



# **MINUTES OF THE ORDINARY COUNCIL MEETING**

**HELD AT COUNCIL CHAMBERS, BREESE PARADE, FORSTER**

ON Tuesday, 21 April 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 21 April 2009 commencing at 1.05 pm.

## **PRESENT**

Clr J Weate, Clr M Tuffy, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan

## **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**

Rev Jason Summers of the Presbyterian Church led the meeting in prayer.

## **APOLOGIES**

Clrs J McWilliams and C McCaskie are on annual leave and will be absent from the meeting.

## **228 RESOLUTION**

(Moved K Hutchinson/Seconded L Roberts)

That the apologies from Clrs J McWilliams and C McCaskie be accepted.

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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**

## **229 RESOLUTION**

(Moved J Stephens/Seconded L Vaughan)

That the Minutes of the Ordinary Meeting of 24 March 2009, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings, subject to the recommendation for Item 8 on page 17 being amended to read "That the conditions detailed in the report be included in the consent for alterations and additions to the existing dwelling at Lot 49

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DP255703, 48 Taree Street, Tuncurry, as resolved by Council at its Ordinary Meeting held on 24 February 2009."

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## **230 RESOLUTION**

(Moved J Stephens/Seconded K Hutchinson)

That the Minutes of the Extraordinary Meeting of 14 April 2009, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

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## **DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST**

Councillor/Staff Member	Item and Subject	Nature of Interest
Clr L Roberts	Item 7 PES - DA643/2008 29 Lot Community Titled Subdivision - Lot 50 DP1124352, 90 Viney Creek Road, Nerong	Pecuniary interest, the nature of the interest being that he is a neighbour to the proposal as his property has access off Viney Creek Road. Clr Roberts elected to leave the meeting and take no part in discussions or voting.
Clr J Weate	Item 6 PES - DA392/2009 Extensions to Existing Material Recovery Facility: Lot 1 DP1004320, Tuncurry Tip Road, Darawakh	Pecuniary interest, the nature of the interest being that he is Executive Officer of Community Resources - Resource Recovery operates the Waste Management Depot adjacent to the proposed development. Clr Weate elected to leave the meeting and take no part in discussions or voting.

## **PUBLIC ADDRESSES**

### **4 PES - State Significant Development - Concept Plan and Project Application (MP06-0010)**

**Index: State Significant Development - MP06-0010**

**Author: Manager, Development Assessment - Wayne Burgess**

#### **PUBLIC ADDRESS 1 - Mr Geoff Cox and Mr Peter Childs**

Mr Geoff Cox and Mr Peter Childs addressed Council in support of the application, stating that there are inaccuracies in the Council report on this matter and requesting the opportunity to discuss this item further with Council officers. Mr Childs tabled a document summarising Creighton Properties' presentation on this matter.

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**12 ES - Public Amenities Building - Boomerang Drive, Boomerang Beach**

**Index: Council Properties - Amenities Buildings, Public Toilets - General**  
**Author: Manager Parks & Recreation - David Bortfeld**

**PUBLIC ADDRESS 2 - Mr John King**

Mr John King addressed Council generally in support of the application but objecting to the location of the amenities building.

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**PUBLIC ADDRESS 3 - Mr Adam Judson**

Mr Adam Judson addressed Council generally in support of the application, but objecting to the location and size of the amenities block, stating that he believed it should be moved to the edge of the reserve.

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**9 PES - DA449/2008 - Construction of 2 Shops and a Restaurant - Lot 9 DP 207482, 188 Boomerang Drive, Blueys Beach**

**Index: DA449/2008 & PK9049**  
**Author: Senior Development Planner - David Pirie**

**PUBLIC ADDRESS 4 - Mr Norm Gingell**

Mr Norm Gingell addressed Council objecting to the proposal, especially in relation to noise pollution from the development.

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**PUBLIC ADDRESS 5 - Mr Gavin Maberly-Smith**

Mr Gavin Maberly-Smith (Consultant for Owner) addressed Council in support of the application, noting that the proposal includes traffic calming measures to counteract speed related issues in the area. Mr Maberly-Smith also stated that he believes the number of car parking spaces included in the proposal is correct.

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**PUBLIC ADDRESS 6 - Mr Phil Jones**

Mr Phil Jones (Owner) addressed Council in support of the application.

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**8 PES - DA 3264/1988 - Section 96AA Modification of Development Consent Application : Woodchip Plant, Pindimar Road, Tea Gardens**

**Index: DA 3264/1988 & PK 18920**  
**Author: Senior Development Assessment Planner - Alan Bawden**

**PUBLIC ADDRESS 7 - Mr Steve Bowers**

Mr Steve Bowers (for owners Booral (Alan Taylor P/L) addressed Council in support of the application and advising that if approved he would be seeking approval for the consent to commence prior to the requirement to construct the road.

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**7 PES - DA643/2008 - Twenty Nine (29) Lot Community Titled Subdivision - Lot 50 DP 1124352, 90 Viney Creek Road Nerong**

**Index: DA 643/2008 & PK 31432**

**Author: Senior Development Assessment Planner - Alan Bawden**

**PUBLIC ADDRESS 8 - Mr Bob Lander**

Clr Roberts declared a pecuniary conflict of interest in this item and left the Chambers at 2pm, taking no further part in discussions or voting.

Mr Bob Lander (Tattersall Surveyors - for the Owners) addressed Council in support of the application, and requesting clarification of some of the conditions in the report. The Director Planning & Environmental Services advised he will respond to this request.

Clr Roberts returned to the meeting at 2.05pm.

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**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 - no one availed themselves of this opportunity.

