



MINUTES OF THE ORDINARY COUNCIL MEETING

HELD AT BREESE PARADE, FORSTER

ON Tuesday, 13 October 2009

Keith O'Leary
GENERAL MANAGER

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Minutes of the Ordinary Meeting of the Great Lakes Council held at the Council Chambers, Breese Parade, Forster on 13 October 2009 commencing at 9.36 am.

PRESENT

Present: Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate

IN ATTENDANCE

General Manager - Keith O'Leary, Director Engineering Services - Ron Hartley, Director Planning & Environmental Services - Glenn Handford, Director Corporate & Community Services - Steve Embry and Leasing/Caravan Parks Officer - Pat Powell (Minute Taker).

ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the following statement:

"I acknowledge the Worimi people, the traditional owners of the land on which we meet today. I acknowledge their traditional wisdom and enduring culture."

PRAYER

The Mayor led the meeting in prayer.

APOLOGIES

Clr L Vaughan.

127 RESOLUTION

(Moved L Gill/Seconded L Roberts)

That the apology from Councillor Leigh Vaughan be accepted.

The Mayor read aloud the following statement:

"An audio recording of this meeting is being made for minute taking purposes as authorised by the Local Government Act 1993 and may be made available to members of the public where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1989."

ADOPTION OF MINUTES OF MEETING

128 RESOLUTION

(Moved L Gill/Seconded J Stephens)

That the Minutes of the Ordinary Meeting of 22 September 2009, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Clr Len Roberts	Item 5 PES - Assessment of Submissions received from the Exhibition of the North Hawks Nest Draft LEP	Non-pecuniary interest, the nature of the interest being that he is a Director of the Karuah Local Aboriginal Land Council. Clr Roberts elected to leave the meeting and take no part in discussions or voting.
Director Planning & Environmental Services - Glenn Handford	Item 7 PES - List of Matters before the Land & Environment Court - October 2009	Non-pecuniary interest, the nature of the interest being that he is a friend of the consultant for the objectors. The Director Planning & Environmental Services elected to leave the meeting and take no part in discussions.

CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1 GM - Minutes of Tourism Committee Meeting held 28 September 2009

Index: Tourism Committee

Author: Manager, Tourism & Marketing - Richard Old

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

1. That the minutes of the Tourism Committee meeting held on 28 September 2009 be noted.
2. That the following recommendations from the Tourism Committee meeting held on 28 September 2009 be adopted:

009 that Council send congratulations to Club Forster and Sugarloaf Point Lighthouse at Seal Rocks for their success in the recent Mid North Coast Tourism Awards.

011 that Tourism Committee meetings meet monthly; one a formal Tourism Meeting, the alternate month being an Industry Development Group meeting.

129 RESOLUTION

(Moved K Hutchinson/Seconded L Gill)

That the above recommendation be adopted.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

4 PES - Cape Hawke Community Hospital

Index: SP-LEP-77

Author: Manager Strategic Planning - Alex Caras

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That this information be noted.

130 RESOLUTION

(Moved L Gill/Seconded K Hutchinson)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate

ABSENT. DID NOT VOTE - Clr L Vaughan

6 PES - Retail Adult Store - Kent Street, Tuncurry

Index: DA 88/2010 Retail Adult Store

Author: Senior Development Assessment Planner - Alan Bawden

DCU Meeting: 13 October 2009

RECOMMENDATION:

That Development Application 8/2010 for a Retail Adult Shop at shop 5/11 Manning Street Tuncurry [Lot 2/3 DP 338039] be approved with the following conditions.

RECOMMENDED CONDITIONS

The following condition/s have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

1. The development must be in accordance with the stamped plans, the application form and on any supporting information received with the application, except as may be amended by the following conditions.
 2. Compliance with the NSW Classification (Publications, Films and Computer Games) Enforcement Act 1995.
 3. The following details are to be submitted to Council for approval prior to the commencement of operation of the store:
-

- the premises must be so constructed that no part of the interior of the premises is visible to any person outside the premises, ie curtains or blind material to prevent view by persons outside the store;
- the entrance to the premises must be fitted with a gate or door capable of excluding persons from the interior of the premises, and the premises must be kept closed by means of any such gate or door at all times while the premises are closed to the public;
- at the entrance to the premises there must be displayed, so as to be able to be read from outside the premises, a notice containing the following:

❖ RESTRICTED PUBLICATIONS AREA

❖ PERSONS UNDER 18 YEARS OF AGE MAY NOT ENTER

❖ MEMBERS OF THE PUBLIC ARE WARNED THAT SOME MATERIAL DISPLAYED
HEREIN MAY CAUSE OFFENCE

The notice is to be printed in clearly legible letters at least 15mm in height.

