



# **MINUTES OF THE ORDINARY COUNCIL MEETING**

**HELD AT BREESE PARADE, FORSTER**

ON TUESDAY, 22 SEPTEMBER 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 22 September 2009 commencing at 9.35am.

## **PRESENT**

Present: Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, 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 Sue Bookallil - Administrative Support Assistant (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**

Pastor Ben Betz, Church of Christ, led the meeting in prayer.

## **APOLOGIES**

Nil

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**

### **86 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

That the Minutes of the Ordinary Meeting of 25 August 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
Glenn Handford	24 - List of Matters before Land & Environment Court	Non-pecuniary interest, the nature of the interest being a friend represents the objector. Mr Handford elected to leave the meet and take no part in discussions.
Clr Carol McCaskie	Late Item 2 - Tea Gardens West Transfer Station Site	Non-pecuniary interest, the nature of the interest being holds 50% in trust of lot 1 which adjoins the subject land. Clr McCaskie elected to leave the meeting and take no part in discussions or voting.
Clr K Hutchinson	Item 13 - 9 Lot Community Titled Subdivision, Limeburners Creek	Non-pecuniary interest, the nature of the interest being employment of two residents of Forest Glen Road. Clr Hutchinson elected to leave the meeting and take no part in discussions or voting.

The Mayor vacated the Chair for the purposes of the election of Mayor.

Clr Mike Tuffy advised Council that he would not be voting either for Mayor or Deputy Mayor on legal advice he had received, therefore he left the meeting and took no part in discussions or voting.

### GENERAL MANAGER

#### 2 GM - Election of Mayor

**Index: Councillors - Election of Mayor and Deputy Mayor**  
**Author: Manager Corporate Governance - Phil Brennan**  
**Ordinary Meeting: 22 September 2009**

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#### RECOMMENDATION:

1. That nominations for the position of Mayor be accepted.
2. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election be conducted being: preferential ballot, ordinary ballot or open voting.
3. That the Returning Officer conduct the election for the position of Mayor.

The General Manager advised that one nomination had been received for the position of Mayor being for Clr McWilliams and called for any further nominations. There being no further nominations, the General Manager declared that Clr McWilliams was elected as Mayor for the ensuing 12 months.

Clr McWilliams resumed the Chair and thanked Council for its support.

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### **3 GM - Election of Deputy Mayor**

**Index:** Councillors - Election of Mayor and Deputy Mayor  
**Author:** Manager Corporate Governance - Phil Brennan  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

1. That nominations for the position of Deputy Mayor be accepted.
2. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election is conducted being: preferential ballot, ordinary ballot or open voting.
3. That the Returning Officer conduct the election for the position of Deputy Mayor.

The General Manager advised that one nomination had been received for the position of Deputy Mayor being for Clr Weate and called for any further nominations. There being no further nominations, the General Manager declared that Clr Weate was elected as Deputy Mayor for the ensuing 12 months.

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Clr M Tuffy has returned from temporary absence at 09:40 AM

#### **NOTICES OF MOTION**

### **1 NOM - Notice of Motion 1 - Information Session Required Urgently in Tea Gardens/Hawks Nest**

**Index:** Meetings - Ordinary; Notice of Motions  
**Author:** Councillors - Roberts & McCaskie  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That the Notice of Motion be considered by Council.

### **87 RESOLUTION**

(Moved K Hutchinson/Seconded J Weate)

That, as a matter of urgency, Council organise an information session in Tea Gardens/Hawks Nest, regarding:

- Marine Drive Foreshore
- Jimmys Beach
- Dredging of Navigation Channels
- Myall River Study (New)
- DCP implementation

and any other matters that staff consider necessary.

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## **CONSIDERATION OF OFFICERS' REPORTS:**

### **GENERAL MANAGER**

#### **4 GM - Council Committees**

**Index:** Councillors - Representation on Committees  
**Author:** Manager Corporate Governance - Phil Brennan  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

The membership and purpose of the committees referred to are presented to Council for consideration.

#### **88 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

Membership of Council Committees mentioned within the report to remain the same with the exception of:

- Commercial Enterprises Committee - Clr McWilliams to replace Clr Hutchinson.
  - Events Works Party - to be disbanded.
- 

#### **5 GM - Appointment of Delegates to Various External Bodies**

**Index:** Councillors - Representation on Committees  
**Author:** Manager Corporate Governance - Phil Brennan  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That Council appoint delegates to the bodies identified in the report.

