economic Development and Infrastructure Advisory Group,
- Cultural and Community Development Advisory Group, and
- The Environment Advisory Group.

The membership of each of these Advisory Groups will consist of one (1) Councillor from each of the 11 member Councils of Hunter Councils, subject to the Councillors concerned not being a member of more than one Advisory Group at any particular time.

Full details of the proposal, together with the Terms of Reference for each of the Advisory Groups, are included on the attached report from the CEO of Hunter Councils (see Annexure A).

Also attached is information on nominations currently being called from Hunter Councils for representation on the following State and Regional Groups:-

- Westpac Helicopter,
- Hunter Regional Tourism Organisation,
- Community Relations Commission,
- Area Assistance Scheme.

The first three of these groups generally require one member only from the 11 member Councils, whilst two representatives are sought for the Area Assistance Scheme Group (one from the Lower Hunter and one from the Upper Hunter, which includes Great Lakes, Gloucester, Dungog, Singleton, Muswellbrook and Scone). The Hunter Regional Tourism Organisation is not applicable to the Great Lakes Council due to this Council's location within the North Coast Tourism area. Should any Councillors be interested in nominating for membership on either of the other three groups, the relevant nomination form is also attached for completion and return to Hunter Councils. As detailed in the attachment, nominations will only be accepted from Councillors and Deputy Mayor.

RECOMMENDATION:

It is recommended as follows:-

1. That Council nominate one Councillor to each of the three Hunter Council's Advisory Groups.
2. That any Councillor who may be interested in nominating for membership may be interested in nominating for membership to one of the State and Regional Groups should complete the attached nomination for and return it to Hunter Councils.

6 GM - Minutes of Meeting of Great Lakes Tourism held 1 June 2009

Index: Section 355 Committee - Great Lakes Tourism
Author: Leasing/Caravan Parks Officer - Pat Powell

SUMMARY OF REPORT:

Minutes of the Great Lakes Tourism Committee meeting held on 1 June 2009.

SUMMARY OF RECOMMENDATION:

That the information be noted and the recommendations of the Great Lakes Tourism Committee of 1 June 2009 be adopted.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

A: Minutes of the meeting of Great Lakes Tourism held 1 June 2009

ATTACHMENTS:

Nil.

REPORT:

Attached for the information of Council is a copy of the minutes of the meeting of the Great Lakes Tourism Committee held on 1 June 2009.

RECOMMENDATION:

That the information be noted and the recommendations of the Great Lakes Tourism Committee of 1 June 2009 be adopted.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

7 PES - Use of Existing Sawmill - Lots 120 & 121 DP43048 Possum Pie Road, Wootton

Index: DA 324/2009 & PK 23661 – Use of Existing Sawmill
Author: Manager Development Assessment - Wayne Burgess

DETAILS

Date Received: 19 January, 2009
Applicant: Eric Wilkes Pty Limited
Owner: EN & MK Wilkes
Land: Lots 120 & 121 DP 43048, Possum Pie Road, Wootton
Area: 85.33 Ha
Prop Key: 23661
Zoning: 1(a) Rural GLLEP1996

SUMMARY OF REPORT:

- Complaint received by Council in relation to noise and extensive hours of operation from a sawmilling activity.
- Owner requested to cease operation of the sawmill until a development application had been submitted with Council and consent issued.
- Legal proceedings commenced in the Land and Environment Court as the use did not cease.
- Development Application lodged for use of sawmill.
- Additional information sought from the applicant including an acoustic report and waste management plan.
- Application notified to adjoining landowners with two (2) submissions received.

SUMMARY OF RECOMMENDATION:

That Development Application No. 324/2009 be determined by approving the use of the land for a sawmill in accordance with the development application subject to a deferred commencement consent.

FINANCIAL/RESOURCE IMPLICATION:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court with inherent cost implications.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court.

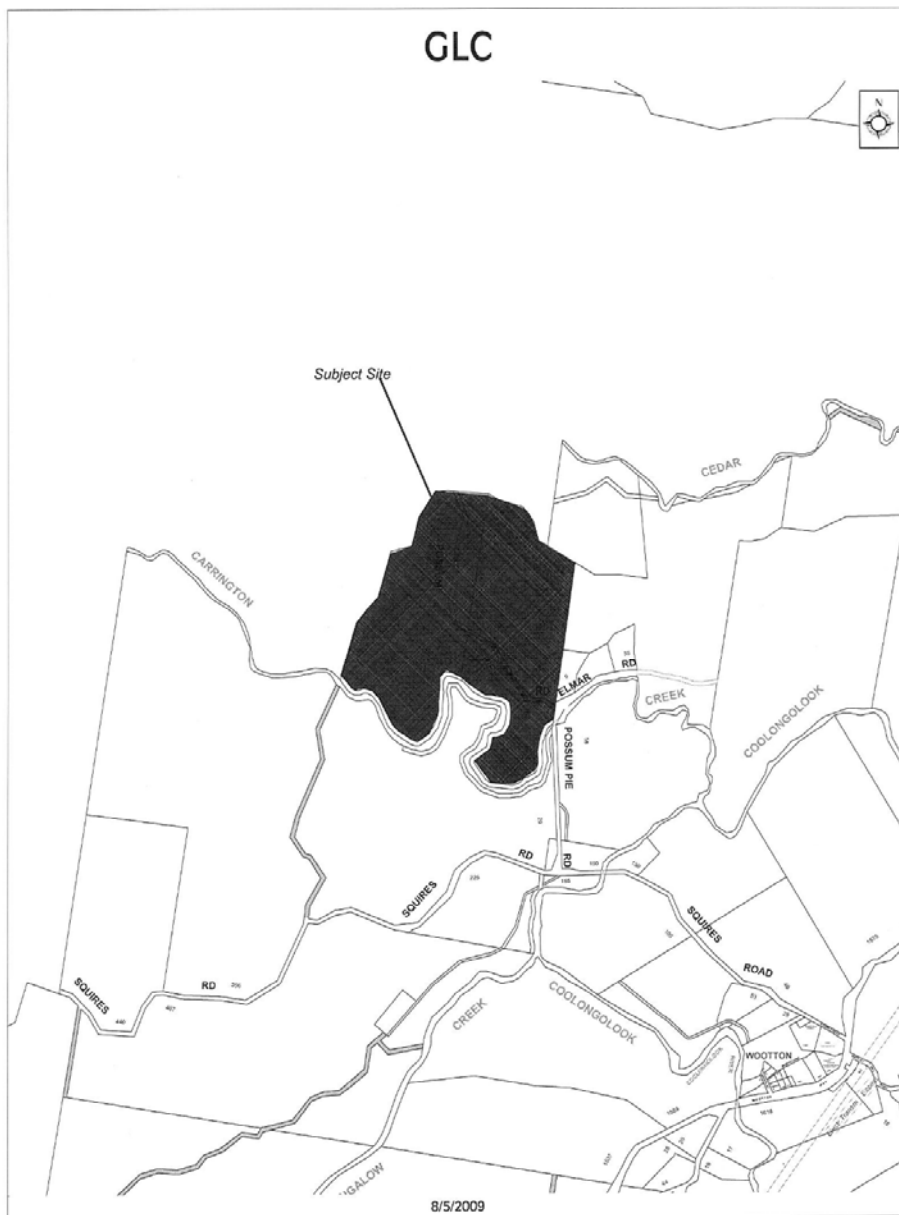
LIST OF ANNEXURES:

A: Site plan and elevations of shed.

ATTACHMENTS:

Nil

SUBJECT SITE



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REPORT:

BACKGROUND

18 May, 2005 Council received a complaint in relation to the operation of a timber sawmill on the subject site. The complaint related to noise and extensive hours of operation.

By letter dated 31 May 2005, Council notified the owner of the land, that a Development Application was required to be submitted to Council, seeking consent for the operation of the timber sawmill. The owner was also directed to cease all logging and milling activities on the land until such time as a Development Application had been submitted to Council and consent issued.

Council's Investigations and Compliance Officer attended the subject site on 10 November, 2005 as a Development Application had not been submitted to Council. The Landowner advised that it was not his intention to lodge a Development Application with Council. Council's Investigations and Compliance Officer Inspector advised the landowner that an Infringement Notice would be issued. The Infringement Notice was subsequently issued.

The landowner believed that existing use rights existed for the operation of the timber sawmill and that it was not necessary to lodge a Development Application with Council.

Council considered a report on 27 February 2007 regarding the sawmill and resolved that a mediation process be undertaken prior to commencing legal action against the sawmill operator. Attempts at mediation failed and the matter proceeded to the Local and Environment Court. The existing use argument has now been deferred as the applicant has now submitted a Development Application to Council. It is expected that if the applicant is not satisfied with the determination of the Development Application, the existing use argument will continue in the Land and Environment Court.

It should be noted that Council's previous correspondence advised the applicant to lodge a Development Application and cease work until a Development Application was determined. The applicant has never ceased operation of the sawmill and continues to operate without a current Development Consent.

At the Land & Environment Court Hearing held on 20 March 2009, proceedings were stood over for further mention on 26 June 2009.

THE PROPOSAL

Development Application No. 324/2009 was lodged with Council on 19 January 2009 seeking consent to the "use of an existing sawmill on the subject land". Council has taken the view that the current sawmill on the land is unlawful as no consent has been obtained for such use and relevantly, Council now is not satisfied that there is any existing use rights attached to the land. Accordingly, this application has been assessed as though it is a new application for the use of the land for a sawmill.

The following is a summary of events leading to the preparation of this report:

- 19 January 2009 – Development Application lodged with Council.
- 2 February 2009 – Letter sent to applicant requesting further information in relation to the site plan, submission of an acoustic report and waste management plan, uses of existing buildings, building elevations and general information as to the conduct of the sawmill.
- 4 March 2009 – Additional information submitted by the applicant's consultant, other than the Acoustic Report.
- 7 April 2009 – Acoustic Report, prepared by Hunter Acoustics, received.
- 15 April 2009 – Site plans and elevations of the shed (recommended in the Acoustic Report for enclosure of the sawmill) received.

- 16 April 2009 – Letters referred to adjoining landowners, the NSW Rural Fire Service and Forests NSW inviting their comments in relation to the sawmill.
- 22 April 2009 – Additional information sought from the Acoustic Consultant in relation to the potential noise impact from a block splitter and chainsaw.
- 29 April 2009 – Additional information received from Acoustic Consultant.
- 11 May 2009 and 12 May 2009 – Two (2) letters received from adjoining landowners respectively. One (1) letter objecting to the proposal and submitting an independent Acoustic Assessment Peer Review Report from RSA Acoustics. The other letter raising concerns about the proposal.
- 12 May 2009 – Reply received from NSW Rural Fire Service.
- 21 May 2009 – Letter forwarded to the applicant requesting further information in relation to the Acoustic Assessment.
- 21 May 2009 – Additional information received.
- 29 May 2009 – Reply received from Forests NSW.

The Statement of Environmental Effects (SEE) lodged with the application indicated that the activities of the sawmill included:

- The operation of a saw bench, including a four round-post lean-to building to a height of 3 metres constructed over the saw bench (already constructed).
- Receiving, moving, stacking, sorting, selling logs and timber.
- Maintenance of machinery.
- Sale and removal of sawdust.
- Processing of 1,000m³ of timber per year.
- The disposal of sawdust by way of deposit on another part of the land – the sawdust will not be buried or piled near a creek.
- The burning of off-cuts, shavings and sawdust by way of a controlled small bonfire, no more than once a month and with the permission of the Rural Fire Service.