**CONSIDERATION OF OFFICERS' REPORTS:**

**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

**4 PES - State Significant Development - Concept Plan and Project Application (MP06-0010)**

**Index: State Significant Development - MP06-0010**

**Author: Manager, Development Assessment - Wayne Burgess**

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**RECOMMENDATION:**

That the Department of Planning be provided with a copy of this report and the accompanying annexures.

(Moved L Gill/Seconded L Vaughan)

1. That the Department of Planning be provided with a copy of the report and annexures.
2. That the Applicant be invited to give a presentation on the development to Council.

An amendment was moved by K Hutchinson, seconded J Stephens that this matter be deferred pending the Applicant meeting with Council staff to clarify issues raised and a further presentation being made to Council following this meeting.

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:

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

The amendment became the substantive motion and was carried.

The results of this division were as follows:

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

## **231 RESOLUTION**

(Moved K Hutchinson/Seconded J Stephens)

That this matter be deferred pending the Applicant meeting with Council staff to clarify issues raised and a further presentation being made to Council following this meeting.

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## **DIRECTOR ENGINEERING SERVICES**

### **12 ES - Public Amenities Building - Boomerang Drive, Boomerang Beach**

**Index: Council Properties - Amenities Buildings, Public Toilets - General**  
**Author: Manager Parks & Recreation - David Bortfeld**

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#### **RECOMMENDATION:**

Based on the feedback provided by the community, and recent discussions with interested parties, the following is recommended as a way forward:

1. That the western storage area of the building be deleted from the plan.
2. A DA be submitted with the reduced floor plan.
3. Allocation of storage for Dune Care be made in the middle car park opposite Carramatta Close.
4. Delegation be given to Director Planning & Environmental Services to determine the application.

## **232 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

1. That the western storage area of the building be deleted from the plan.
  2. A DA be submitted with the reduced floor plan.
  3. Allocation of storage for Dune Care be made in the middle car park opposite Carramatta Close.
  4. That the DA be referred to the Development Control Unit for determination.
  5. That consideration be given to the issues raised by the community in the DA assessment process.
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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 M Tuffy, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT. DID NOT VOTE - Clr J McWilliams, Clr C McCaskie

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## **DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

### **9 PES - DA449/2008 - Construction of 2 Shops and a Restaurant - Lot 9 DP 207482, 188 Boomerang Drive, Blueys Beach**

**Index: DA449/2008 & PK9049**

**Author: Senior Development Planner - David Pirie**

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#### **RECOMMENDATION:**

It is recommended that Development Application No. 449/2008 for the construction of 2 shops and a restaurant at 188 Boomerang Drive, Blueys Beach (Lot 9 DP 207482) be refused for the following reasons:-

1. Car parking does not comply with:
    - AS 2890.1 2004 - Figure 2.2 - class 3A - for the aisle widths and dimensions of the car parking spaces.
    - Council's required minimum width for a disabled car parking space.
  2. Vehicle access onto the site does not comply with:-
    - AS 2890.1 2004 - Section 3.4 Queuing Areas in that a "queuing length" has not been provided;
    - AS 2890.1 2004 - Figure 3.1 Prohibited Locations of Access Driveways as the proposed driveway is at a prohibited location (being opposite the access to the Blueys Beach Shop Lane and street parking area) and as such may have safety implications.
  3. The proposal does not provide the required minimum number of 16 car parking spaces within the development site in accordance with Great Lakes Council Car Parking Policy.
  4. There is inadequate provision for servicing the proposed development, that is, the requirement for an 8.8 metre long delivery truck within the site has not been provided in accordance with the RTA's Guide to Traffic Generating Developments and Australian Standard (AS) 2890.2.
  5. The proposed driveway is too steep and will need to be lowered so that there is a maximum 2.5% crossfall from the future top of the kerb to the property boundary.
  6. The proposal fails to provide adequate detail in regard to stormwater drainage and management.
  7. The proposed development provides insufficient on-site waste storage for a development of the nature and size proposed.
  8. The acoustic assessment report is inadequate in that it fails to address all potentially affected properties and all potential noise sources associated with the development.
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9. The proposal is unsatisfactory with regards to matters of consideration under Clause 8 and Clause 16 of State Environmental Planning Policy No. 71 – Coastal Protection.
10. The proposal is an overdevelopment of the site.

### **233 RESOLUTION**

(Moved L Roberts/Seconded K Hutchinson)

That this matter be deferred for further discussions with the Applicant and that in these discussions the Applicant be advised that:

- 1 Council is of the opinion that the area is suitable for commercial development.
- 2 Council would prefer a residential development to accompany the shops.

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 M Tuffy, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT. DID NOT VOTE - Clr J McWilliams, Clr C McCaskie

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### **8 PES - DA 3264/1988 - Section 96AA Modification of Development Consent Application : Woodchip Plant, Pindimar Road, Tea Gardens**

**Index: DA 3264/1988 & PK 18920**

**Author: Senior Development Assessment Planner - Alan Bawden**

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#### **RECOMMENDATION:**

- A. It is recommended that Council approve the Modification of Development Consent application DA 3264/1988 for the Woodchip Mill on Lot 1 DP 714149; Pindimar Road Tea Gardens subject to the following conditions:

***Delete condition 4 and substitute with:***

4. *The output of the plant shall be limited to 150,000 tonnes of chips per year with a maximum output and haulage of 600 tonnes in any one day. An annual report for each calendar year commencing 2009, shall be submitted to Council detailing compliance with this condition.*

***Add condition 24***

24. *Detailed design plans being submitted with an Application for a "Public Engineering Works Permit" (PEWP).*

*Detailed design plans are to be approved by the Director of Engineering prior to the commencement of any engineering works. The licensed contractor is to have all engineering works inspected as per Council's holding points. All work is to be at the developer's expense and must comply with Council's engineering guidelines, specifications and standards.*

*The work is to be completed and approved prior to the output of the plant being increased. Included in the engineering works is to be the following:*

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- a) Construct a full depth concrete pavement for both the driveway turnout and Pindimar Road at the driveway intersection; Note: The driveway is to be constructed at right angles to Pindimar Rd.
- b) Submission with the PEWP, of a concrete road pavement design by a suitably qualified geotechnical consultant;
- c) B-Double turning paths are required to be submitted to Council for approval for site access. Turning paths are to be wholly contained within the concrete pavement.
- d) A work site traffic control plan in accordance with the RTA Traffic Control at Work Site Manual is to be submitted by a suitably accredited person prior to a PEWP being issued.