#### **89 RESOLUTION**

(Moved C McCaskie/Seconded L Roberts)

Delegates to the various external bodies mentioned in the report to remain the same with the exception of:

- Great Lakes Bushfire Management Committee - Clr Gill to be the alternate delegate to Clr Stephens
  - NSW RFS Great Lakes District Liaison Committee - Clr Gill to be the alternate delegate to Clr Stephens.
  - Mid North Coast Noxious Weeds Advisory Committee - Clr Tuffy to replace Clr Roberts.
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- Hunter Regional Environmental Management Strategy - to be replaced by the Environment Strategic Advisory Group.
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## **6 GM - Section 355 Committees**

**Index: Section 355 Committees - General, Councillor - Representation on Committees**

**Author: Manager Corporate Governance - Phil Brennan**

**Ordinary Meeting: 22 September 2009**

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### **RECOMMENDATION:**

That Council appoint Councillor representatives to the Section 355 Committees listed above, as required.

## **90 RESOLUTION**

(Moved L Vaughan/Seconded C McCaskie)

Membership and/or Councillor Contacts mentioned in the reports to remain the same with the exception of:

- Great Lakes Tourism - Clr Gill to replace Clr Tuffy.
  - Great Lakes Arts Network - Clr Tuffy to step down from this Committee leaving Clr Vaughan as the sole representative.
  - Aboriginal Liaison Committee - Clr Vaughan to replace Clr Roberts.
  - Bulahdelah Sport & Recreation Committee - Clr Tuffy to step down as Councillor Contact.
- 

### **PUBLIC ADDRESSES**

#### **Item 15 - Use of Public Wharf for Ferry/Charter Service - Marine Drive, Tea Gardens**

##### **Public Address No. 1 Ray Horsfield & Ms Sandra Charles**

Ms Charles and Mr Horsfield (Nelson Bay Charters, Applicant) addressed Council in support of the application. They tabled a copy of their presentation.

##### **Public Address No. 2 - Mr Adrian Thompson**

Mr Adrian Thompson (Port Stephens Ferry Services Pty Ltd, Applicant) addressed Council in support of his application.

#### **Item 22 - Application for Modification of Consent - Tea Tree Road, Forster**

##### **Public Address No. 3 - Mr Andrew Blatch**

Mr Andrew Blatch (for the Objector) addressed Council objecting to the modification of consent. Mr Blatch answered questions raised by Councillors.

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**Public Address No. 4 - Mr Michael Summers**

Mr Michael Summers (for the Owner) and Mr Gavin Maberley-Smith (also for the Owner) addressed Council in support of the modification of the consent and answered questions raised by Councillors.

**Late Item 1 - Proposed Dwelling - 36 Prince Street, Bulahdelah**

**Public Address No. 6 - Mrs Barbara Gordon**

Mrs Barbara Gordon (Applicant) addressed Council in support of the application. Mrs Gordon answered questions raised by Councillors.

**Item 13 - Nine (9) Lot Community Title - The Buckets Way, Limeburners Creek**

**Public Address No. 7 - Mr Gavin Maberley-Smith**

Mr Gavin Maberley-Smith (for the Applicant) addressed Council in support of the application. Mr Maberley-Smith answered questions raised by Councillors.

**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

**15 PES - Use of Public Wharf for Passenger Ferry Service and Charter Boat Tours - Marine Parade, Tea Gardens**

**Index: DA 384/2009 and DA 317/1996**

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

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**RECOMMENDATION:**

- A. It is recommended that DA 384/2009 for the use of Tea Gardens Public Wharf and floating pontoon for a public passenger ferry service and charter boat business be deferred to allow Port Stephens Ferry Services to lodge a development application for use of the public wharf for a passenger ferry service.
- B. Port Stephens Ferry Services be requested to withdraw DA 317/1996 and lodge a development application for use of the public wharf for a passenger ferry service within two (2) months of the date of this decision, with both development applications to be reported back to Council concurrently.