The proposed hours of operation of the sawmill are:

	Monday	Tuesday to Friday	Saturday	Sunday
Sawmill Activities	12pm – 4pm	7am – 4pm	7am – 12pm	9am – 12pm
Saw Bench Operation	2 hours, not before 12 pm	4 hours average, not before 7.30am	nil	nil

The following further information, in relation to the operation of the sawmill, was submitted on behalf of the applicant by letter dated 4 March, 2009:

- The following truck movements are generated by the sawmill:*
 - Raw log delivery – 2 log trucks per month maximum.
 - Pick up finished products – car trailer/flatbed rigid truck (as required by purchaser)
 - Firewood pick up – 1 dump truck every 2 months.
 - Sawdust transport to storage area – 1 x 2 tonne truck per 2 weeks.
- Logs delivered to the sawmill come from various private properties in the region.*
- There are no employees for the sawmill operations, other than the owner/operator.*
- As the owner is the only worker in the premises and has access to facilities in his private dwelling on the land, it is not proposed to provide any further workers amenities."*

A copy of the site plan and elevations of the shed is contained in Annexure "A" to this report.

SITE DESCRIPTION

Lots 120 & 121 are located on either side of Possum Pie Road, Wootton. The site is sparsely vegetated with fruit trees and eucalypts. The majority of the property is grassed grazing land. The subject property and surrounding land is gentle undulating hills.

The sawmill is proposed to be located on the southern side of Possum Pie Road and a dwelling house and ancillary structures are located on the northern side of Possum Pie Road. Four residences on adjoining land are visible to the north and south of the subject allotments.

Access to the property is via Possum Pie Road. Wang Wauk State Forest adjoins the northern most boundary of the subject site. The nearest adjoining separately owned residence to the site of the sawmill is approximately 225m (the residence located on the subject land is approximately 92m away).

REPORT

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended and the following matters are relevant in considering this application:

- (a) The provisions of any environmental planning instrument any draft environmental planning instrument that is or was on public exhibition and details of which has been notified to the consent authority; any development control plan; and any matters prescribed by the regulations that apply to the land to which the development application relates.**

Environmental Planning & Assessment Regulation 2000

Schedule 3 of the Regulations nominates descriptions of development to be designated development where it is necessary that a development application be accompanied by an environmental impact statement.

Wood or timber milling or processing works is designated development as defined below:

"Wood or timber milling or processing works (being works, other than joineries, builders supply yards or home improvement centres) that saw, machine, mill, chip, pulp or compress timber or wood:

- (a) that have an intended processing capacity of more than 6,000 cubic metres of timber per year and:*
- (i) are located within 500 metres of a dwelling not associated with the milling works, or*
 - (ii) are located within 40 metres of a natural waterbody or wetland, or*
 - (iii) burn waste (other than as a source of fuel), or*
- (b) that have an intended processing capacity of more than 50,000 cubic metres of timber per year."*

The application is for a maximum processing of 1,000 cubic metres of timber per year and therefore, the development is not designated development.

Hunter Regional Environmental Plan 1989 (HRP)

The HRP provides the broad planning objectives for regional urban development within the Great Lakes Council area. Part 7 (Environment protection) pertains to the proposal in particular Division 1 (Pollution Control). Clause 45 specifies as part of the objective of the HREP "to control development so as to minimise air, noise and water pollution. Clauses 47 and 49 list matters with respect to air, water and noise pollution and effective disposal of wastes that Council must be satisfied with before consent should be granted, that include setbacks to existing watercourses, an adequate vegetation cover is maintained or re-instated so as to minimise soil erosion and provision of safer effective disposal of wastes.

Relevant sections within Council have considered such matters as air, water and noise pollution, soil erosions and disposal of waste and are addressed in this report.

Great Lakes Local Environmental Plan 1996 (GLLEP1996)

The land is zoned 1(a) Rural under the provisions of GLLEP 1996.

The objective of the 1(a) Rural zone is:

- "...to restrict development to those uses which are unlikely to -*
- (a) prejudice in a significant manner the agricultural production potential of land within the zone; and*
 - (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road; and*
 - (c) have an adverse impact on the area's water resources; and*
 - (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services."*

GLLEP1996 defines a sawmill as:

"means a mill handling, cutting and processing timber from logs or baulks."

It is considered that the use of the land for the purpose of a sawmill is consistent with the objectives of the 1(a) Rural zone and may be permitted with consent.

It should be noted that the SEE accompanying the application states that:

"This application is made without prejudice to the assertions by the owners that the land has the benefit of an existing use right for a sawmill, which the owners claim has been in operation since before 1963 and which is currently the subject of proceedings before the Land Environment Court."

GLLEP1996 Clause 22 Contaminated Land

Objective of Provision

"To identify the procedures to be followed where the Council considers a development application for contaminated land."

Discussion in relation to land contamination is discussed under the heading 'Waste' later in this report.

State Environmental Planning Policy (Rural Lands) 2008

The relevant aims and principles of the SEPP in relation to this application are "to facilitate the orderly and economic use and development of rural lands for rural and related purposes" and "to implement measures designed to reduce land use conflicts" and "the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas".

It is considered that the proposal is consistent with the relevant aims and principles of the SEPP, subject to the imposition of appropriate conditions of consent.

Great Lakes Rural Living Strategy

The Great Lakes Rural Living Strategy advocates that economic development is an important component for the rural living strategy. The proposal is considered to be consistent with the economic development component of the strategy.

(b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality.

Context and Setting

The proposal is considered to be compatible with the characteristics of the rural environment. The proposal is not considered to create a detrimental impact upon the scenic qualities, character or features of the landscape or locality. The proposal, due to the generation of noise from the use of machinery associated with the sawmill and the disposal of waste, has the effect of creating an adverse impact upon the amenity of neighbouring properties. However, as discussed later in this report, mitigation measures by way of enclosing the sawmilling machinery in the shed as recommended within the Acoustic report and detailed on the plans as submitted together with the management and disposal of waste, are considered to be acceptable.

Access, transport & traffic

Access to the site is via Possum Pie Road which has a gravel pavement varying between 3.5m and 4m wide. The section of road that provides access to the area where the sawmill is located is a Crown Road reserve. Possum Pie Road is currently maintained by Council for a length of 1.61kms from its intersection with Squires Road. A timber culvert/bridge is located 720m from the intersection of Squires Road and Possum Pie Road.

The applicant has advised that there are approximately two deliveries of sawlogs per month by timber jinkers. The application was referred to Council's Transport Assets Section who consider that given the infrequency of deliveries, the proposal will not cause significant damage to the road or bridge. Transport Assets Section recommend that a second driveway be constructed which will allow one way movement through the worksite and will give safe ingress/egress to the site and Possum Pie Road.

Waste, Noise, Air and Microclimate

Council's Environmental Health officer reports as follows:-

"Consideration of Environmental Health Issues

1. Waste

A plan of management for the burning of timber waste and sawdust management was lodged by the applicant.

The plan of management addresses:

- *The environmental impacts that may be caused by the storage and disposal of sawdust and waste timber generated on the site; and*
- *The existing and proposed deposition sites and how the proposed operational areas are to be managed to minimise impact on surrounding residences.*

The plan of management notes that:

The sawmill operations consist of the processing of up to 1000m³ of natural wood products per annum. All wood products that enter the site are sourced from natural hardwood timber lawfully felled by contractors operating in the area, generally consisting of raw logs.

The timber products are processed by chainsaws, bench saws, planers and thicknessers producing secondary wood products for resale such as posts, decking and sawdust.

By-products of the timber processing consists of small quantities of natural timber off cuts that are unsuitable for resale and sawdust. On average, the maximum quantity of products on site would be:

- Sawdust – 60m³
- Off cut – less than 1m³

Off cuts are sold with firewood deliveries. A portion of the off cut materials is of a size and shape which is unable to be efficiently handled and is unsuitable for resale.

The sawdust is resold to nurseries and landscape supply businesses. The sawdust is stockpiled on the property pending suitable quantities being produced for pickup/delivery to businesses.

The method of disposal proposed is:

- Storage of sawdust at a degraded quarry site located approximately 1km north of the mill on Lot 120 DP 43048 owned by the applicant.
- Burning of off cuts undertaken intermittently at the mill site.

The report acknowledges that the disposal of off cut timber and sawdust presents a number of site specific environmental risks. Mitigation of the environmental risks is proposed in the following manner:

1. Off cuts

Smoke Hazard

- Burning only during easterly wind directions.
- Burning only seasoned timber.
- Burning not to be undertaken at dusk.

Fire Danger

- Burning off only following issue of a permit from the NSW Rural Fire Service. NSW RFS notified when burning off to occur.
- Burning off to be undertaken in areas with a fuel free buffer of at least 20m from the burn site.
- Provision of an adequate water source, fire hose and pump.

Contamination

- Only natural timber off cut to be burnt.

2. Sawdust

Sawdust is collected from the mill, loaded into a 2 tonne truck and transported for storage in a disused quarry on the land. Sawdust is collected by local nurseries/landscapers.

Potential environmental, health and safety risks related to the storage of the sawdust include:

Spontaneous Combustion

Land application of sawdust should not result in piles exceeding 1m in depth as excessive depth of organic material may spontaneously combust.

Contamination of natural watercourses

Land application of sawdust should not be located in areas subject to prolonged damp or ponding of water as saturation can lead to excessive and rapid leaching of tannins and lignins.

Bunding and/or diversion drains should be provided.

Groundwater contamination

- Storage of sawdust should not be located in areas subject to prolonged damp or ponding of water.
- Sawdust storage should occur in a 'mosaic' pattern – separation of depositions could reduce the effect to tannin/lignin accumulation and concentration.
- Visual monitoring of sawdust piles should be undertaken on at least a weekly basis to determine whether any leachate is occurring. If leaching occurs, the source should be identified and controlled to prevent pollution of surface or groundwater. It may be necessary to remove the sawdust from the site.

Given the imposition of conditions in relation to the 'Plan of Management Burning of Timber Waste and Sawdust Management', prepared by Coastplan Consulting, project 5157, dated March 2009 it is considered that management and disposal of timber waste and sawdust can be effectively managed on-site subject to the inclusion of appropriate conditions.

3. Noise

An acoustic assessment for the existing saw mill facility prepared by Hunter Acoustics, dated 6 April 2009 was lodged by the applicant.

The acoustic assessment includes:

- An assessment of existing background noise levels for the area.
- A review of equipment utilised on the site and their associated sound power levels and existing noise impacts.
- The determination of project specific noise level criteria at four surrounding potentially affected receptor locations.
- Consideration of modifying factors and meteorological conditions; and
- Recommended attenuation measures to achieve the project specific noise level criteria, including a recommendation that the mill be enclosed on three (3) sides within a steel agricultural style building of nominated specifications.

The acoustic assessment notes that:

The area is defined as rural in accordance with the NSW Environment Protection Authority's (EPA) Industrial Noise Policy (INP) and that the acoustic climate is typical of a quiet rural area.

Background noise levels of the area were monitored between 27th February 2009 and 6th March 2009, with the rating background levels (RBLs) determined in accordance with Appendix 3 of the INP. Appendix B of the INP stipulates that 'if the measured background level is less than 30 dB(A), then the rating background level is considered to be 30 dB(A)'. The acoustic assessment determined that the measured RBL for the area was 30 dB(A) and claims that the data logger information gave higher levels in the night and evening periods which were attributed the presence of insects and animals.

Sound power levels of the sawmill and associated plant were determined on-site by an attended survey. Plant and equipment considered in the acoustic assessment include the sawmill, an electrical generator, a planer thicknesser and a tractor/loader. The report states that 'the facility is operated by a lone individual and so only one item of plant can be operated at a time.' This statement does not consider that the electrical generator is utilised to power the planer thicknesser. This is considered irrelevant however, as the acoustic assessment is conducted for the item with the highest sound power level, which is the sawmill being 114 dB(A). As the sound power level for the electrical generator (110 dB(A)) exceeds that of the planer thicknesser (100 dB(A)) by 10 dB(A), the octaves cannot be added and the sound power level of the two items of equipment operating together will remain at 110 dB(A). Therefore, all other items of plant and equipment will have lower received noise levels at residential dwellings than the saw mill operating at 114 dB(A).