**Add condition 25**

25. Lodgement of a Public Engineering Works Permit Application Form and payment of the following:

- a) Engineering supervision fees in accordance with Council's Schedule of Fees at the time of lodgement of plans.
- b) A defects liability bond of 5% of the value of all public engineering works associated with the development, as required by this approval, with a minimum of \$2,700. The defects liability bond is to be paid upon acceptance of the public works. This bond will be lodged in a Council Trust Fund to cover any defects in the works subsequent to their acceptance by Council. One (1) year after the acceptance of these works by Council, the bond will be refunded if, at an inspection arranged by the applicant, no defects are apparent.

*The defects liability bond is reviewed periodically and the amount may change. The fees and maintenance period shall be determined from Council's current requirements at the time of acceptance of these works.*

**Add condition 26**

26. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.

**Add condition 27**

27. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$2,110 payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with. The bond shall be paid to Council prior to the commencement of work

**Note:** The bond will be considered for refund by the Engineering Services Division when an application for occupancy of the development is lodged.

A fee will be deducted from the bond to cover administration costs as follows:

- a) \$110.00 for developments up to \$400,000;

*The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.*

- B. That Council write to the applicant requesting details, including timeframes, on actions undertaken to bring the woodchip mill into full compliance with the development approval as issued in 1991, or a further application to modify the consent lodged. Such action is to be carried out within three (3) months.

(Moved L Roberts/Seconded M Tuffy)

That this matter be deferred and that Council seek legal advice on whether the proposed modification is classified as designated development.

An amendment was moved by J Stephens, seconded K Hutchinson that the recommendation be adopted with the inclusion of the following conditions:

- 1 Council to pay a 50% contribution towards the upgrade of Pindimar Road.
- 2 Work on the road to be approved and completed within 12 months of written consent.
- 3 A security deposit of \$50,000 being required from the Applicant.

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

The amendment was lost.

The motion was put to the vote and declared carried.

The results of this division were as follows:

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

## **234 RESOLUTION**

(Moved L Roberts/Seconded M Tuffy)

That this matter be deferred and that Council seek legal advice on whether the proposed modification is classified as designated development.

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**7 PES - DA643/2008 - Twenty Nine (29) Lot Community Titled Subdivision - Lot 50 DP 1124352, 90 Viney Creek Road Nerong**

**Index: DA 643/2008 & PK 31432**

**Author: Senior Development Assessment Planner - Alan Bowden**

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**RECOMMENDATION:**

1. That the SEPP 1 objection in relation to Clause 17 of Great Lakes Local Environmental Plan 1996 be supported; and
2. That DA643/2008 for a twenty nine (29) lot Community Titled subdivision of lot 50 DP 1124352 be granted approval subject to the concurrence of the Director General of the Department of Planning and subject to the following 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 subdivision plans referenced 207178 dated 4 December 2008 prepared by Tattersall Surveyors, the application form and on any supporting information received with the application, except as may be amended by the following conditions.
2. Prior to the release of any Subdivision Certificate the applicant shall submit and receive approval from Council for the Community Title Plan. The Plan shall include, but not be limited to, the following details:
  - Construction and maintenance of proposed internal rural roads to the requirements of NSW Rural Fire Service and Council.
  - Bushfire hazard risk reduction programme.
  - Provision for and indemnity of Council's domestic kerbside garbage collection, relating to access and damage of the internal road system.
  - Details for unfettered public access on the proposed internal access roads.
  - No habitable structures permitted on any parts of lot 1.
  - No direct vehicle or pedestrian access to the Pacific Highway from any allotments.
3. Compliance with the General Terms of Approval imposed by the Department of Water and Energy [DWE] as provided in Annexure 'A'.

Any Subdivision Construction Certificate will not be issued until Council is provided with documentary evidence that DWE has granted a permit under section 91 of the Water Management Act 2000. All matters associated with that permit are to be satisfied prior to the issue of a Subdivision Certificate.

4. Compliance with the following Section 100B Bush Fire Safety Authority conditions imposed by the NSW Rural Fire Service:

**Asset Protection Zone**

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.

- At the commencement of subdivision works proposed Lot 29 shall be managed entirely 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'.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- Public Road Access shall comply with Section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.

**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.

- Water, electricity and gas are to comply with Section 4.1.3 of *Planning for Bush Fire Protection 2006*.

**General Advice - Council to Note**

Any further development application for class 1, 2 & 3 buildings as identified by the Building Code of Australia must be subject to separate application under section 79BA of the EP&A Act and address the requirements 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 a Subdivision Certificate.