- the proprietor of the premises, or some other adult person appointed by the proprietor for that purpose, must remain on or near the premises, and must be in charge of the premises, at all times while the premises are open to the public.
4. The store's hours of operation shall be:
Sunday/Monday - Closed.
Tuesday, Wednesday & Friday - 9.30am - 5.30pm.
Thursday - 9.30am - 7.30pm.
Saturday - 9.30am - 2.30pm.

131 RESOLUTION

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
 ABSENT. DID NOT VOTE - Clr L Vaughan

7 PES - List of Matters before the Land & Environment Court - October 2009

Index: Land & Environment Court Appeals - Development Applications

Author: Manager, Development Assessment - Wayne Burgess

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the information be noted.

The Director Planning & Environmental Services declared a non-pecuniary conflict of interest in this item and left the meeting at 10.05 am, taking no further part in discussions on this matter.

132 RESOLUTION

(Moved C McCaskie/Seconded K Hutchinson)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

The Director Planning & Environmental Services returned to the meeting at 10.08 am.

8 PES - Consents Issued Under Delegated Authority - September 2009

Index: Development Consents Issued Under Delegated Authority
Author: Director Planning & Environmental Services - Glenn Handford
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

It is recommended that the information be noted.

133 RESOLUTION

(Moved K Hutchinson/Seconded C McCaskie)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

9 PES - Penalty Infringement Notices Issued - September 2009

Index: Law & Enforcement - Infringement Notices Issued
Author: Investigations and Regulatory Control Coordinator - Greg Pevitt
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

It is recommended that the information be noted.

134 RESOLUTION

(Moved L Gill/Seconded K Hutchinson)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

10 PES - Minutes of the Port Stephens Estuary Management Committee - 26 August 2009

Index: NS-EST-PS-MGT
Author: Project Co-ordinator - Prudence Tucker
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the minutes be noted.

135 RESOLUTION

(Moved L Roberts/Seconded M Tuffy)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

11 PES - Minutes of the Wallis and Smiths Coast and Estuary Management Committee - 5 August 2009

**Index: NS-EST-W/L-S/L CTTE
NS-EST-CCT-Meetings
Author: Project Co-ordinator - Prudence Tucker
Ordinary Meeting: 13 October 2009**

RECOMMENDATION:

That the minutes be noted.

136 RESOLUTION

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

DIRECTOR ENGINEERING SERVICES

12 ES - Dedication of Public Road - The Lakes Way and Sweetpea Road, Forster

**Index: Roads - Land Acquisition for Roads
Author: Design Engineer - Scott Nicholson
Ordinary Meeting: 13 October 2009**

RECOMMENDATION:

It is recommended that:

1. Council accept dedication of Lot 231 DP 1062852 on The Lakes Way, Forster and Lot 232 DP 1062852 on Sweetpea Road, Forster as public road.
2. Approval be given to the Common Seal of Council being affixed to all necessary transfers and documents.
3. The State Property Authority be advised accordingly.

137 RESOLUTION

(Moved M Tuffy/Seconded K Hutchinson)

That the above recommendation be adopted.

13 ES - Cattle Grid Construction - Crown Road Reserve off Crawford River Road, Bulahdelah

Index: Roads - Public Gates, Grids
Author: Senior Engineers Development Officer - Dean Hartmann
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That Council grants permission for the erection of a cattle grid on the newly constructed road.

138 RESOLUTION

(Moved K Hutchinson/Seconded M Tuffy)

That the above recommendation be adopted.

DIRECTOR CORPORATE & COMMUNITY SERVICES

14 CCS - Disclosure of Interest Returns - Councillors & Designated Persons

Index: Councillors / Staff Annual Disclosures of Interest Register
Author: Manager Corporate Governance - Phil Brennan
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the tabling of the register of returns disclosing interests of councillors and designated persons for the period ending 30 June 2009 be noted.

139 RESOLUTION

(Moved C McCaskie/Seconded K Hutchinson)

That the above recommendation be adopted.

15 CCS - Promoting Better Practice Review Action Plan Update

Index: Governance - Local Government Reform Program

Author: Manager Corporate Governance - Phil Brennan

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the update be noted and that a copy of the Action Plan be forwarded to the Department of Local Government.