The acoustic assessment claims that there are no modifying factors such as tonality associated with the development. However, it is identified that a temperature inversion atmospheric enhancement condition of 3oC/100m may exist. According to the INP 'assessment of impacts is confined to the night noise assessment period (10pm to 7am), as this is the time likely to have the greatest impact—that is, when temperature inversions usually occur and disturbance to sleep is possible.' The Statement of Environmental Effects (SEE) provided by the applicant outlines intended hours of operation. As the requested hours of operation are not prior to 7am on any day, it is considered that the effect of the atmospheric enhancement will be negligible.

An objector to the proposal (adjoining landowner) submitted a peer review Acoustical Assessment of Hunter Acoustics report undertaken by RSA Acoustics. This report focuses on Hunter Acoustics assessment report of noise to the objector's property (Receptor 1).

In particular the peer review raised the following concerns:

RSA Acoustics mention that it is not absolutely clear if the adopted 30 dB(A) RBL utilised by Hunter Acoustics was the measured background level or the adopted minimum provided by the INP, because if the actual measured level is less than 30 dB(A), then the noise impact from the mill may be greater. Discussions with Hunter Acoustics revealed that the 30 dB(A) level provided in their report was based upon the measured background level of the site, with background data logging also being provided. As such, the assessment of the background level appears to be satisfactory.

The INP stipulates that a 5 dB(A) correction must be added to the measured or predicted levels of equipment considered to have a tonal component. RSA Acoustics suggest that 1/3 octave data analysis should be undertaken for the planer thicknesser. 1/3 octave data was requested to be provided by Hunter Acoustics for the planer thicknesser and the saw mill. Based on the information provided, neither of these items of equipment has a tonal characteristic and as such corrections do not need to be considered.

Hunter Acoustics have provided a measured sound power level for the loader as being 100 dB(A). RSA Acoustics consider that the loader has not been addressed in Hunter Acoustics report and have predicted that the level of untreated noise from the loader would be 44 dB(A) at Receptor 1, based upon data provided in Hunter Acoustics report for the saw mill. According to the measured sound power levels provided by Hunter Acoustics the loader was recorded as operating at 100 dB(A), 14 dB(A) less than the saw mill. Assuming that the loader is operating at 100 dB(A) as stated by Hunter Acoustics and given that the loader is predominantly operated to transport timber to and from the saw with the shed a providing barrier, it is believed that the loader will meet the assessment criteria.

Sound power levels for a hydraulic block splitter and a standard commercial chainsaw were not considered in the original Hunter Acoustic report. RSA have estimated sound power levels for the chainsaw and believe that the both the chainsaw and wood splitter would be likely to exceed INP criteria. An amendment dated 29 April 2009 was provided by Hunter Acoustics outlining the measured sound power levels for both items and predicted impacts. Based upon conditions requiring the block splitter muffler to be repaired and both items being located in the area stated by Hunter Acoustics in order to obtain attenuation from the shed, predicted received sound pressure levels will be in compliance with the specified criteria.

The location of the generator has been questioned in RSA Acoustics peer review. RSA claim that it is not clear whether it is proposed to move the generator into the shed. Hunter Acoustics confirmed that the generator will be located within the proposed shed with the saw mill and planer thicknesser. As the shed has been designed based upon the item of equipment with the highest sound power level, being the sawmill at 114 dB(A), it is considered that the operation of the generator within the shed will be below the noise criteria.

Audibility and prevailing winds are raised by RSA Acoustics in their discussion of Hunter Acoustics report. RSA claim 'at 5 dB(A) above the background noise, there is no doubt that the saw mill will be clearly audible.' It is acknowledged that noise produced by the mill will be audible on some occasions at adjoining residences, however, the application has been assessed in line with the requirements of the INP which permit noise from developments to exceed background levels by up to 5dB(A). In respect to wind effects, the INP states that 'where there is less than a 30 per cent occurrence of wind of up to 3 m/s (source to receiver component), wind is not included in the noise-prediction calculation.' Wind roses provided by Hunter Acoustics indicate that wind does not blow towards the objector's residence for more than a maximum of 18 per cent of the time during any period of the year. Based upon the provided wind roses, it is unnecessary to include wind effect into noise calculations.

Concerns have also been raised by RSA Acoustics in relation to the adequacy of the shed design and its ability to attenuate noise in order to achieve the specified criteria at Receptor 1. RSA Acoustics consider that the walls and roof of the shed would need to be more substantial - eg. double-skin, if a lightweight construction, or masonry and that further, to minimise noise to the neighbourhood, the structure should fully enclose the equipment, with doors closed during operation and have adequate attenuation to all ventilation openings. RSA Acoustics have made assumptions in relation to the octave band data of the saw mill, and the noise modelling for the proposed shed. However, Hunter Acoustics have provided information/data including the modelling assumptions for the shed that includes all structural components identified in the application. The 1/3 octave modelling provided by Hunter Acoustics, as previously stated indicate that the saw mill does not have a tonal component and therefore will not impact on modelling predictions. It appears that the modelling data is consistent with the acoustic assessment and based upon measured sound power levels. Therefore, all information provided by Hunter Acoustics indicates that noise attenuation provided by the shed will achieve the specified criteria at all receptors.

It was identified that a seven lot subdivision had been approved by Council to the south west of the saw mill site. In Hunter Acoustics amendment, dated 21 May 2009 consideration was given to potential noise impacts associated with the mill at the two closest identified building allotments. In both instances Hunter Acoustics claim that the predicted received sound levels are well below the noise criteria for the identified receiver locations. The acoustical impacts of the mill will need to be considered should any applications be lodged that seek approval for dwellings located closer to the mill, outside of the identified building allotments to avoid future potential land use conflicts.

Hunter Acoustics acoustic assessment provides recommendations for noise attenuation, which includes the construction of an acoustically designed shed based upon measured sound power levels. The assessment claims that the predicted noise level emitted from the sawmill activities after treatment will not exceed the project noise level criteria. Conditions of consent require compliance with the acoustic assessment, to ensure that noise associated with the sawmill activities meet the requirements of the INP and do not become a source of intrusive or offensive noise for surrounding residents.

The applicants hours of operation nominated in the Statement of Environmental Effects should be amended to be consistent with the hours of operation agreed to between Council and the applicant as defined in the "Short Minutes of Order", Land and Environment Proceedings, Matter No.40264/08. Those hours of operation being:

- *On Mondays from 12.00 noon until 4.00pm;*
- *Tuesday to Friday for 4 hours per day not before 7.00am or after 4.00pm;*
- *Nil operation on Sundays, but operating on Saturday from 7.00am until 12.00 noon.*

2. Air and Microclimate

Considering the nature of the proposed development, it is unlikely that operations will impact upon air quality or microclimate. In accordance with the acoustic assessment provided by Hunter Acoustics, dated 6 April 2009, most operations will also be required to be undertaken within a steel industrial shed. During operation, sawmills generally release particulate matter of a reasonably large size into the surrounding air, which would not remain suspended long enough to migrate off-site. The buffer distance provided around the saw milling activities is also considered adequate to ensure that surrounding residences are not affected by the milling.

The burning of timber off-cuts, however, has the potential to affect the amenity of the area and surrounding residences if not adequately controlled. As such, mitigation measures provided in the 'Plan of Management Burning of Timber Waste and Sawdust Management', prepared by Coastplan Consulting, project 5157, dated March 2009 have been imposed as conditions of consent to address environmental hazards such as smoke, fire danger and contamination."

Natural Hazards

The site is mapped as bushfire prone land. The development application was referred to the NSW Rural Fire Service (NSW RFS) who have recommended conditions in relation to Asset Protection zones, Water and Utilities, Access, Evacuation and Emergency Management, Design and Construction and Landscaping.

The NSW RFS have also drawn Council's attention to the Rural Fires Regulation 2008, Part 4 Fire prevention; Division 1 General, Clause 20 which relates to burning to destroy sawmill waste material, where a person must not light a fire to destroy sawmill waste unless the fire is lit in certain circumstances.

(c) The Suitability of site for the development

The proposal, subject to the recommended conditions of consent, is generally considered to be suitable for the site having regard to the potential to create or contribute to undesirable cumulative impacts.

(d) Any submissions made in accordance with the Act or regulations

The application was notified to adjoining owners in accordance with Council's Policy inviting submissions for a period of 28 days from 16 April 2009. Two (2) submissions were received. One (1) submission raised a few points of concern, while the other submission objected to the proposal and submitted an acoustical assessment peer review report. The issues raised to the proposal are summarised below:

1. Objection to the industrial noise emanating from the sawmill and submitted a peer review acoustical assessment of Hunter Acoustics report undertaken by RSA Acoustics.

Comment: This matter was discussed in detail by Council's Environmental Health Officer who raises no objection subject to the imposition of conditions of consent.

2. The sawmill site should be moved to the far end of the property.

Comment: The applicant has sought to seek consent at the location of the current sawmilling activity and has submitted a Waste Plan of Management and an Acoustical Report justifying its location.

3. How many trucks will be using the roads and will the roads be capable of handling the increase in heavy traffic.

Comment: The number of truck movements are infrequent and Council's Transport Assets Section do not require any works to be carried out on the roads or bridges in the area.

4. How much dust/sawdust that will be created.

Comment: The Plan of Management addresses the disposal of timber waste and sawdust.

Forests New South Wales raises no objection to the sawmill and advise that the owner is the current holder of a Sawmill Licence.

The Department of Lands advise that should consent be issued requiring upgrade or maintenance to the Crown Road traversing Lots 120 and 121, the Department will require transfer of the affected section of road to Council's control. As stated previously, no upgrading works are required.

(e) Public Interest.

The proposal is a source of income to the applicant and a service to those of the public who may require timber, logs, split wood and sawdust. Subject to the recommended conditions of consent, it is considered that approval of this application is not against the public interest.

CONCLUSION

Development Application No. 324/2009 was been lodged with Council.

The operation of a sawmill on the subject site is permissible with the consent of Council.

Reports in relation to the disposal/storage of waste and noise were submitted to Council. These reports are considered acceptable, and the recommendations contained within the reports have been included in the conditions of consent.

Two (2) submissions were received from adjoining landowners. One (1) of the submissions lodged an acoustic assessment peer review of the Hunter Acoustic report (undertaken by another acoustic consultant). Council's Environmental Health Officer accepts the recommendations contained in the Hunter Acoustic's report.

It is considered that the operation of the sawmill on the site will not have any significant adverse impacts upon either the amenity of adjoining premises or the character of the locality subject to the conditions as recommended in the report.

However, the noise acoustic report prepared by Hunter Acoustics recommends that the sawmill be enclosed within a steel agricultural style building/shed to ensure that the sound levels from the sawmill operation do not become intrusive or offensive at nearby neighbours. Other noise attention specifications for the building/shed are also included in the acoustic report.

As the owner of the land claims the land enjoys existing use rights which Council denies, it is proposed that consent be granted subject to the deferred commencement condition requiring the surrender of any right to conduct a sawmill on the land, prior to this consent operating.

RECOMMENDATION:

It is recommended that a deferred commencement consent be granted under Section 80(3) of the Environmental Planning & Assessment Act 1979, as amended, to Development Application No. 324/2009 for the use of an existing sawmill located upon Lots 120 and 121 DP43048, Possum Pie Road, Wootton, subject to the following deferred commencement conditions as set out below.