- 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 Subdivision Construction Certificate for each stage. 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:

Stage 1

Contributions Plan	Facility	quantity	unit	rate	amount
Great Lakes Wide	Library Bookstock	25.2	persons @	\$63.77	= \$1,607.00
Great Lakes Wide	Headquarters Building	25.2	persons @	\$191.72	= \$4,831.34
Great Lakes Wide	s94 Admin	25.2	persons @	\$61.04	= \$1,538.21
Great Lakes Wide	Rural Fire Fighting	25.2	persons @	\$545.20	= \$13,739.04
Rural Roads Stroud	Rural Roads Stroud	9	ETs @	\$4,340.97	= \$39,068.73
Total					\$60,784.32

Stage 2

Contributions Plan	Facility	quantity	unit	rate	amount
Great Lakes Wide	Library Bookstock	25.2	persons @	\$63.77	= \$1,607.00

Great Lakes Wide	Headquarters Building	25.2	persons	@	\$191.72	=	\$4,831.34	
Great Lakes Wide	s94 Admin	25.2	persons	@	\$61.04	=	\$1,538.21	
Great Lakes Wide	Rural Fire Fighting	25.2	persons	@	\$545.20	=	\$13,739.04	
Rural Roads Stroud	Rural Roads Stroud	9	ETs	@	\$4,340.97	=	\$39,068.73	
Total								\$60,784.32

### Stage 3

Contributions Plan	Facility	quantity	unit		rate		amount	
Great Lakes Wide	Library Bookstock	19.6	persons	@	\$63.77	=	\$1,249.89	
Great Lakes Wide	Headquarters Building	19.6	persons	@	\$191.72	=	\$3,757.71	
Great Lakes Wide	s94 Admin	19.6	persons	@	\$61.04	=	\$1,196.38	
Great Lakes Wide	Rural Fire Fighting	19.6	persons	@	\$545.20	=	\$10,685.92	
Rural Roads Stroud	Rural Roads Stroud	7	ETs	@	\$4,340.97	=	\$30,386.79	
Total								\$47,276.69

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 Contribution Plans and the Standard Schedule for Section 94 Plans may be viewed on Council's web site [www.greatlakes.nsw.gov.au](http://www.greatlakes.nsw.gov.au) or at Council's offices at Breese Parade, Forster.

6. A Certificate of Compliance from Telstra Australia being submitted to verify that satisfactory arrangements have been made and all payments have been finalised for the supply of telephone services to the development for each stage.
7. A Certificate of Compliance from Country Energy being submitted to verify that satisfactory arrangements have been made and all payments finalised for the supply of electricity to the development and that all headworks charges have been paid for each stage.
8. To minimise soil erosion, the following measures shall be implemented in the sequence outlined for each stage:
  - a) Approved runoff and erosion controls shall be installed prior to clearing of site vegetation (other than that associated with the construction of the controls). These shall be as shown on an Erosion and Sediment Control Plan approved by Council.
  - b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

- c) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural or artificial water body, footpath, kerb or road surface and shall have measures in place to prevent the movement of such materials onto the areas mentioned.
  - d) Uncontaminated runoff shall be intercepted upsite and diverted around all disturbed areas and other areas likely to be disturbed. Diversion works shall be adequately stabilised.
  - e) Runoff detention and sediment interception measures shall be applied to the land. These measures will reduce flow velocities and prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural or artificial water bodies.
9. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council.
10. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
11. All engineering works being provided to serve all lots with the works complying with Council's Engineering Specifications, Standards, Codes and Policies.

All work is to be at the developer's expense. No engineering works are to commence on the development until a subdivision construction certificate has been issued. Detailed design plans are to be submitted with the application for a Subdivision construction certificate, and approved by the Director of Engineering prior to a construction certificate being issued. The work is to be completed in accordance with the registered plans prior to the issue of a subdivision certificate. Included in the engineering works is to be the following:

#### Stage 1

- a) Construction of Viney Creek Road West from the intersection of The Pacific Highway to the full frontage of the subject land in Stage 1. The standard of construction is to be a class 4C road with gravel pavement width of 8.5m and a minimum 6m. wide two coat bitumen seal width.
- b) Construction of culvert systems to replace the existing cause ways. The design width of the culverts or causeways is to match the road design, and additional guard fence is to be placed as per RTA design guide requirements.
- c) Construction of the internal roads for the full frontage of all lots in stage 1. The internal road network, associated drainage and any associated works are to be completed prior to the release of the subdivision of Stage 1. The width required for the internal roads is to comply with Great Lakes Council Design Specifications and is dependent on the volume of traffic generated by each of the roads.
- d) Submission with the Subdivision Construction Certificate, of road pavement designs by a suitably qualified geotechnical consultant.
- e) A work site traffic control plan in accordance with the RTA Traffic Control at Work Sites Manual is to be submitted by a suitably accredited person prior to a Subdivision Construction Certificate being issued;
- f) Street name signs at the intersections of all roads in the subdivision. The names for new streets are to be approved by Council and are to be shown on the final plan of subdivision.

#### Stage 2

- a) Construction of the internal roads for the full frontage of all lots in stage 2. The internal road network, associated drainage and any associated works are to be completed prior to the release of the subdivision of Stage 2. The width required

for the internal roads is to comply with Great Lakes Council Design Specifications and is dependent on the volume of traffic generated by each of the roads.

- b) Submission with the Subdivision Construction Certificate, of road pavement designs by a suitably qualified geotechnical consultant.
- c) A work site traffic control plan in accordance with the RTA Traffic Control at Work Sites Manual is to be submitted by a suitably accredited person prior to a Subdivision Construction Certificate being issued;
- d) Street name signs at the intersections of all roads in the subdivision. The names for new streets are to be approved by Council and are to be shown on the final plan of subdivision.
- e) The applicant is responsible for the placement, sizing, installation and associated costs of any road signage required along the internal roads. A plan detailing signage is to be submitted for approval with road design plans to Great Lakes Council Transport Assets Section prior to the issue of a Subdivision Construction Certificate.
- f) Street name signs at the intersections of all roads in the subdivision. The names for new streets are to be approved by Council and are to be shown on the final plan of subdivision.