140 RESOLUTION

(Moved J Stephens/Seconded K Hutchinson)

That the above recommendation be adopted.

16 CCS - Criminal Record Checks

Index: Community Services - HACC and Disability Services

Author: HACC & Disability Services Coordinator - Liz Green

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That Council's Common Seal be affixed to any documentation as necessary relating to the Contractual Agreement for NSW Businesslink to conduct criminal record checks for Council's HACC and Disability Services.

141 RESOLUTION

(Moved L Gill/Seconded J Stephens)

That the above recommendation be adopted.

18 CCS - Minutes of Commercial Enterprises Committee Meeting held 28 September 2009

Index: Council Meetings Commercial

Author: Manager, Administrative Services - John Dougherty

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

1. That the minutes of the Commercial Enterprises Committee meeting held on 28 September 2009 be noted.
 2. That the following recommendations from the Commercial Enterprises Committee meeting held on 28 September 2009 be adopted:
-

Subject: Draft Business Development Strategy - Hawks Nest Beach Caravan Park

011 RESOLVED:

1. That the Committee recommends that the Draft Business Development Strategy in respect of Hawks Nest Beach Caravan Park and its recommendations be endorsed.
2. That a further report be considered in respect of the Draft Plan of Management.

Subject: Draft Business Development Strategy - Seal Rocks Camping Reserve

012 RESOLVED:

1. That the Committee recommends that the Draft Business Development Strategy in respect of Seal Rocks Camping Reserve and its recommendations be endorsed, subject to the variations as tabled during the meeting. The variations required additional cabins, communal and recreational facilities along the elevated western area previously dedicated to holiday vans, as well as that the holiday vans being grouped towards the rear and their number reduced to 30.
2. That a further report be considered in respect of the Draft Plan of Management.

Subject: Draft Business Development Strategy - Jimmys Beach Caravan Park

013 RESOLVED:

1. That the Committee recommends that the Draft Business Development Strategy in respect of Jimmys Beach Caravan Park and its recommendations be endorsed.
2. That a further report be considered in respect of the Draft Plan of Management.
3. That a further report be presented to consider strategies required in order to reduce the number of holiday vans as outlined in this report.

142 RESOLUTION

(Moved J Stephens/Seconded L Gill)

That the above recommendation be adopted.

19 CCS - Aboriginal Liaison Committee

Index: Aboriginal Liaison Committee

Author: Community Services Coordinator - Amanda Ellis

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

1. That the minutes of the Aboriginal Liaison Committee held on 11 August 2009 be noted.
 2. That the core membership of the Aboriginal Liaison Committee be increased from 8 to 10 members, with the additional members nominated by the Forster Local Aboriginal Land Council and the Karuah Aboriginal Land Council. Further, that the nominated representatives be reported to Council for endorsement and that the Committee Terms of Reference be altered accordingly.
 3. That a Working Party be established to progress the planning for the design and installation of welcome signs acknowledging the area's traditional custodians at the entrances to the Local Government Area.
 4. That a Working Party be established to investigate opportunities for Aboriginal employment at Great Lakes Council and report back with recommendations.
-

143 RESOLUTION

(Moved L Gill/Seconded L Roberts)

That the above recommendation be adopted.

20 CCS - Great Lakes Safe Communities/Crime Prevention Taskforce

Index: S355 Committee - Great Lakes Safe Communities/Crime Prevention

Author: Community Services Coordinator - Amanda Ellis

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

1. That the recommendations of the Crime Prevention Taskforce identified in the attached meeting minutes be noted.
2. That the Safeguard Your Home Project update be noted.
3. That thanks be extended to the members of the Crime Prevention Taskforce for their efforts in administering the Safeguard Your Home Project.

144 RESOLUTION

(Moved J Stephens/Seconded L Gill)

That the above recommendation be adopted.

21 CCS - Access Committee Report

Index: Great Lakes Access Committee

Author: Access Committee Secretary - Dianne Denton

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the information be noted.

145 RESOLUTION

(Moved C McCaskie/Seconded M Tuffy)

That the above recommendation be adopted.

22 CCS - List of Outstanding Reports

Index: Council Meetings
Author: Director Corporate & Community Services - Steve Embry
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

Submitted for Council's information/consideration.

146 RESOLUTION

(Moved L Gill/Seconded K Hutchinson)

That the list of outstanding reports be noted.