The consent does not become operational unless and until the conditions in Part 1 are satisfied within three (3) months of the date of issuing this consent, otherwise this consent will lapse. When the conditions in Part 1 have been satisfied, the consent is taken to operate and the conditions in Part 2 apply.

Part 1

1. The owners of the land (Lots 120 and 121, DP43048, Possum Pie Road, Wootton) shall within three (3) months of the date of this consent surrender any right to conduct a sawmill on the land that might be conferred or claimed to be conferred on the land to which this Development Application relates by Division 10 of the Environmental Planning and Assessment Act 1979 as amended and evidence of such surrender shall be provided to the Council within three (3) months of the date of this consent.

Reason

The owners of the land has claimed that pursuant to Division 10 of the Environmental Planning and Assessment Act the right to conduct a sawmill on the land is conferred in relation to the land the subject of this development consent. Council disputes that any such right is conferred on the land, but for the purpose ensuring that any sawmilling activities conducted on the land are only carried out pursuant to this development consent it is prudent and in the public interest to impose this condition.

Part 2

2. The development must be implemented in accordance with the stamped plans numbered sheets 1 and 2 of Job Number 5157, dated 27 February 2009, drawn by Wade Roberts, the application form and any supporting information received with the application, except as may be amended by the following conditions.

3. The sawmill shall not process more than 1,000 cubic metres of timber per year. Daily records of timber processed shall be kept and be available for Council inspections at any time.
4. The operation of the sawmill shall be restricted to the use of the following plant and equipment:
 - one (1) sawmill
 - one (1) electrical generator
 - one (1) planer thicknesser
 - one (1) tractor/loader
 - one (1) block splitter
 - one (1) chainsaw
5. All timber associated with the sawmill shall only be stored in the area defined in the stamped plans numbered sheets 1 and 2 of Job Number 5157, dated 27 February 2009, drawn by Wade Roberts.
6. The operation of the sawmill shall be restricted to the following truck movements:
 - Raw log delivery - two (2) log trucks per month
 - Firewood pick-up - one (1) dump truck every two (2) months
 - Sawdust transport to storage area - one (1) x two (2) tonne truck per two (2) weeks
 - Pick up finished products - car trailer/flatbed rigid truck (as required by purchaser)
7. Consent is granted to the operation of the sawmill for a lone or one (1) person operator.
8. Compliance with all recommendations contained in the 'Plan of Management Burning of Timber Waste and Sawdust Management' prepared by Coastplan Consulting including:
 - The sawdust must only be stored in the disused quarry referred to in the 'Plan of Management Burning of Timber Waste and Sawdust Management'.
 - The sawdust stockpile must not exceed a depth of 1m in accordance with the 'Plan of Management'.
 - Bunding and/or diversion drains must be provided on areas outside of the quarry that are affected by surface water drainage to prevent the movement of sawdust during rain events.
 - Storage of sawdust must not be located in areas subject to prolonged damp or ponding of water.
 - Sawdust storage must occur in a 'mosaic' pattern.
 - Visual monitoring of sawdust piles must be undertaken on a weekly basis to determine whether any leachate is occurring. Where visible signs of leachate are occurring, the source of leachate should be identified and controlled to prevent pollution of surface or groundwater. If visible signs of leachate are occurring, it will be necessary to remove the sawdust from the site.
 - No sawdust shall be permitted to enter any waterbody, river or stream.

Details describing the methods to be carried out in complying with the requirements of this condition, are to be submitted to Council for approval prior to the issue of the Construction Certificate.

9. The following noise attenuation methods recommended by Hunter Acoustics in their acoustic assessment dated 6 April 2009, shall be implemented in the development prior to commencement of the operation of the sawmill or any sawmilling or wood working equipment:
 - The sawmill electric generator and planer thicknesser therefore shall be enclosed within the steel agricultural style shed as shown on stamped plan numbered sheet 2 of Job Number 5157, dated 27 February 2009, drawn by Wade Roberts, with dimensions of approximately 30 metres long by 10 metres wide with approximately a 4 metre wall height. The long dimension of the shed must run in north south direction and shall be entirely enclosed on the northern, eastern and southern sides. The western side may be open for a length of up to 20 metres.

- Plant and equipment to be located within the steel industrial shed must be no closer than 3m to the eastern or northern wall and must be located not less than 5 metres from the open western wall.
 - A fibreglass insulation blanket of minimum rating R2.0 is to be fitted under the roof sheeting and supported firmly against the sheet with wire mesh in accordance with manufacturer's requirements and relevant safety standards.
10. The proposed steel agricultural style shed is to be located clear of the overhead powerlines. An amended site plan is to be submitted for approval prior to the issue of the Construction Certificate.
11. Thirty (30) days after the use of the mill has commenced and the implementation of the noise attenuation methods recommended by Hunter Acoustics in their acoustic assessment dated 6 April 2009 have been completed, a noise report is to be submitted to Council. This report is to assess noise emission from the development during normal operation, the effectiveness of the noise attenuation methods and compliance or otherwise with the appropriate maximum noise levels described by Hunter Acoustics in their report dated 6 April 2009 at all identified potentially affected receptors. If necessary the report must detail additional noise attenuation measures required to achieve compliance and the operator of the sawmill must implement these additional measures as detailed in the report within a further thirty (30) days.
12. The operation of the premises must comply with the limits listed below as determined by the Acoustic Assessment prepared by Hunter Acoustics dated 6 April 2009 and therefore noise from the premises must not exceed the following:
- a) 35 dB(A) $L_{Aeq(15\text{minute})}$ for all identified Receptors
13. Only one item of plant and equipment shall be permitted to be operated at a time. This condition does not relate to the necessary conjunctive operation of the electrical generator and planer thicknesser.
14. The muffler on the block splitter engine must be replaced with a new muffler prior to the commencement of operation of the sawmill.
15. All plant and equipment provided at the premises or used in conjunction with the sawmilling activities must be maintained in a proper and efficient manner, and shall be operated in a proper and efficient manner.
16. The hours of operation of the sawmill are limited to the following:
- Mondays from 12.00 noon until 4.00pm;
 - Tuesday to Friday for 4 hours per day not before 7.00am or after 4.00pm;
 - Saturday from 7.00am until 12.00 noon;
 - Nil operation on Sundays.
17. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
18. Timber waste from the sawmill shall not be burnt unless the fire is lit in either:
- An incinerator designed to prevent the escape of sparks and burning material; or
 - On ground enclosed by a fence of galvanised iron or other resistant material not less than 1.8 metres high so that the top of the waste to be burned is not less than 600 millimetres below the level of the top of the fence; or
 - In a pit dug for the purpose so that the top of the waste to be burned is not less than 600 millimetres below the top of the edge of the pit; or
 - In accordance with the conditions set out in a permit issued by the appropriate authority.

19. Burning of timber off cuts shall only be permitted to be undertaken during easterly wind directions and is not to be undertaken at dusk.
20. Only seasoned natural timber off cuts shall be permitted to be burned.
21. Burning of timber off cuts shall only be permitted to be undertaken following the issue of a permit from the NSW Rural Fire Service, with prior notification of when burning off is to occur also being provided to the Rural Fire Service.
22. Burning shall only be permitted to be undertaken in areas with a fuel free buffer of at least 20 metres.
23. No burning of sawdust is permitted.
24. An adequate water source, fire hose and pump must be provided at the site of burning throughout the burn, until the fire is completely extinguished.
25. Impervious bunded areas to be provided for the storage of chemicals, oils or fuel. The volume of the bunded areas shall contain at least 110% of the volume of the largest container to be stored. Details of the bunded areas must be provided to and approved by Council prior to the issue of the Construction Certificate.
26. A spill kit is to be provided for use as emergency equipment if there is a leak or spill of chemicals or oils. The spill kit must be clearly labelled and might include items such as rags, brooms and mops to stop any spill from entering a watercourse.
27. Compliance with the following conditions imposed by the NSW Rural Fire Service:

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:-

1. At the commencement of building works and in perpetuity the property around the building to a distance of 30 metres, shall be maintained as an inner protection area (IPA) 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'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. Water, electricity and gas are to comply with section 4.1 .3 of 'Planning for Bush Fire Protection 2006'.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - The water tank if located above ground shall be of a non-combustible material.
 - Polycarbonate/plastic tanks shall be shielded from the impact of radiant heat and direct flame contact.

- Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for firefighters.
- The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- All associated fittings to the tank shall be noncombustible.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service, and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for Occupant of the building.

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

5. All Construction shall be of a Non combustible material.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Details are to be submitted from an appropriately qualified person demonstrating compliance with the above conditions, prior to the issue of the Construction Certificate.

28. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.

29. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
30. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
31. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - b) Footings of the proposed structure.
 - c) Structural steel beams/columns.
32. Where it is proposed to use driven timber piles as part of any building footing system, the following certification from a professional engineer shall be provided prior to a footing inspection:
- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
 - ii) That the driven piles have achieved the required bearing capacity.
33. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - (c) The sign must state that unauthorised entry to the work site is prohibited.

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

34. Prior to the commencement of work, toilet facilities shall be provided within the site boundaries at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be connected to the sewer.

Where the sewer is not available, chemical (portable WC) toilet(s) shall be provided or the toilets shall be connected to on-site sewage management system approved by Council.

35. In accordance with Section 94 of the Environmental Planning and Assessment Act 1979, a monetary contribution shall be paid to Council prior to the issue of a Construction Certificate. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-07	Great Lakes Wide	Headquarters Building	\$45,000	\$1 non res @	\$0.001 =	\$45.00
Total						\$45.00

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site www.greatlakes.nsw.gov.au or at Council's offices at Breese Parade, Forster.

36. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times in accordance with Council's Erosion and Sediment Control Policy.
37. Stormwater from roof areas shall be linked to a Council approved disposal system immediately before placement of any roofing materials.

Stormwater from roof areas shall be conveyed to either:

- a) Rubble trenches situated at least 3m from any building and constructed in a manner so as not to create erosion, siltation or topsoil removal from the site;
 - b) A detention basin, settling pond or contour drain in such a way as to prevent sediments and other material being eroded from the site.
38. Any adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
 39. The developer submitting a Driveway Application to Great Lakes Council prior to the issue of a Construction Certificate for construction of a second driveway located to the east of the existing milling area.

All work is to be at the developer's expense and completed in accordance with the Driveway Levels issued by Great Lakes Council.

40. The development being constructed of low reflective materials and is to be of muted earth toned colours.

Details of all external colours and materials are to be submitted for Council's approval with the application for a construction certificate.

41. No buildings shall be occupied until all conditions of this consent have been complied with and an occupation certificate has been issued in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000.

8 PES - North Hawks Nest Draft LEP and Proposed Voluntary Planning Agreement for Future Purchase of Lot 53 DP753166 by Council

Index: SP-LEP-27; SP-LEP-50

Author: Release Area Manager - Roger Busby

Release Area Co-ordinator - Robert Dwyer (RPS Harper Somers O'Sullivan)

SUMMARY OF REPORT:

This report provides advice to Council on a proposed Voluntary Planning Agreement (VPA) that has been offered by Crown Land Developments Pty Ltd for the North Hawks Nest Urban Release Area. The VPA, if entered into, will enable Council to acquire Lot 53 DP 753166 Mungo Brush Road, Hawks Nest, if and when the opportunity should arise, utilising funds provided by the proponent. Acquisition will ultimately allow Lot 53 to be dedicated to the Myall Lakes National Park (MLNP).

A draft VPA has been provided by Crown Land Developments to Council. At the time of writing of this report there were some matters that required further negotiation to ensure that Council is not exposed to any financial liability in connection with the purchase of Lot 53.