### Stage 3

- a) Construction of Viney Creek Road West for the full frontage of the subject land in Stage 3. The standard of construction is to be a 4D class road with a minimum gravel pavement width of 6m and a minimum 5.5m. wide two coat bitumen seal.
- b) Construction of culvert systems to replace the existing cause ways. The design width of the culverts is to match the road design, and additional guard fence is to be placed as per RTA design guide requirements.
- c) Construction of the internal roads for the full frontage of all lots in stage 3. The internal road network, associated drainage and any associated works are to be completed prior to the release of the subdivision of Stage 3. The width required for the internal roads is to comply with Great Lakes Council Design Specifications and is dependent on the volumes of traffic for each of the roads.
- d) Submission with the Subdivision Construction Certificate, of a road pavement design by a suitably qualified geotechnical consultant; included is to be designs for the upgrade of the water crossings.
- e) A work site traffic control plan in accordance with the RTA Traffic Control at Work Sites Manual is to be submitted by a suitably accredited person prior to a Subdivision Construction Certificate being issued;
- f) The applicant is responsible for the placement, sizing, installation and associated costs of any road signage required along the upgraded section of Viney Creek Road West and internal roads. A plan detailing signage is to be submitted for approval with road design plans to Great Lakes Council Transport Assets Section prior to the issue of a Subdivision Construction Certificate.
- g) Street name signs at the intersections of all roads in the subdivision. The names for new streets are to be approved by Council and are to be shown on the final plan of subdivision.

12. Lodgement of a Subdivision Construction Certificate Application Form and payment of the following for each stage:

- a) Engineering supervision fees in accordance with Council's Schedule of Fees at the time of lodgement of plans.
- b) A defects liability bond of 5% of the value of all public engineering works associated with the development, as required by this approval, with a minimum of \$2,700. The defects liability bond is to be paid in conjunction with application for release of the subdivision. Please note that subdivision plans will not be released by Council until

this bond is paid. This bond will be lodged in a Council Trust Fund to cover any defects in the works subsequent to their acceptance by Council. Two (2) years after the acceptance of these works by Council, the bond will be refunded if, at an inspection arranged by the applicant, no defects are apparent.

The defects liability bond is reviewed periodically and the amount may change prior to the release of the subdivision. The fees and maintenance period shall be determined from Council's current requirements at the time of acceptance of these works.

13. Submission of a Damage Bond Application Form and payment of a bond for each stage in the amount of:

- a) \$2,110 for subdivision developments up to the value of \$400,000;

Note: The value of the subdivision development is to include the value of all public works, including service utilities.

The Damage Bond is payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with. The bond shall be paid to Council prior to the issue of any Subdivision Construction Certificate that may be issued for any component of the development.

Note: The bond will be considered for refund by the Engineering Services Division when an application for release of subdivision is lodged.

A fee will be deducted from the bond to cover administration costs as follows:

- a) \$110 for subdivision developments up to \$400,000;

The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

14. The lodgement, with the application for a subdivision certificate for each stage, of proper plans of subdivision and seven copies, prepared by a Registered Surveyor and suitable for registration by the Land Titles Office, including any necessary Section 88B Instruments. Note: Council will not endorse restrictions as to user other than those required under these conditions or as approved in the Development Application. The plans of survey are to show connections to at least two survey control permanent marks where such exist in the vicinity of the subdivision or where practical. Existing and proposed street names are to be shown on the plans.
15. In accordance with the RTA requirements, all existing farm gates to the Pacific Highway shall be replaced with permanent fencing. Further no direct vehicle or pedestrian access is permit from the land onto the Pacific Highway. The work is to be complete prior to the release of a Subdivision Certificate.
16. Prior to the registration of the subdivision for stage 1, in respect to Lot 50 in DP1124352:
  - 16.1 The registered proprietor is to take all necessary steps to ensure restrictions on the use of land pursuant to the provisions of s88B of the Conveyancing Act 1919 to the following effect are recorded in the Register kept under the Real Property Act 1900:
    - (A) No development shall be carried out on, in, over or under that part of the land identified as the Conservation Zone and shown as the area marked "(A) – Restriction On Use" (and excluding the shown "easement for access" through the Area A – Restriction On Use) on the plan of Proposed Subdivision of Lot 50 in

DP1124352 Viney Creek Road, Nerong, prepared by Tattersall Surveyors, with ref. 207178 Sheet 1 of 1 and dated 4/12/08. "Development" in this restriction has the same meaning as that word in the Environmental Planning and Assessment Act 1979.

- (B) No harm shall be caused to any part of the natural heritage and/or cultural heritage on that part of the land identified as the Conservation Zone and shown as the area marked "(A) – Restriction On Use" (and excluding the shown "easement for access" through the Area A – Restriction On Use) on the plan of Proposed Subdivision of Lot 50 in DP1124352 Viney Creek Road, Nerong, prepared by Tattersall Surveyors, with ref. 207178 Sheet 1 of 1 and dated 4/12/08 and the following activities shall be prohibited:
- (i) Clearing, destruction, removal of or injury to any local native trees, plants or grasses
  - (ii) Carrying out of any act which may significantly adversely affect any local native flora or any local native fauna or their related habitats
  - (iii) Wilful degradation of the natural state of or in the flow, supply, quantity, or quality of, any body of water
  - (iv) Entry of livestock except for the purpose of appropriate and supervised "crash-grazing" permitted by the Habitat Management Plan prepared as part of this consent and where the stock are excluded from areas of target climax native vegetation communities
  - (v) The removal, introduction or disturbance of any soil or rocks except where conducted as part of the approved revegetation of the burdened area
  - (vi) The construction of new dams (other than already existing dams)
  - (vii) The recreational use of trail bikes or four wheel drive vehicles
  - (viii) The accumulation of rubbish or the storage of any materials other than materials being used or intended to be used by the registered proprietor on the land that is burdened
  - (ix) Logging or the removal of any timber including fallen timber from the Conservation Area
  - (x) Deliberate burning other than hazard reduction burns conducted in accordance with the Bushfire Environmental Assessment Code and permission from the Rural Fire Service
  - (xi) Any other activity not consistent with conservation management of the area burdened
- 16.2 The registered proprietor is to take all necessary steps to ensure that public positive covenants pursuant to the provisions of s88E of the Conveyancing Act 1919 to the following effect are recorded in the Register kept under the Real Property Act 1900:
- (A) The registered proprietor shall take all necessary, adequate and sufficient steps to ensure that no development is carried out on, in, over or under that part of the land identified as the Conservation Zone and shown as the area marked "(A) – Restriction On Use" (and excluding the shown "easement for access" through the Area A – Restriction On Use) on the plan of Proposed Subdivision of Lot 50 in DP1124352 Viney Creek Road, Nerong, prepared by Tattersall Surveyors, with ref. 207178 Sheet 1 of 1 and dated 4/12/08. "Development" in this restriction has the same meaning as that word in the Environmental Planning and Assessment Act 1979.
- (B) The registered proprietor shall promptly carry out on the land, those actions that are set-out and/ or required by the Property Management Plan and Habitat Management Plan, which is incorporated in this consent.