PUBLIC ADDRESSES

PUBLIC ADDRESS NO 1 - WENDY BALLARD AND PAUL FERRETT

Subject: PES - Construction of a hall for a place of worship
Index: DA-706/2008 and PK 16825
Author: Development Assessment Planner – Joanne Dunkerley
Ordinary Meeting: 13 October 2009

Wendy Ballard and Paul Ferrett from the Community of Christ Church addressed the meeting in support of the application and provided a presentation on the history of the Green Cathedral and associated structures.

PUBLIC ADDRESS NO 2 - BILL ROWNTREE

Subject: PES - Pacific Palms Draft Local Environmental Plan Request by Owner Lot 10 DP 633645, Boomerang Drive, Boomerang Beach
Index: SP-LEP-13, Land Use Planning/Pacific Palms Study
Author: Release Area Manager - Roger Busby
Ordinary Meeting: 13 October 2009

Mr Bill Rowntree (owner) addressed the meeting regarding his concerns in relation to the proposed residential zone on his property and requested that it be extended.

PUBLIC ADDRESS NO 4 - DAVE FEENEY

Subject: PES - Assessment of Submissions received from the Exhibition of the North Hawks Nest Draft LEP
Index: SP-LEP-27, SP-LEP-50
Author: Release Area Manager - Roger Busby
Release Area Co-ordinator - Robert Dwyer (RPS Harper Somers O'Sullivan)
Ordinary Meeting: 13 October 2009

Clr Roberts declared a non-pecuniary conflict of interest in this item and left the meeting at 10.25 am, taking no further part in discussions or voting on this matter.

Mr Dave Feeney from the Karuah Local Aboriginal Land Council addressed the meeting querying whether development consents remain with the land or with the applicant. The Director Planning & Environmental Services advised that any development consent remains with the land, not the applicant.

PUBLIC ADDRESS NO 3 - IAN MORPHETT

Subject: PES - Assessment of Submissions received from the Exhibition of the North Hawks Nest Draft LEP
Index: SP-LEP-27, SP-LEP-50
Author: Release Area Manager - Roger Busby
Release Area Co-ordinator - Robert Dwyer (RPS Harper Somers O'Sullivan)
Ordinary Meeting: 13 October 2009

Mr Ian Morphet, representing the Koala Group, addressed the meeting generally in support of the North Hawks Nest Draft LEP, but advising of objections to the rezoning of Lot 25, Michael Rowe Walk location and lack of detail about western side rehabilitation.

Clr L Roberts returned to the meeting at 10.50 am.

PUBLIC ADDRESS NO 5 - BULAHDELAH VISITOR INFORMATION CENTRE

Subject: GM - Bulahdelah Visitor Centre
Index: Visitor Information Centre - Bulahdelah
Author: General Manager - Keith O'Leary
Ordinary Meeting: 13 October 2009

Mr Kevin Carter on behalf of the Bulahdelah Focus Group addressed the meeting in relation to the Focus Group's proposal regarding the future operation of the Bulahdelah Visitor Information Centre.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

2 PES - Construction of a hall for a place of worship

Index: DA-706/2008 and PK 16825
Author: Development Assessment Planner – Joanne Dunkerley
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

It is recommended that the application for the construction of a hall for a 'place of worship' at Lot 203 DP 753168, 4451 The Lakes Way Tiona, be refused for the following reasons:

1. A place of worship is prohibited development within the 7(b) – Conservation zone.
2. The applicant has not established that the site has existing use rights as a 'place of worship'.
3. The proposal is inconsistent with the requirements of Planning for Bushfire Protection 2006.
4. Insufficient information has been submitted to determine the impacts of the proposal in relation to flora and fauna, access and car parking, stormwater, flooding and climate change.
5. The development is not in the public interest.

It is recommended that Attachment A be classified as Confidential in accordance with Section 10A (2) of the Local Government Act 1993 as it relates to advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

AN AMENDMENT was moved and seconded (L Roberts/M Tuffy)

Although the applicant seeks to rely on existing use rights, Council has (based on legal advice) formed the opinion that such reliance is not necessary.

The application is for the redevelopment and expansion of an existing structure used for a meeting place. A meeting place/chapel is permissible as part of a tourist facility.

Therefore Council resolves to:

- 1 Approve DA706/2008 for a meeting place/chapel as part of the overall tourist facility.
- 2 Conditions of consent be brought back to Council for consideration.

Council adjourned at 11.37 am and resumed at 11.41 am.

The Amendment was withdrawn.

The Motion was withdrawn.