SUMMARY OF RECOMMENDATION:

In relation to the offer from Crown Land Developments to enter into a Voluntary Planning Agreement for the future possible purchase by Council of Lot 53 DP 753166 Mungo Brush Road that Council resolve to:

- A. Grant authority to the Mayor and General Manager to approve the form and content of the proposed Voluntary Planning Agreement such that Council is not exposed to any financial liability in connection with the purchase of Lot 53 and that any such purchase be based upon valuation under the current 1(c) Urban Investigation Zone.
- B. Once approved by the Mayor and General Manager, the proposed Voluntary Planning Agreement be exhibited concurrently with the draft Local Environmental Plan for North Hawks Nest, in accordance with the Environmental Planning and Assessment Act.
- C. Exhibit the draft Local Environmental Plan for North Hawks Nest upon the parties agreeing on the format and content of the proposed Voluntary Planning Agreement.

FINANCIAL/RESOURCE IMPLICATION:

The proponent of development within the North Hawks Nest Urban Release Area is contributing to the cost of the Local Environmental Study (LES) and the cost of the administration of the LES / draft Local Environmental Plan (LEP) and VPA process.

POLICY IMPLICATIONS:

There are no direct policy implications at this stage. On 28 November 2006 Council, when considering a report on the preparation of the North Hawks Nest LES / draft LEP, resolved to indicate its in principle support for negotiations regarding VPA's within the release area with a further report to be brought back to Council for endorsement prior to exhibition of any such agreement. The report prepared below is consistent with Council's resolution.

LEGAL IMPLICATIONS:

There are no direct legal implications resulting from Council agreeing to participate in the preparation and exhibition of a proposed VPA. Legal advice on the VPA will be sought from Council's solicitors during the exhibition phase of the draft LEP / proposed VPA.

LIST OF ANNEXURES:

Annexure "A" - Section 65 advice from Department of Planning

Annexure "B" - Location of Lot 53

Annexure "C" - Offer from Crown Land Developments to enter into a Voluntary Planning Agreement and Proposed Planning Agreement

ATTACHMENTS:

Nil

REPORT:**BACKGROUND**

The Department of Planning has recently advised Council that it authorises the exhibition of the draft LEP for the North Hawks Nest area. The draft LEP proposes to rezone about 90 ha of land on the eastern side of Mungo Brush Road for future development and the remainder of the land, including all private properties on the western side of the road, to environmental protection.

A key finding of the Local Environmental Study, which informed the preparation of the draft LEP, was that some development could be allowed on the eastern side of Mungo Brush Road if there is a conservation offset that ensures the protection of ecologically important land in the immediate locality.

To deliver the development/conservation offset sought by Council, the proponent who has an interest in developing some of the land on the eastern side of Mungo Brush Road has offered to directly transfer much of the land on the western side of the road to Myall Lakes National Park (MLNP) and to have a significant portion of land on the eastern side of Mungo Brush Road to be zoned environmental protection.

Both Council and the Department of Environment and Climate Change (DECC) are satisfied with the offset now offered. The offset involves the developer offering to directly transfer all private land, except for Lot 53 DP 753166, on the western side of Mungo Brush to the Department of Environment and Climate Change for addition to the Myall Lakes National Park. This transfer is to be given effect by a Voluntary Planning Agreement between the Minister for Environment and Climate Change and Crown Land Developments (CLD) and a clause in the LEP. The clause cannot be inserted until amendments to the EPA Act, relating to developer contributions, come into effect later this year. In issuing a S65 Certificate, the Department of Planning has advised that insertion of such a clause is required before the LEP is finalised. A copy of the Department of Planning S65 advice is contained in Annexure "A".

CLD has been unable to secure an arrangement with the owners of Lot 53 for it to be transferred to DECC along with all of the other land. Lot 53 is currently zoned part 1(c) Future Urban Investigation and part 7(a) Wetlands and Littoral rainforest. The draft LEP for North Hawks Nest proposes to rezone the 1(c) area to 7(a1) Environmental Protection and to retain the 7(a) zone. As a result, all of Lot 53 will ultimately be zoned environmental protection and will be surrounded by National Park and Department of Lands holdings. It is therefore appropriate for Lot 53 to also be added to the National Park at some stage in the future. This is consistent with Council's original position on North Hawks Nest whereby all land of high environmental value was to be protected into perpetuity before any development occurs. Annexure "B" shows the location of Lot 53 relative to the other land to be transferred to DECC.

In recognition of this, the developer has offered to enter into a Voluntary Planning Agreement with Council so as to provide funds to Council to purchase Lot 53, based on valuation, if the opportunity should arise at some stage in the future. The developer's offer and general terms of the offer are contained in Annexure "A". CLD has suggested that payment of the amount will be at the time of Council acquiring the property or release of the subdivision certificate for the 300th lot, whichever is the earlier. In principle this arrangement would be satisfactory though the situation of potential acquisition shortly after the making of the LEP, which is when the VPA will become operational, will need to be considered during the preparation of the VPA.

It should be noted that the rezoning of land for urban development on the eastern side of Mungo Brush Road is not contingent upon the addition of Lot 53 to the MLNP.

In the event that Council were to purchase Lot 53 it would then transfer the land to the MLNP. Lot 53 would be purchased at market value utilising funds provided by the developer with timing of purchase dependent upon the vendor.

CONCLUSION

It is therefore recommended that Council participate in the preparation of a proposed VPA that will see the provision of funds from the proponent to Council for the eventual acquisition of Lot 53 DP 753166 and ultimately its dedication to the MLNP. It is suggested that the draft LEP for North Hawks Nest (Section 65 Certificate now received) be exhibited upon the parties (Council and the proponent) agreeing on the VPA and that legal advice be sought while it is on exhibition.

The proposed VPA for Lot 53, in conjunction with the proposed VPA to be entered into between DECC and Crown Land Developments for the remainder of the private land, will result in all private land on the western side of Mungo Brush being added to the Myall Lake National Park. The catalyst for the transfer will be the granting of approval to the development of the urban area on the eastern side of Mungo Brush Road.

A draft VPA has been provided by Crown Land Developments to Council. At the time of writing of this report there were some matters that required further negotiation to ensure that Council is not exposed to any financial liability in connection with the purchase of Lot 53. To hasten the process it is recommended that the Mayor and General Manager be granted authority to endorse, for exhibition, the proposed VPA.

RECOMMENDATION:

In relation to the offer from Crown Land Developments to enter into a Voluntary Planning Agreement for the future possible purchase by Council of Lot 53 DP 753166 Mungo Brush Road that Council resolve to:

- A. Grant authority to the Mayor and General Manager to approve the form and content of the proposed Voluntary Planning Agreement such that Council is not exposed to any financial liability in connection with the purchase of Lot 53 and that any such purchase be based upon valuation under the current 1(c) Urban Investigation Zone.
- B. Once approved by the Mayor and General Manager, the proposed Voluntary Planning Agreement be exhibited concurrently with the draft Local Environmental Plan for North Hawks Nest, in accordance with the Environmental Planning and Assessment Act.
- C. Exhibit the draft Local Environmental Plan for North Hawks Nest upon the parties agreeing on the format and content of the proposed Voluntary Planning Agreement.

9 PES - Joint Regional Planning Panel

Index: Development applications General
Author: Director Planning & Environment - Glenn Handford

SUMMARY OF REPORT:

The Department of Planning have called for nominations to the recently created Joint Regional Planning Panel.

SUMMARY OF RECOMMENDATION:

That Council nominate two (2) Councillors to attend the Joint Regional Planning Panels.

FINANCIAL/RESOURCE IMPLICATION:

As contained within the Report.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

- A: Draft Procedures for the Operation of Joint Regional Planning Panels
- B: Code of Conduct
- C: Media Release on Funding

ATTACHMENTS:

- A: Nil
-

REPORT:

Council at its meeting on 26 May 2009 considered a report on nominating two Councillors for the Joint Regional Planning Panels.

Council resolved to defer nominating Council's representatives until certain issues had been clarified by the Department of Planning.

On 3 June the Department issued the following documents:

- Draft procedures for the Operation of Joint Regional Planning Panels
-

This document outlines the:

- Functions of the Panels
- Council's Role
- The assessment process
- Past meeting procedures

- Code of Conduct

This document outlines the standards of conduct expected of Joint Regional Planning Panel members and is similar to Council's Code of Conduct.

- Media Release on Funding

The Media Release states that the Department of Planning will cover the costs associated with administration of the new planning panels as well as employment costs for the state members.

Council will receive DA fees and will be responsible for costs associated with our panel members.

CONCLUSION

Council deferred nominating its members until the above information was received.

As Council has now received this information and I consider it reasonably addresses Council's concerns, it is now timely for Council to nominate its two (2) members.

RECOMMENDATION:

That Council nominate two (2) Councillors to attend the Joint Regional Planning Panels.

10 PES - Minutes of Great Lakes Estuary and Coast Committee Meeting held on 6 May 2009

Index: NS-EST-W/L-S/L CTTE, NS-EST-CCT-Meetings
Author: Project Coordinator - Prue Tucker

SUMMARY OF REPORT:

This report presents the minutes of the Great Lakes Estuary and Coastal Management Committee held on 6 May 2009. This was the first meeting of the combined Wallis and Smiths Estuary Management Committees. The committee oversees the management of Smiths and Wallis Lakes, with the expanded responsibility for the coastal environment covering the area from Seal Rocks to Black Head. The committee is comprised of government and non government representatives including National Parks and Wildlife Service, Great Lakes Environment Network, Wallis Lake Shellfish Program, MidCoast Water, Department of Environment and Climate Change, University of New South Wales, Department of Lands, DPI Fisheries, Landcare, Marine Parks Authority, NSW Maritime, Business representative, Wallis Lake Fishermans Co-op and Great Lakes Council. Calls for community representatives are currently being made. Terms of reference for this committee are being drafted for discussion at the next meeting scheduled for August this year.

SUMMARY OF RECOMMENDATION:

That the information be noted.

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Minutes from the committee meeting of 6 May 2009

ATTACHMENTS:

Nil

REPORT:

A copy of the minutes of the Great Lakes Coast and Estuary Committee meeting of 6 May 2009 is contained in Annexure A. Attachments as referred to in the minutes can be viewed on request by contacting Prue Tucker.

RECOMMENDATION:

That the information be noted.

11 PES - List of Matters before the Land & Environment Court - June 2009

Index: Land & Environment Court Appeals - Development Applications
Author: Manager, Development Assessment - Wayne Burgess

SUMMARY OF REPORT:

At its meeting of 23 August 2005, Council resolved the following:

"... that Council be informed at each and every Council meeting of all applications to the Land & Environment Court".

SUMMARY OF RECOMMENDATION:

That the information be noted.

FINANCIAL/RESOURCE IMPLICATION:

Indicated in Annexure A.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Indicated in Annexure A.

LIST OF ANNEXURES:

A: List of matters currently before the Land & Environment Court.

ATTACHMENTS:

Nil

REPORT:

At its meeting of 23 August 2005, Council resolved the following:

"... that council be informed at each and every Council meeting of all applications to the Land & Environment Court".

Annexure "A" is a summary list of matters currently before the Land & Environment Court.

RECOMMENDATION:

That the information be noted.

DIRECTOR ENGINEERING SERVICES

12 ES - Footpath Contributions - Hawks Nest

Index: Footpath, Walkways, Walking Trails

Author: Director Engineering Services - Ron Hartley

SUMMARY OF REPORT:

Council has requested a report on the impact of the designated cycleway route in Hawks Nest with regard to the removal of parking spaces from the front of people's houses and subsequent contribution issues.

SUMMARY OF RECOMMENDATION:

That the report be noted.