The Council of Great Lakes shall have the following powers for the purposes of this restriction and public positive covenant:

- a) The Council may, by its employees, agents, contractors or persons authorized either by it or its General Manager, enter upon the lot burdened after giving reasonable notice to the registered proprietor of the lot burdened or its officer, agent or representative, and view the condition of the land and anything upon it.
  - b) Where there has been a failure of the registered proprietor to observe the restriction or public positive covenant, the Council may, by its employees, agents, contractors or persons authorized by it or its General Manager, remedy the failure (and if necessary to do so, enter upon the lot burdened) provided:
    - i) It has beforehand given written notice to the registered proprietor of the land of the failure that is the basis for the proposed exercise of the power and requiring the registered proprietor within 42 days to remedy the failure at no expense to the Council, and
    - ii) The registered proprietor has not, in the opinion of the General Manager of the Council adequately and sufficiently remedied that breach in that period as required, provided however in an emergency, the period above may be such period as is reasonable in the circumstances.
  - c) The Council may recover from the registered proprietor in a court of competent jurisdiction, any expense reasonably incurred by it in exercising any power and doing any act authorized by the 2i) and 2ii) above.
17. The land burdened by the restrictions on use and public positive covenants referred to above is Lot 50 in DP1124352. The Council of Great Lakes is the prescribed authority for the purposes of Division 4, Part 6 of the Conveyancing Act 1919 and is to have the benefit of the restrictions and the public positive covenants.
18. The registered proprietor of the land shall have registered by the Registrar-General a plan, as a deposited plan, showing that the restrictions on use and public positive covenants required by conditions 1 and 2 above, such that on its registration, the restrictions on the use of land and public positive covenants set out in condition 2 above are entered on the appropriate title(s).
19. Prior to the issue of the subdivision certificate in respect of the subdivision authorised by this consent, the applicant shall prepare and submit to the Council of the Great Lakes, a Revised Final Habitat Management Plan (HMP) for that part of Lot 50 in DP1124352 identified as the Conservation Zone and shown as the area marked "(A) – Restriction On Use" (and excluding the shown "easement for access" through the Area A – Restriction On Use) on the plan of Proposed Subdivision of Lot 50 in DP1124352 Viney Creek Road, Nerong, prepared by Tattersall Surveyors, with ref. 207178 Sheet 1 of 1 and dated 4/12/08. The HMP shall relate only to the Conservation Zone and shall be prepared with the over-riding purpose of directing the ecological restoration, protection and conservation management of the Conservation Zone.

The Plan shall be submitted in draft form to the Council of the Great Lakes for review. It shall be prepared to the written satisfaction of and approved by Council's Senior Ecologist. The Plan, for the purposes of aforesaid, shall contain maps and plans and information pertaining to issues, actions, responsibilities and timing with respect of, but not limited to, the following:

- a) A weed density map and explicit details of the management and monitoring of noxious weeds and weeds of national significance across the Conservation Zone;
- b) Explicit management units, timeframes and actions for native vegetation restoration and facilitated supervised natural regeneration;

- c) Explicit actions including timing with respect to the monitoring, control, and management of exotic fauna species, including the control of domestic species;
- d) Details of the implementation of adequate and appropriate bushfire regimes over the Conservation Zone with respect to bushfire intervals and thresholds;
- e) The details and timeframes for specific fencing and tracks of the Conservation Zone and the means of establishing and maintaining such;
- f) The controls and surveillance to be deployed to ensure that the restrictions on use set-out in Condition 1.1(B) above are achieved in the Conservation Zone;
- g) Details of the monitoring program of native vegetation condition, weeds, feral animals and threatened fauna species of the Conservation Zone;
- h) Details of any structure to be established in the Conservation Zone.

The HMP shall not contain non-committal, subjective, unquantified or poorly defined language or statements and shall include pertinent and realistic timeframes for the achievement of specific actions. It shall include adaptive management and scheduled review by Great Lakes Council as well as the requirement for annual works plans and annual reports to Council.