147 RESOLUTION

(Moved L Roberts /Seconded L Gill)

That the matter be deferred to enable discussions between Council's legal adviser and the Applicant's legal adviser in relation to existing use rights.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

**3 PES - Pacific Palms Draft Local Environmental Plan Request by Owner
Lot 10 DP 633645, Boomerang Drive, Boomerang Beach**

Index: SP-LEP-13, Land Use Planning/Pacific Palms Study
Author: Release Area Manager - Roger Busby
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That in relation to Lot 10 DP 633645, Boomerang Drive Council resolve to amend the draft LEP for Pacific Palms so as to rezone the land, for a depth of 45m from Boomerang Drive, to 2 (a) Low Density Residential and the balance of the land be zoned 7(a1) Environmental Protection.

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

AN AMENDMENT was moved and seconded (J Stephens/M Tuffy) that the matter be deferred pending a site inspection.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

FOR VOTE - Clr M Tuffy, Clr J Stephens

AGAINST VOTE - Clr J McWilliams, Clr C McCaskie, Clr L Roberts, Clr K Hutchinson, Clr L Gill, Clr J Weate

ABSENT. DID NOT VOTE - Clr L Vaughan

The amendment was declared lost.

The motion was put to the vote and declared carried. The results of this division were as follows:

FOR VOTE - Clr J McWilliams, Clr C McCaskie, Clr L Roberts, Clr K Hutchinson, Clr L Gill, Clr J Weate

AGAINST VOTE - Clr M Tuffy, Clr J Stephens

ABSENT. DID NOT VOTE - Clr L Vaughan

148 RESOLUTION

(Moved L Gill/Seconded J Weate)

That in relation to Lot 10 DP 633645, Boomerang Drive Council resolve to amend the draft LEP for Pacific Palms so as to rezone the land, for a depth of 45m from Boomerang Drive, to 2 (a) Low Density Residential and the balance of the land be zoned 7(a1) Environmental Protection.

5 PES - Assessment of Submissions received from the Exhibition of the North Hawks Nest Draft LEP

Index: SP-LEP-27, SP-LEP-50

**Author: Release Area Manager - Roger Busby
Release Area Co-ordinator - Robert Dwyer (RPS Harper Somers
O'Sullivan)**

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

It is recommended that in relation to Great Lakes Local Environmental Plan 1996 (Amendment No. 27) Council:

- A. Resolve to prepare Development Control Plan for North Hawks Nest so as to ensure the main findings of the Local Environmental Study relating to the built form, servicing and infrastructure and environmental management etc are given effect at the development application stage.
- B. Amend the Local Environmental Study to show the correct location of the Michael Rowe Walk.
- C. Defer, under s68 (5) of the Environmental Planning and Assessment Act, for further consideration, all the land covered by the draft LEP except for the rezoning of Lot 1 DP 868540 (Hawks Nest Golf Club) to 2(b) Medium Density Residential.
- D. The draft LEP as contained in Annexure "A", only as it relates to the rezoning of Lot 1 DP 868540 to 2(b) Medium Density, be adopted and forwarded to the Director General of the Department of Planning under s68 of the Environmental Planning and Assessment Act with a request that the plan be made.
- E. Grant delegated authority to the Mayor and General Manager to adopt the draft LEP as contained in Annexure "A" (the deferred area) upon:
 1. The insertion in the draft LEP of an appropriate clause, as advised by the Department of Planning, which will ensure satisfactory arrangements are made for the transfer of the privately owned land shown in Annexure "C" to the National Park estate.
 2. The Department of Environment of Climate Change and Water advising Council that the Voluntary Planning Agreement to give effect to the transfer of land to the National Park estate has been executed by all relevant parties and registered upon the title of all properties the subject of the transfer.
 3. The execution of the proposed Voluntary Planning Agreement between Council and Crown Land Developments whereby Crown Land Developments will provide funds to Council to purchase Lot 53 DP 753166 if the opportunity should arise at some stage in the future.
 4. The exhibition of a draft Development Control Plan for the area.
- F. The draft LEP, when adopted in accordance with E above, be finalised by referral to the Director General of the Department of Planning under s68 of the Environmental Planning and Assessment Act with a request that the plan be made.

Clr Roberts declared a non-pecuniary conflict of interest in this item and left the meeting at 11.55 am, taking no further part in discussions or voting on this matter.