FINANCIAL/RESOURCE IMPLICATION:

Council's current footpath contribution rate is \$51.00 per metre of footpath and this drops to \$40.50 per metre where properties have multiple street frontages.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

The charges are in accordance with S217 of the roads Act 1993.

LIST OF ANNEXURES:

A: Council Report dated 10/07/07 and Resolutions dated 10/07/07 and 12/06/07

ATTACHMENTS:

Nil

REPORT:

Council, at its meeting on 26 May 2009 requested a report on the impact of the designated cycleway route in Hawks Nest with regard to the removal of parking spaces from the front of people's houses and subsequent contribution issues.

It will be recalled that Council accepted a grant of \$90,000 on a 50:50 basis to construct a cycleway in Yamba Street and Tuloa Avenue, Hawks Nest.

Although Council's preferred location of the cycleway in Tuloa Avenue was on the eastern side of the road, the funding body insisted that the cycleway be constructed on the western side, along the house frontages, so that it could be accessed by more residents without crossing the main road.

This presented a number of challenges because of the land formations, driveway levels, location of trees and so forth.

One particular location where difficulties were encountered was between Binda Street and number 20 Tuloa Avenue, i.e. 3 house frontages. At this location, the nature strip is at a level which would have necessitated substantial cost in retaining walls as well as difficulties in accessing some properties. The solution adopted was to build the cycleway further into the roadway which resulted in the loss of parking along these street frontages. It should be noted that the 3 properties referred to above are corner blocks with kerbside parking in Binda Street and Mermaid Avenue. A fourth property, number 20 Tuloa Avenue has a partial loss of parking.

Staff attempted to minimise the impact on residents. However, without the provision of substantial additional funding, the adopted plan was the best available.

With regard to contributions for footpaths/cycleways, Council will recall that this has been discussed on numerous occasions, the most recent of which was in June and July 2007. On each occasion, Council has resolved to continue with its current policy.

Attached as Annexure 'A' is the most recent report submitted to Council on this subject.

RECOMMENDATION:

That the report be noted.

13 ES - 355 Sport & Recreation Committee Minutes

Index: 355 Sport & Recreation Committee
Author: Parks Asset Officer - Kris Koch

SUMMARY OF REPORT:

The minutes of Smith Lake Pacific Palms 355 Sport and Recreation Committee are presented for Council's information.

SUMMARY OF RECOMMENDATION:

That Council notes the minutes of the 355 Sport & Recreation Committee.

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Minutes dated 21 May 2009

ATTACHMENTS:

Nil

REPORT:

Minutes from Smiths Lake Pacific Palms 355 Sport & Recreation Committee are presented for Council's information. This committee meet regularly and are working quite well together.

RECOMMENDATION:

That Council notes the minutes of the 355 Sport & Recreation Committee

14 ES - Development Traffic Advisory Committee Meeting Minutes - 10 June 2009

Index: Traffic Committee Minutes
Author: Traffic Engineer - Wade Holmes

SUMMARY OF REPORT:

The recommendations from the Development Traffic Advisory Committee meeting held 10 June 2009 are submitted for approval by Council.

SUMMARY OF RECOMMENDATION:

That the recommendations of the Development Traffic Advisory Committee meeting held 10 June 2009 be adopted.

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Minutes of the Development Traffic Advisory Committee Meeting held 10 June 2009.

ATTACHMENTS:

Nil

REPORT:

The Development Traffic Advisory Committee Meeting was held on 10 June 2009. The minutes of this meeting are attached for Council's consideration.

RECOMMENDATION:

That the recommendations of the Development Traffic Advisory Committee meeting held 10 June 2009 be adopted.

15 ES - Traffic Advisory Committee Meeting Minutes - 10 June 2009

Index: Traffic Committee Minutes
Author: Traffic Engineer - Wade Holmes

SUMMARY OF REPORT:

The recommendations from the Traffic Advisory Committee meeting held 10 June 2009 are submitted for approval by Council.

SUMMARY OF RECOMMENDATION:

That the recommendations of the Traffic Advisory Committee meeting held 10 June 2009 be adopted.

FINANCIAL/RESOURCE IMPLICATION:

Item 3.1 - Min No.29 - Intersection Safety - Intersection of Ward Street with The Bucketts Way, Wards River.

Council will be responsible for the costs associated with amendments to the intersection warning sign.

Item 3.4 - Min No. 31 - Request for No Parking Restrictions - The Boulevarde, Hawks Nest

Council will be responsible for the costs associated with the installation of No Parking restrictions.

Item 3.5 - Min No.32 - Alterations to Existing Cycleway and Parking Lanes - Myall Quays Boulevard, Tea Gardens

Council will be responsible for the costs associated with amendments to linemarking along Myall Quays Boulevard.

Item 3.6 - Min No.33 - Use of Traffic Facilities Funds for Tuncurry Cycleway

Council will be responsible for the costs associated with the traffic facilities fund for Tuncurry cycleway.

Item 3.9 - Min No.36 - Flood Signs - Lowreys Road & Old Inn Road, Crawford River

Council will be responsible for the costs associated with the installation of flood depth indicators.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Minutes of the Traffic Advisory Committee Meeting held 10 June 2009.

ATTACHMENTS:

Nil

REPORT:

The Traffic Advisory Committee Meeting was held on 10 June 2009. The minutes of this meeting are attached for Council's consideration.

RECOMMENDATION:

That the recommendations of the Traffic Advisory Committee meeting held 10 June 2009 be adopted.

DIRECTOR CORPORATE & COMMUNITY SERVICES

16 CCS - Tea Gardens District Contributions Plan (2009)

Index: Section 94 Contributions
Author: Section 94 Co-ordinator – Ted Watts

SUMMARY OF REPORT:

This paper discusses the submissions received during exhibition of the draft Tea Gardens District Contributions Plan (2009) and proposes adoption with amendments.

SUMMARY OF RECOMMENDATION:

1. The proposed Tea Gardens District Contributions Plan (2009) be approved with amendments.
2. The commencement date of the plan be advertised as 1 July 2009.

FINANCIAL/RESOURCE IMPLICATION:

There will be a saving to Council of about \$2,000,000 due to the removal of Council's funding liability.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

Nil

ATTACHMENTS:

A: Amended Draft Tea Gardens District Contributions Plan (2009).

Due to its large size, Attachment A has been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

REPORT:

BACKGROUND

Council, on 10 February 2009 approved the draft Tea Gardens District contributions Plan for exhibition. The plan is to replace the existing Tea Gardens Hawks Nest contributions plan.

The main features of the new plan are:

The scope of the plan is extended. It will provide the infrastructure needed for an increase of gross population from 7,300 (4,000 permanent) in 2008, to a gross population of 16,000 (about 12,000 permanent) by about 2041. It covers the localities of Tea Gardens, Hawks Nest, Pindimar and Bundabah.

The plan uses a gross population figure, which is based on 95% of dwellings being occupied. This is also consistent with the fact that all new dwellings are subject to contributions whether permanently occupied or not.

There is no Council funding liability in the plan.

The total contributions on a new lot in Tea Gardens would increase from \$5,700 to \$8,400. This compares with \$8,800 per lot in Forster and Tuncurry, \$10,939 at Port Stephens, \$15,315 at Port Macquarie and \$6,400 at Coffs Harbour

The plan was exhibited from 18 February to 18 March 2009.

Submissions were received from:

Crighton Properties (doc 164494), whose Riverside development at Tea Gardens is currently undergoing assessment,

Crownland (doc 1667238), who propose to develop North Hawks Nest,

Urban Taskforce Australia (doc 1642914), a national lobby group representing the urban development industry,

Mr Ross Anderson of Tea Gardens (doc 1641514)

Mr Anderson's Submission

Mr Anderson's submission deals with the need to provide amenities blocks for the growing population. He specifically mentions the lack of a central facility. Whilst amenities exist at each end of Marine Drive, the distance between them is too great for the average pedestrian. Mr Anderson suggests a new central facility at the proposed car park location.

Comment

New amenities blocks will be funded by the plan under the "embellishment" component of open space contributions.

In the case of the needed central facility, Manager Parks and Recreation advises that it is not practicable at present to accommodate an amenities block midway along Marine Drive. Also, Council has already decided not to construct one at the new car park. Opportunities for new amenities in the central area may, however, arise as that area develops.

A reply was sent to Mr Anderson on 13 May 2009 (doc 1686833)

ISSUES RAISED BY DEVELOPERS

The issues raised were.

1. Time Frame - Plan is too long term
2. Infrastructure Needs- Schedules of works not specific enough
3. Population Numbers - Plan does not recognise number of vacant dwellings and therefore over-estimates population. At Census 2006 (taken in August) only 53% of houses and flats in Tea Gardens and Hawks Nest were occupied.
4. Apportionment - Council should be making a contribution to the future road works.
5. Traffic Generation – Seems to be double-dipping in the calculations
6. Riverside Voluntary Planning Agreement – needs to be revisited if s94 contributions are increased.

7. Development Potential – Could be higher at North Hawks Nest and Myall River Downs
8. Calculations of Contributions – Apparent errors in library cost and major roads collections to date.
9. Sports facility at Myall River Downs – could be economy of scale that should be recognised in plan.
10. Bike Path along Mungo Brush Rd and Michael Rowe walk should be in plan to relieve North Hawks Nest developer of some of the cost burden.

Only issues 1-8 were raised in the original submissions. A detailed reply on those issues was sent to each of the three on 15 April (docs 1668398, 1668600, 1668591).

Six weeks later, on 25 May 2009, Crownland sent an email seeking a meeting, which was held on 2 June, to further discuss issue 4 and to raise issues 9 and 10.

Response to Issues 1-5

It is proposed to deal with these issues by the inclusion of a preamble to the plan to clarify the principles underlying the plan. The proposed preamble is as follows:

1. This Plan is based on a long-term view of development.

Council's Conservation and Development Strategy and the Housing Strategy for Tea Gardens-Hawks Nest have provided a basis for consideration of the district in its fully developed state. The district at present contains 3,560 private dwellings and this is expected to grow to a maximum of about 7,840.

Given this view of a fully developed district it would be sound planning to prepare now for all future infrastructure needs, even though these needs might be spread over a long period.

It would also be fair to distribute the cost of all future infrastructure evenly over all future dwellings. An alternative shorter-term plan might not be equitable given that an infrastructure program is likely to be skewed towards the earlier years. This plan therefore adopts the long-term view.

2. Infrastructure needs are based on today's standards.

We can estimate future infrastructure needs with reasonable accuracy using today's standards. However, because much of the infrastructure, other than roads and surf life saving facilities, will be within new development areas, whose structure is not yet defined, the locations of some facilities are uncertain.

The highest value program is Major Roads. This is a well-defined plan for the artery running through the district from the Pacific Highway to North Hawks Nest. The improvements planned will allow for the traffic occurring at the completion of all future development areas.

Open Space is the next highest value program. However, most of this infrastructure will be provided within the development areas. The locations of facilities will be finalised as development plans are drawn up.

It is therefore not possible to fully define open space works over the life of the plan, only to establish a standard of open space provision to be met by developers as works in kind or contributions. The standard adopted is the generally-accepted 28.3 square metres per head of population, (formerly 7 acres per thousand).

Surf Life Saving facilities are to be increased to meet the doubling of the population and hence the doubling of the demand on services. Commensurate additional equipment will be needed but only a 25% increase in building size will be required to accommodate additional members and equipment.

A community hall exists at Hawks Nest and is adequate for the existing population. A second hall, of size proportionate to population growth, is to be provided at Tea Gardens.

The Library building will also be extended in proportion to population growth.

Within the usual accuracy limits for public works, and the uncertainty about construction cost trends over time, the cost of the new infrastructure can be reasonably well estimated.