- 20. Upon its approval by Great Lakes Council, the Habitat Management Plan required in the above condition shall be included as an operational appendix to the Community Management Statement and be duly implemented on the land.
- 21. Prior to the issue of the subdivision certificate in respect of the subdivision authorised by this consent, the applicant shall prepare and submit to the Council of the Great Lakes, a Revised Final Property Management Plan (PMP) for the agricultural production lands (and outside of the Conservation Zone). The Plan shall follow and update the information contained in the PMP of Peak Land Management that was submitted with the lodgement of the Development Application. The PMP shall be to the written satisfaction of and approved by Council's Natural Systems Branch (Catchment Support staff) and Senior Ecologist. The Plan, for the purposes of aforesaid, shall contain maps and plans and information pertaining to issues, actions, responsibilities and timing. The PMP shall not contain non-committal, subjective, unquantified or poorly defined language or statements and shall include pertinent and realistic timeframes for the achievement of specific actions. It shall include adaptive management and scheduled review by Great Lakes Council as well as the requirement for annual works plans and annual reports to Council.
- 22. Upon its approval by Great Lakes Council, the Property Management Plan required in the above condition shall be included as an operational appendix to the Community Management Statement and be duly implemented on the land.
- 23. No remnant native vegetation (as defined by the Native Vegetation Act 2003) shall be cleared, harmed, modified or removed from the land for the purpose of the registration or formation of this subdivision, except with the consent of the Council of the Great Lakes or approval from the Hunter/ Central Rivers Catchment Management Authority.
- 24. For each stage of the development, the registered proprietor of the land shall have demonstrably erected stock proof fences so as to enclose that part of the land identified as the Conservation Zone and shown as the area marked "(A) – Restriction On Use" (and excluding the shown "easement for access" through the Area A – Restriction On Use) on the plan of Proposed Subdivision of Lot 50 in DP1124352 Viney Creek Road, Nerong, prepared by Tattersall Surveyors, with ref. 207178 Sheet 1 of 1 and dated 4/12/08. The fence shall be of hardwood post, galvanized star pickets and not more than 4 strands of wire of which not more than one strand shall be of barbed wire. The fence shall include gates for access, where appropriate. The fencing for each stage is to be completed prior to the issue of a Subdivision Certificate for that stage.

Clr L Roberts declared a pecuniary interest in this matter and left the meeting at 3:04pm, taking no further part in discussions or voting on this item.

## **235 RESOLUTION**

(Moved K Hutchinson/Seconded L Gill)

That the above recommendation be adopted, subject to the amendment of condition 18 to read:

18. The registered proprietor of the land shall have registered by the Registrar-General a plan, as a deposited plan, showing that the restrictions on use and public positive covenants required by conditions 16.1 and 16.2 above, such that on its registration, the restrictions on the use of land and public positive covenants set out in condition 16 above are entered on the appropriate title(s).

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

Clr L Roberts returned from temporary absence at 3:05pm.

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## **GENERAL MANAGER**

### **1 GM - Councillor Report on Attendance at Coastal Conference**

**Index: Conferences Elected Members**  
**Author: Councillor - Linda Gill**

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#### **RECOMMENDATION:**

That the report be noted.

Clr J Stephens left the meeting at 3:06pm.

## **236 RESOLUTION**

(Moved K Hutchinson/Seconded L Roberts)

That the above recommendation be adopted.

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### **2 GM - Minutes of Audit Committee Meeting of 23 February 2009**

**Index: Audit Committee**  
**Author: Manager Corporate Governance - Phil Brennan**

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#### **RECOMMENDATION:**

That the minutes of the Audit Committee Meeting held on 23 February 2009 be noted.

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**237 RESOLUTION**

(Moved L Vaughan/Seconded L Gill)

That the above recommendation be adopted.

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**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

**3 PES - State Significant Development - Eagle Avenue, Hawks Nest (201-8-2004)**

**Index: State Significant Development - 201-8-2004**  
**Author: Manager, Development Assessment - Wayne Burgess**

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**RECOMMENDATION:**

That the information be noted.

**238 RESOLUTION**

(Moved K Hutchinson/Seconded L Gill)

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

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**5 PES - State Significant Development - Wallis Lake Oyster Lease Dredging Project (MP05-0174)**

**Index: State Significant Development - MP05-0174**  
**Author: Manager, Development Assessment - Wayne Burgess**

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**RECOMMENDATION:**

That the information be noted.

**239 RESOLUTION**

(Moved L Gill/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:

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

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**6 PES - DA392/2009 - Extensions to existing Material Recovery Facility:  
Lot 1 DP 1004320; Tuncurry Tip Road Darawakh**

**Index: DA 392/2009 & PK 36328**

**Author: Senior Development Assessment Planner - Alan Bawden**

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**RECOMMENDATION:**

It is recommended that Delegated Authority be given to the General Manager to determine DA 392/2009 for Extension to the existing Material Recovery Facility on Lot 1 DP 1004320, Tuncurry Tip Road Darawakh, upon receipt of written comments, containing no objections to the proposal from the RTA's Regional Development Committee.

Clr J Weate declared a pecuniary conflict of interest in this item and advised that he would be leaving Chambers during discussions and voting. He requested Councillors to elect a Chairperson in his absence.

**240 RESOLUTION**

(Moved L Roberts/Seconded M Tuffy)

That Clr Hutchinson be appointed to chair the meeting in Clr Weate's absence.

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Clr J Weate left the meeting at 3:08pm and took no further part in discussions or voting on this item.

Clr Hutchinson took the Chair.

Clr J Stephens returned from temporary absence at 3:09pm.

**241 RESOLUTION**

(Moved L Gill/Seconded J Stephens)

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

Clr J Weate has returned from temporary absence at 3:11pm and resumed the Chair.

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**10 PES - Consents Issued Under Delegated Authority - March 2009**

**Index: Development Consents Issued Under Delegated Authority**  
**Author: Director Planning and Environmental Services - Glenn Handford**

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**RECOMMENDATION:**

It is recommended that the information be noted.

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

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**11 PES - List of Matters Before the Land and Environment Court - March 2009**

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

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**RECOMMENDATION:**

That the information be noted.

Clr L Gill left the meeting at 3:14pm.

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

Clr L Gill returned from temporary absence at 3:17pm.