149 RESOLUTION

(Moved L Gill/Seconded J Stephens)

That the above recommendation be adopted with the addition of the following wording to point B:

The DCP is to prescribe that the Michael Rowe Walk is to be relocated and to be freely accessible to the public.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr C McCaskie, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate

AGAINST VOTE - Clr M Tuffy

ABSENT. DID NOT VOTE - Clr L Roberts, Clr L Vaughan

Clr L Roberts returned from temporary absence at 12.02 PM

LATE REPORT NO 2 - BULAHDELAH VISITOR CENTRE

Subject: GM - Bulahdelah Visitor Centre
Index: Visitor Information Centre - Bulahdelah
Author: General Manager - Keith O'Leary
Ordinary Meeting: 13 October 2009

RECOMMENDATION:

It is recommended as follows:-

1. That the amended proposal by the Bulahdelah Focus Group to operate the Bulahdelah VIC with volunteer staff under the control of Great Lakes Tourism be accepted on the understanding that it will only continue to operate whilst ever funds raised by the Group are retained by Council to meet the operational costs of the VIC (excluding the cost of building maintenance, insurance and rates), with the General Manager to arrange for a system to monitor the VIC's operation, including regular reviews.
2. That it be stressed to the Bulahdelah Focus Group that Council has made no decision at this stage on whether it will be seeking a rate increase for the 2010/11 year, or where it will allocate the additional funds if it decides to seek a rate increase. Council can therefore make no commitment at this stage in relation to the future operations of the Bulahdelah Visitor Information Centre.

Moved (K Hutchinson/L Gill)

That the above recommendation be adopted.

AN AMENDMENT was moved and seconded (J Stephens/M Tuffy) that the original proposal put forward by Mr Carter on behalf of the Focus Group be adopted.

The amendment was withdrawn.

AN AMENDMENT was moved (L Roberts/J Stephens) that the matter be deferred pending provision of full details of the proposal including roles and responsibilities and clarification of the \$70,000 saving, with these details to be incorporated into a Partnership Agreement.

The amendment was put to the vote.

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens,
AGAINST - Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

The amendment became the substantive motion and was also carried. The results of this division were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens,
AGAINST - Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

150 RESOLUTION

(Moved L Roberts/Seconded J Stephens)

That the matter be deferred pending provision of full details of the proposal including roles and responsibilities and clarification of the \$70,000 saving, with these details to be incorporated into a Partnership Agreement.

17 CCS - Investment Report September 2009

Index: Investments

Author: Revenue Accountant - Colin McKillop-Davies

Ordinary Meeting: 13 October 2009

RECOMMENDATION:

That the information be received and noted.

151 RESOLUTION

(Moved J Weate/Seconded L Roberts)

That the above recommendation be adopted.

LATE BUSINESS

AERODROME ROAD SEALING

It was noted that sealing is required on Aerodrome Road in conjunction with work on the new tip. The Director Engineering Services advised that the maintenance program was being reviewed to ascertain a time frame for completion of this work.

17 RICHMOND ROAD, BULAHDELAH

It was advised that a notice from the Fire Brigade had been received by the Local Aboriginal Land Council in relation to their land at 17 Richmond Road, Bulahdelah, however this land is in the process of being transferred to the RTA. An extension of time to comply with the notice was requested. The Director Engineering Services to follow this up.

CLOSED COUNCIL

152 RESOLUTION

(Moved L Roberts/Seconded K Hutchinson)

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the Late Report.

Upon resuming into Open Council the Chairperson reported that the following motions had been passed:

LATE REPORT NO 1 - LIST OF MATTERS BEFORE THE LAND & ENVIRONMENT COURT

Subject: PESCONF - List of Matters before the Land & Environment Court
Index: Land & Environment Court - Regulatory
Author: Investigations and Regulatory Control Coordinator - Greg Pevitt
Ordinary Meeting: 13 October 2009

REASON FOR CONFIDENTIALITY:

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

RECOMMENDATION:

It is recommended that the information be noted.

153 RESOLUTION

(Moved J Weate/Seconded J Stephens)

That the information be noted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr J Weate
ABSENT. DID NOT VOTE - Clr L Vaughan

Council adjourned for lunch at 12.59 pm.

Council reconvened at 2.02 pm.

MEET THE PUBLIC SESSION

The Mayor invited members of the gallery who wished to address Council on any items not listed on the agenda to do so at this stage.

MEET THE PUBLIC NO 1 - PACIFIC PALMS SURF LIFE SAVING CLUB

Mr Kel McCredie, President of Pacific Palms Surf Life Saving Club, addressed Council regarding the removal of funding for Lifeguards on Elizabeth Beach.

MEETING CLOSURE

The meeting closed at 2.11 pm.

CHAIRPERSON