As time passes and different standards and different relative costs emerge, the plan will be refined.

3. Method of assessing contributions for different dwellings and use of "gross" population

Contributions, except for Major Roads, which are payable on a "per trip" basis, are expressed as a rate per person. The conversion factors applied to new developments are 2.4 persons per lot or 1.0 to 2.2 persons per medium density unit. These factors are typical in contributions plans in NSW. The weighted average of these factors is 2.1, which is also the average Great Lakes household size of 2.2 persons, adjusted to allow for the vacancy rate essential in any permanent population.

Future developments will no doubt include residences used as holiday accommodation and not permanently occupied. However, all potential dwellings are treated equally for contributions purposes. The population represented by the sum total of all new contributions is referred to in the plan as the "gross population." It could only be the same as the resident population if all dwellings were permanently occupied.

This "gross population" actually occurs or is exceeded in January, according to data collected in Forster Tuncurry from traffic counts, sewage flows and Tourism Australia.

With the knowledge of this future gross, leviable population and the knowledge of future infrastructure cost we can derive a rate per person for new residential development. This is the mechanism by which the new infrastructure cost is fairly spread.

Assessing infrastructure needs based on population

The question arises, should that gross population, which is fair means of assessing contributions, be used to determine infrastructure need?

This plan takes the view that roads, open space and surf life saving facilities should be provided to suit the gross population, because these facilities should be sufficient for the peak population, when absentee owners are visiting the homes for which they paid developer contributions.

In the case of library and community facilities, these are sized to suit the permanent population, at 75% of gross. This is a higher figure than presently exists in the district because of the large number of holiday homes in Hawks Nest. The major growth area, however, is Tea Gardens. It is attracting permanent population (currently 75%) and as the district grows it is expected that the permanent population of the district will increase towards 75%.

4. Apportionment

Contributions plans must take into account the benefit accruing to the existing population when assessing the contributions required of future development.

On the other hand there is also a recoupment principle in contribution plans. Where Council has provided a facility ahead of the population growth, future development may be levied to recover a proportion of the cost.

In the case of a road network, there may be some parts that are already substandard for the existing population. Future population should not fund the cost of bringing these up to standard. On the other hand there are some lengths of road that have been widened and intersections improved in anticipation of growth in traffic. Normally road works will be designed for anticipated traffic over at least 20 years. Council's Traffic Engineer has examined existing off-season traffic counts (occupancy rate 1.1 at census 2006) and factored them up by 1.9 to represent an occupancy rate of 2.1 (the condition if all dwellings were permanently occupied). It was found that the arterial was still serviceable. The higher traffic counts are in any case experienced each January. It would be fair to say that the Tea Gardens Hawks Nest road network is, on average, adequate for the present level of development.

Further, the asset value of the arterial from the Pacific Highway to the Hawks Nest shops is \$15million. This is debt-free and can be regarded as the contribution of existing and past residents. The new population, which will be roughly equal in number to the existing population, will contribute \$12.5million. The proportions are slightly in favour of the new population. It would not be fair to ask the existing population to contribute even further

Community facilities, namely the building at Hawks Nest and the Tea Gardens library are also adequate for the existing population, and the library is adequate for some years ahead.

In view of all these considerations there is no Council liability in this plan on behalf of the existing population.

5. Traffic Generation

In deriving a contribution rate for Major Roads, the total program is shared by all future developments in proportion to the estimated daily traffic generated by each development, including commercial development. This is considered to be the fairest means of distributing the cost.

It does mean that both ends of the same trip can be counted, so the aggregate of these daily traffic estimates is not a meaningful figure for traffic engineering purposes, only for equitable cost apportionment.

Response to issue 6

The Riverside Voluntary Planning Agreement was negotiated in the context of the contribution rates in the existing Section 94 plan. It had been assumed that those contribution rates would be locked in for the Riverside development, apart from indexation.

The Department of Planning is insisting that this is not possible, and that any new Section 94 plan that comes into force prior to a consent, will be applied to Riverside in addition to the VPA.

This means the VPA, as agreed, will need to be reviewed.

The VPA contains the following provisions:

S94 contributions	\$4.8m
VPA cash contribution for roadworks	\$1.0m
TOTAL CASH CONTRIBUTIONS	\$5.8m
In-kind contributions	
Widening of Myall St Toonang to Nthn Roundabout	
Transfer 2.5ha for sports fields	

The proposed new Section 94 plan provides for widening of Myall St in the schedule of road works, and for sports fields, so that a developer providing any of these facilities is entitled to a credit. Under the new Section 94 plan, the contributions would be:

S94 contributions applicable to development	\$7.0m
Credit against Major Roads contributions	-\$0.5m
Credit against courts and fields acquisition contributions	-\$0.6m
TOTAL CASH CONTRIBUTIONS	\$5.9m
In-kind contributions	
Widening of Myall St Toonang to Nthn Roundabout	
Transfer 2.5ha for sports fields	

The foregoing means that the difference in contributions between the new s94 plan standing alone and the VPA plus the existing s94 plan is only \$0.1m.

A meeting has been held with Crighton's and an agreement is expected to be reached on proceeding without a Voluntary Planning Agreement.

Response to issues 7 and 8

Some adjustments have been made to the lot yield, the amount held in the Major Roads Plan has been corrected (this was a transcription error), and the total library cost has been corrected (an arithmetic error).

Response to Issue 9

Council will pursue the proposal for a multi-function outdoor sports centre on the Myall River Downs site, so that it can be incorporated in the contributions plan, in place of the generic, square metres per person contributions.

It will first be necessary to:

1. Finalise the site plan
2. Agree on a purchase price (Council will obtain the assistance of a valuer),
3. Obtain Council's formal approval,
4. Advertise an amendment to the contributions plan.

This process will take some months. In the meantime, Council may adopt the plan as drafted, which is really only a continuation of the existing plan. A revised plan could then be adopted as soon as the above steps are completed.

Response to Issue 10

Cycleway Mungo Brush Road

Although Council generally expects the developer to meet the cost of connecting a new urban development to the existing urban centre, Council has agreed to include the Mungo Brush Road construction in the s94 plan as an extension of the existing arterial. This is a reasonable concession, and it is not proposed to extend this to include a separate cycleway. The cycleway should be funded by the developer.

Extension of Michael Rowe Walk

Council would need to provide funding for this work since it is of benefit to the existing as well as future population.

Council will be developing a prioritised capital works program, to fund works such as the Michael Rowe Walk from its recently-increased environmental special rate.

When that is done, Council will consider the question of whether to include this project in the Section 94 plan.

In the meantime Council may adopt the draft plan without Michael Rowe Walk extension.

RECOMMENDED AMENDMENTS

After consideration of the submissions received, the following amendments to the draft plan are proposed:

1. Addition of a preamble to better explain the principles adopted with respect to the longer term of the plan, the definition of works, the population count and the council liability.
2. In view of the time elapsed, deferral of commencement to next financial year, that is 1 July 2009
3. Adjustments to numbers of lots at Myall River Downs and North Hawks Nest
4. Adjustments to contribution rates as a result of the change in lot numbers
5. Correction of amount held in Major Roads fund
6. Correction of sum of library costs

The net effect of the amendments is to reduce the contribution per lot from \$8,411 to \$8,161. The existing rate per lot is \$5,647.

The amended draft plan is an attachment to this report.

According to Clause 31 of EP & A Regulation 2000,

(1) After considering any submissions about the draft contributions plan that have been duly made, the council:

- (a) may approve the plan in the form in which it was publicly exhibited, or
- (b) may approve the plan with such alterations as the council thinks fit, or
- (c) may decide not to proceed with the plan.

RECOMMENDATION:

It is recommended that:

1. The proposed Tea Gardens district Contributions Plan be approved with amendments.
2. The commencement date of the plan be advertised as 1 July 2009.

17 CCS - The Branch Lane Contributions Plan

Index: Section 94 Contributions
Author: Section 94 Co-ordinator – Ted Watts

SUMMARY OF REPORT:

This paper reports on the exhibition of a revised section 94 plan and recommends its adoption.

SUMMARY OF RECOMMENDATION:

The proposed Branch Lane Contributions Plan (2009) be adopted as exhibited.

FINANCIAL/RESOURCE IMPLICATION:

Council's apportioned liability will reduce from \$1,433,824 to \$1,300,000

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: The Branch Lane Contributions Plan (2009).

ATTACHMENTS:

Nil

REPORT:

The proposed revised plan was approved by Council on 21 April and exhibited from 6 May to 3 June. The purpose of the revision was to spread the burden of roadworks cost over a greater number of future developments. This has the effect of reducing contributions from \$20,608.95 per new lot to \$15,758. The action was taken following consultations with the NSW Department of Planning in the context of the Minister's \$20,000 cap on contributions per lot.

No submissions on the revised plan were received.

RECOMMENDATION:

The proposed Branch Lane Contributions Plan (2009) be adopted as exhibited.

18 CCS - Aboriginal Liaison Committee

Index: Aboriginal Liaison Committee
Author: Community Services Coordinator – Amanda Ellis

SUMMARY OF REPORT:

Great Lakes Council's Aboriginal Liaison Committee met for the first time in several years on 9 June 2009. The meeting minutes are attached for Council's noting.

SUMMARY OF RECOMMENDATION:

1. That the recommendations of the Aboriginal Liaison Committee identified in the attached meeting minutes be endorsed.
2. That the attached Draft Aboriginal Liaison Committee Terms of Reference be endorsed.
3. That the funds remaining in the Aboriginal Liaison Committee budget at the end of the current financial year be revoted and used to progress the Welcome Signs project throughout the 2010 financial year.

FINANCIAL/RESOURCE IMPLICATION:

As the first meeting of the Aboriginal Liaison Committee since reconvening took place in June 2009, the Committee has not yet had the opportunity to expend the allocated budget on committee activities and projects as intended. The Aboriginal Liaison Committee has therefore requested that the unexpended budget be revoted and utilised in the new financial year.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

- A: Aboriginal Liaison Committee - Meeting Minutes June 2009
B: Draft Aboriginal Liaison Committee Terms of Reference

ATTACHMENTS:

Nil

REPORT:

Great Lakes Council's Aboriginal Liaison Committee met for the first time in several years on June 9 2009. The meeting was well attended, and the presence of the Mayor and four Councillors is indicative of the importance that council places on the maintenance of a good working relationship with the two Local Aboriginal Land Councils and the broader Aboriginal community.

The minutes of the meeting are attached for Council's endorsement. The purpose of the meeting was to: elect office bearers; discuss and endorse the Draft Terms of Reference which will form the basis of the Committee's operation; and to discuss the various tasks to be undertaken by the Aboriginal Liaison Committee, as endorsed by Council at the Ordinary Council Meeting held on December 8 2008.

The first activities to be undertaken by the Aboriginal Liaison Committee include:

- Proceeding with the design and placement of welcome signs recognising the area's traditional custodians; to be located at the entrance points to the Great Lakes Local Government Area;
- That the opportunities for the employment of Aboriginal people as Council staff (including traineeship, apprenticeship and volunteer opportunities) be investigated and promoted.

RECOMMENDATION:

1. That the recommendations of the Aboriginal Liaison Committee identified in the attached meeting minutes be endorsed.
2. That the attached Draft Aboriginal Liaison Committee Terms of Reference be endorsed.
3. That the funds remaining in the Aboriginal Liaison Committee budget at the end of the current financial year be revoted and used to progress the Welcome Signs project throughout the 2010 financial year.

19 CCS - Access committee Report

Index: Great Lakes Access Committee
Author: Access Committee Secretary - Dianne Denton

SUMMARY OF REPORT:

Minutes of meetings of Great Lakes Council Access Committee held 2 March, 6 April, 4 May, 1 June 2009.