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**LATE REPORT 2 - PES DA798/2005 - Amended s88B Instrument - Lot 6178  
DP1099599. 30 The Southern Parkway, Forster**

**RECOMMENDATION**

Council grant approval for the signing of the Deed and any associated documentation which complies with the relevant conditions of consent as applied to Development Application DA798/2005 - Lot 6178 DP1099599 - 30 The Southern Parkway, Forster.

**244 RESOLUTION**

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

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**DIRECTOR ENGINEERING SERVICES**

**13 ES - Elizabeth Parade Boat Ramp Upgrade - Grant Application**

**Index: Grants & Subsidies - Waterways Facilities Grants - Wharves, Jetties, Boatramps, Etc.**  
**Author: Manager Parks & Recreation - David Bortfeld**

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**RECOMMENDATION:**

That Council formally accepts the grant of \$38,000 for the redevelopment of the Elizabeth Parade Boat Ramp.

**245 RESOLUTION**

(Moved L Vaughan/Seconded M Tuffy)

That the above recommendation be adopted.

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**14 ES - Engineering Division Performance**

**Index:** Corporate Management - Administrative Matters - Engineering Services  
**Author:** Executive Coordinator - Andrew Blatch

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**RECOMMENDATION:**

That the report in relation to the performance of the Engineering Division be received and noted.

**246 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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**15 ES - Roads To Recovery**

**Index:** Grants & Subsidies - Roads & Ancillary Services - RTA 3x3 Program  
**Author:** Director Engineering Services - Ron Hartley

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**RECOMMENDATION:**

That Council note the report.

**247 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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**16 ES - RFS District Asset Working Group Minutes**

**Index:** Rural Fire Service Buildings  
**Author:** Executive Coordinator Engineering Services - Andrew Blatch

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**RECOMMENDATION:**

That the minutes of these meetings of the RFS District Asset Working Group held on 27 January, 3 March and 7 April be noted.

**248 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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**17 ES - Minutes from 12 February 2009 Coomba & District 355 Sport & Recreation Committee**

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

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**RECOMMENDATION:**

Council note the minutes of the Coomba Park and District 355 Sport & Recreation Committee.

**249 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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**18 ES - Traffic Advisory Committee Meeting Minutes - 8 April 2009**

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

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**RECOMMENDATION:**

That the recommendations of the Traffic Advisory Committee meeting held 8 April 2009 be adopted.

**250 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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**DIRECTOR CORPORATE & COMMUNITY SERVICES**

**19 CCS - List of Outstanding Reports**

**Index:** Council Meetings - Ordinary  
**Author:** Acting Director Corporate & Community Services - Phil Brennan

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**RECOMMENDATION:**

Submitted for Council's Information/consideration.

**251 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the Outstanding Reports list be noted.

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## **LATE REPORTS**

### **LATE REPORT 1 - Revised S94 Contributions Plan for The Branch Lane**

#### **RECOMMENDATION**

Recommended that:

- 1 The proposed plan be exhibited for 28 days, in accordance with the Environmental Planning and Assessment Act 1979.
- 2 A further report, dealing with any submissions received, be presented to Council.

#### **252 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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### **LATE REPORT 3 - CCS Investment Report as at 31 March 2009**

#### **RECOMMENDATION**

Recommended that the information concerning Council's investments as at 31 March 2009 be noted.

#### **253 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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### **LATE REPORT 4 - CCS 2008/2009 Loan Borrowing**

#### **RECOMMENDATION**

Recommended that Council accept the offer received from the National Australia Bank being the 10 year loan fixed for five years at 6.293% and then renewable and that the Common Seal be affixed to all necessary loan documentation.

#### **254 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

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## **LATE ITEMS**

### **Road Repairs**

It was noted that The Lakes Way at the Shalimar turn off is breaking up. The Director Engineering Services to follow up.

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### **Marjorie Debert**

Councillors were advised of the death last night of former Councillor, Marjorie Debert, aged 94.

## **255 RESOLUTION**

(Moved J Stephens/Seconded K Hutchinson)

That condolences be sent to the family of Marjorie Debert

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### **Garage, Beach Street, Tuncurry**

It was noted that a complaint had been received by email regarding a garage constructed in Beach Street, Tuncurry. The Director Planning & Environmental Services advised that consent had been issued for the garage and that adjoining owners were notified, however it was believed that the complainant did not live close enough to the development to be included in the notification. The Director Planning & Environmental Services will follow this up and respond to the complainant.

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## **CLOSED COUNCIL**

## **256 RESOLUTION**

(Moved L Vaughan/Seconded J Stephens)

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

Upon resuming into Open Council the Chairman reported that the following resolutions had been adopted.

## **20 ESCONF - Tender For Traffic Control Services**

**Index: Tendering – Summaries of Tenders**  
**Author: Project & Contracts Engineer – Stuart Small**

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### **RECOMMENDATION:**

That Council:

- Accept the tenders supplied by Newada (trading as Men At Work Traffic Services), Workforce International, Statewide Traffic Control, and Clearwater Asset Services for the provision of traffic control services for the period of 1 May 2009 to 31 March 2011 inclusive, with a 12 month option.
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- That Council authorises Hunter Councils Inc. to enter into a deed of agreement on behalf of Great Lakes Council for the operation of this contract.

#### **257 RESOLUTION**

That the above recommendation be adopted.

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### **PESCONF - Purchase of Properties for Environmental Purposes**

#### **258 RESOLUTION**

That:

- 1 Council investigate whether the property identified in the report for purchase for environmental purposes is for sale, and if it is not, Council pursue the purchase of the alternative property at auction.
  - 2 The General Manager be given delegated authority to bid for the alternative property at auction at or below the valuation price.
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#### **MEETING CLOSURE**

The meeting closed at 3:44pm

CHAIRMAN

**Keith O'Leary**  
**General Manager**