SUMMARY OF RECOMMENDATION:

That the information be noted

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

- A: Minutes of meeting for Great Lakes Council Access Committee held Monday 2 March
- B: Minutes of meeting for Great Lakes Council Access Committee held Monday 6 April
- C: Minutes of meeting for Great Lakes Council Access Committee held Monday 4 May
- D: Minutes of meeting for Great Lakes Council Access Committee held Monday 1 June

ATTACHMENTS:

Nil

REPORT:

Attached for the information of Council are the Minutes of the Great Lakes Council Access Committee meeting held on Monday 2 March, Monday 6 April, Monday 4 May, Monday 1 June 2009. It can be seen that there are a wide range of issues under discussion and that the Committee is very active in its role of advocating for the wider community.

RECOMMENDATION:

That the information be noted.

20 CCS - Review of Council's Policy Register

Index: Policy Register - General

Author: Manager Corporate Governance – Phil Brennan

SUMMARY OF REPORT:

To review Council's Policy Register.

SUMMARY OF RECOMMENDATION:

That the policies as presented be adopted.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

The report recommends amendments to existing policies following their review.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

- A: PL-GOV-002 Councillor Access to Information and Interaction with Staff
- B: PL-GOV-010 Establishment of Committees under Section 355 of the Local Government Act 1993
- C: PL-DEV-004 Applications Lodged by Employees of Council

ATTACHMENTS:

Nil.

REPORT:

A systematic review of Council's Policy Register has been underway for a considerable time. As part of this review existing policies have been identified as being Policy, Procedure or Staff matters.

It was determined that some of the existing policies were actually procedures and that they should be included in a separate Procedure Register and removed from the Policy Register. In some instances it has been necessary to create a separate policy and procedure from an existing policy. A new coding system has also been introduced to assist in the identification of the policies and procedures.

The objective of the exercise is to have a Policy Register that only contains those statements of Council's position on a matter. As such they are presented to Council for formal adoption and advertising/consultation, if necessary. The procedures are the internal statements of how the policy will be implemented or interpreted or the process to be followed. These are generally more in-depth documents that address day-to-day operational issues. These are presented to MANEX for adoption and include issues that are associated with the management of staff or areas that are the responsibility of management such as occupational health and safety or internal control etc.

This review is ongoing with policies presented to Council through the Strategic Committee or Ordinary Council as available.

The following policies have been reviewed and are presented to Council for adoption.

PL-GOV-002 Councillor Access to Information and Interaction with Staff

This policy was initially adopted by Council in February 2008 and was developed to expand upon the broad obligations set out in Council's adopted Code of Conduct. The development of the policy was in response to the better practice recommendations contained within the Guidelines that accompanied the 2004 Model Code of Conduct issued by the Department of Local Government.

In July 2008 the Department issued a new Code of Conduct which changed some references within the policy, introduced new obligations and significantly altered the framework for dealing with alleged breaches of the Code. The existing policy also contained a review clause which required the Policy to be reviewed within six months of an Ordinary election. This review has now been completed and takes into account part 4 of Council's resolution of 12 February 2008 when it initially adopted this Policy which was that "the General Manager investigate the inclusion of an appropriate policy or policy amendment to address Councillor dealings with staff in relation to Development Applications on their property".

The changes proposed include:

Introduction:

Reference to Chapters 8 and 9 of the Code amended to reflect Chapters 9 and 10 of the new 2008 Code of Conduct.

Part B – Inappropriate Interactions:

The first dot point is amended from "Councillors approaching members of staff for information on sensitive or controversial matters, other than the General Manager, Directors, Managers and other staff nominated by the General Manager and advised to Councillors" to "Councillors approaching members of staff, other than the General Manager or Directors, for information on sensitive or controversial matters. The General Manager may nominate other staff to provide specific information as required."

This amendment improves the readability of the point and reinforces that the General Manager or Directors are the appropriate staff for Councillors to discuss matters of a sensitive or controversial nature.

The third dot point is amended to make this an "and/or" requirement.

Dot point four is amended by deleting the reference to a staff member or Councillor's political views as a reason for refusing to provide information to a particular Councillor. If information is available to one or a group of councillors it is required to be made available to the rest of the councillors.

The sixth dot point is amended to clarify that access to staff-only areas is to be provided in accordance with the provisions of this policy. The previous clause was clumsy in its phrasing.

The eighth dot point has been reworded to incorporate requirements set out in the new Code of Conduct.

The twelfth dot point is a new addition introduced in the new Code of Conduct as is the thirteenth dot point.

The Council resolution from February 2008 is covered by dot point five which is as per the requirements of the Code of Conduct. Essentially a Councillor with a Development Application before Council has no rights of access to staff over and above those of an ordinary member of the public. As such any interactions with staff to discuss the progress of the application should be conducted in the public areas of the building and not in the staff-only areas. In these instances Councillors should also make the staff member aware that they are meeting to discuss the application as Mr or Mrs Smith and not as Councillor Smith ie making it clear that they have their private citizen hat on and not their Councillor hat.

Outside of Meetings

The first paragraph has been amended to require that Councillors make verbal requests for information to the General Manager or Directors in the first instance. The General Manager may then approve access to other staff to obtain information on specific functions of Council.

The third paragraph has also been amended to make it clear that only the General Manager and Directors are to provide verbal formal advice or recommendations to Councillors. The ability of Managers to do this has been removed and this is in-line with the manner in which reports are presented to Council ie through the General Manager or Director and after their review and authorisation of the content of the advice or recommendation. Managers and other staff may provide technical or specific information to Councillors.

The last three paragraphs of this section of the existing policy are proposed for deletion as they are duplicated in the section on Inappropriate Interactions.

Access to Offices

The third paragraph has been rewritten to clarify the process by which Councillors can access staff-only areas of Council buildings. The fifth paragraph has been amended to reflect the wording of the Code of Conduct and there has been some additional comments added in relation to the process of attempting to contact the General Manager, Directors or other staff.

Access to Council Records by Councillors

This section has been amended to indicate that the records listed in Section 12 (1) of the Local Government Act are freely available to Councillors while other documents may be available under Section 12 (6) which such access to be determined in accordance with Council's "Public Access to Documents and Information" Policy or Freedom of Information legislation.

References to "this policy" have been removed as requests for information should be dealt with under the policy mentioned above. In effect this means that all requests for information are handled in the same manner and that there are not multiple systems in place. Generally Councillors will be provided with all information that they require to undertake their civic duties and it is expected that the above will only be required when the information being sought is not in connection with a matter that is before Council.

Breaches of the Policy

This section has been amended by removing the procedures outlined in the existing policy as they have been superceded by the requirements of the new Code of Conduct. Any breaches of this policy can be considered to be a breach of the Code of Conduct and as such a complaint that is lodged will be dealt with in accordance with Part 3 of the Code of Conduct. This is referenced in this section of the Policy and means that should Part 3 of the Code of Conduct be amended by the Department or Council that it is not necessary to amend this policy to reflect those changes.

PL-GOV-010 Establishment of Committees under Section 355 of the Local Government Act 1993

The proposed policy is a significant change from the existing policy of a similar name. The proposed policy has been developed by the Mid North Coast Regional Risk Management Committee as part a project that it has recently completed whereby it reviewed documentation available to assist section 355 committees in the operation.

As well as a generic policy, a manual with detailed appendices has been developed and presented to the MIDGOC General Managers as an example of good practice in the area of section 355 committee management. It is proposed that Council will tailor the manual to suit the requirements of its committees being a reference manual with detailed appendices.

The policy acknowledges the place the section 355 committees play in the management of Council's area and facilities, highlights the situations where they can and cannot be appropriately constituted and points out that committee members are "council officials" for the purposes of the Code of Conduct.

The existing policy of council is more procedural in nature and this will be incorporated into the manual that has been developed. This manual will be presented to MANEX for endorsement once tailored.

PL-DEV-004 Applications Lodged by Employees of Council

This policy has been reviewed because of Code of Conduct references contained within it. The opportunity has been taken to elaborate some of the requirements so as to make it clear that it applies to all employees who may be lodging an application with Council that will require a determination. It places a positive obligation on employees to disclose in writing to the General Manager at the time of lodgement that they are the applicant, the partner of the applicant or have a financial interest in the application.

References to the Code of Conduct have been amended. There are no changes proposed to the existing requirements as to how the application will be considered.

The above policies are recommended for adoption.

RECOMMENDATION:

That the following policies be adopted as presented and that these policies supercede all previous versions.

PL-GOV-002 Councillor Access to Information and Interaction with Staff
PL-GOV-010 Establishment of Committees under Section 355 of the Local Government Act 1993
PL-DEV-004 Applications Lodged by Employees of Council.

21 CCS - Local Government Week Itinerary

Index: Local Government Week
Author: Communications Officer - Melissa Bawden

SUMMARY OF REPORT:

Local Government Week will be held from Monday 3 August until Friday 7 August 2009. Great Lakes Council will hold two ceremonies at the following locations:

Tuesday 4 August 2009	Hawks Nest Community Hall	7.00pm
Thursday 6 August 2009	Council Chambers, Breese Parade Forster	7.00pm

These two sessions will include:
Citizenship Ceremonies;
Presentation of the Great Lakes Cultural Awards.

The sessions will be followed by light refreshments. All Councillors are invited and encouraged to attend one of the ceremonies.

SUMMARY OF RECOMMENDATION:

That the information be noted.

FINANCIAL/RESOURCE IMPLICATION:

Local Government Week activities are being organised within budget.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

Nil

ATTACHMENTS:

Nil

REPORT:

Local Government Week is held across New South Wales to provide a focus for councils to promote the achievements of local government to the community. The week provides opportunities for public participation and access to information about Council's activities.

The theme for Local Government Week in 2009 is 'keeping it local'. **Keeping it local** works on many levels - political, social, community and commercial. It is about appreciating the differences in our communities and locations that set them apart from each other.

Local Government Week will be held from Monday 3 August until Friday 7 August 2009. Great Lakes Council will hold two ceremonies at the following locations:

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These two sessions will include:
Citizenship Ceremonies;
Presentation of the Great Lakes Cultural Awards.

The sessions will be followed by light refreshments.

The sessions will be publicised via media releases, radio interviews, Great Lakes Advocate Editorial and direct mailing to local community groups, progress associations and others.

The format for each evening will be similar with Mayor, Councillors, General Manager and Senior Staff being in attendance.

At present, four (4) Great Lakes residents who are eligible for Australian Citizenship have been invited to attend a Ceremony at one of the above venues.

All Councillors are invited and encouraged to attend one of the ceremonies.

RECOMMENDATION:

That the information be noted.

22 CCS - List of Outstanding Reports

Index: Council Meetings

Author: Director Corporate & Community Services - Steve Embry

SUMMARY OF REPORT:

A current list of all outstanding reports will be distributed to Councillors during the meeting. The report will also detail the current status of each item.

SUMMARY OF RECOMMENDATION:

Nil.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

Nil.

ATTACHMENTS:

Nil.

REPORT:

A current list of all outstanding reports will be distributed to Councillors during the meeting. The report will also detail the current status of each item.

RECOMMENDATION:

Submitted for Council's information/consideration.

CLOSED COUNCIL

23 CCSCONF - Management of Hawks Nest Beach Caravan Park

Index: Hawks Nest Beach Caravan Park Contract Manager

Author: Manager Administrative Services - John Dougherty

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

24 CCSCONF - Appointment of Consultancy to Undertake the Development of a Community Strategic Plan

Index: Integrated Planning and Reporting

Author: Director Corporate & Community Services - Steve Embry

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

Keith O'Leary
General Manager