**91 RESOLUTION**

(Moved J Weate/Seconded J Stephens)

- A. That consideration of DA 384/2009 for the use of Tea Gardens Public Wharf and floating pontoon for a public passenger ferry service and charter boat business be deferred.

- B. That Port Stephens Ferry Services be requested to withdraw DA 317/1996 and lodge a development application for use of the public wharf for a passenger ferry service within two (2) months of the date of this decision, with both development applications to be reported back to Council concurrently.

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

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**22 PES - Section 96 (1A) Application to Modify the Consent - Lot 3 DP 609341, 13 Tea Tree Road, Forster**

**Index: DA 43/1976 & PK16536**

**Author: Senior Development Assessment Planner – Robyn Shelley**

**Ordinary Meeting: 10 September 2009**

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This item was to be considered by Council's DCU at the meeting held on 10 September 2009. The Mayor, Councillor Jan McWilliams has "called in" the item and it is now to be referred to Full Council for determination.

**RECOMMENDATION:**

It is recommended that:

- A. That application to modify development consent No. 43/1976 be approved subject to the following:

- **Amend Condition (c) to read as follows:**

- (c) The development being carried out in accordance with the details set out in the Development Application and the unnumbered, undated and unsigned elevations of the laundry and amenities building, and camp kitchen, and plans with File No 3833, Sheets 1 to 12, Issue E dated 11 June 2009, prepared by Lidbury Summers and Whiteman, except as may be amended in red on the attached plans and as amended by the conditions of consent (a) to (b) and (d) to (z):

- B. The applicant be advised, by letter, of the following:

1. The development site is located within the flood plain of Wallis Lake and that the current 1 in 100 year flood plain level is expected to increase in height as a result of climate change and sea level rise. Flooding will also occur from an increase in the frequency and higher high tides.
2. The applicant should design and construct any future dwellings to suit the 1 in 100 year flood level including wind wave (where affected) and climate change/sea level rise and also investigate a progressive planned retreat strategy from the development site.

3. A summary of the flood evacuation report titled "*Flood Evacuation Plan Lakeside Resort Lot 3 DP 609341 Tea Tree Road Forster dated December 2004*" submitted to Council, should be kept on the site at a suitable location and distributed to each resident/occupant.

Note that the *Flood Evacuation Plan* will need to be amended to reflect the current still water flood levels with climate change/sea level rise and the associated wind elevated flood level (wave runup) to the year 2060.

4. The geotechnical engineer should:-
  - Be present when the site is being excavated and also when being limed.
  - Submit a certificate that all exposed or excavated potential acid sulphate soils have been satisfactorily neutralised.
  - Document any soils that are transported off site are to be with details of the;
    - quantity of excavated material;
    - any processing/neutralising carried out
    - details of the location where it is placed
  - All soils are to be to be acid sulphate neutral;Details of the treatment of the soil and the location should be recorded.

- C. Council issue an Infringement Notice under Section 125 of the Environmental Planning and Assessment Act 1979 for the carrying out of work without development consent.
- D. The landowner be advised that further changes to the caravan park may require separate development consent where the changes are not substantially the same development as that which was originally approved by Council in accordance with the Environmental Planning and Assessment Act 1979.

An amendment was moved J Weate and seconded K Hutchinson that the above recommendation be adopted with the inclusion of a condition restricting the operating hours of the pool.

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 K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

AGAINST VOTE - Clr J McWilliams, Clr M Tuffy, Clr C McCaskie, Clr L Roberts, Clr J Stephens

The amendment was declared lost.

The motion was put to the vote, 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

AGAINST VOTE - Clr J Weate, Clr L Vaughan

## **92 RESOLUTION**

(Moved L Roberts/Seconded C McCaskie)

That the above recommendation be adopted with the deletion of Recommendation C and the inclusion of a condition restricting the operating hours of the pool.

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**Late Report No. 1 - Proposed Construction of Dwelling - Lot 2 Sec 14 DP 758177 - 36 Prince Street, Bulahdelah**

**RECOMMENDATION:**

The application for the construction of a dwelling at Lot 2 DP 758177, 36 Prince Street, Bulahdelah be refused as outlined in **Option 1** of this report.

**93 RESOLUTION**

(Moved C McCaskie/Seconded K Hutchinson)

That **Option 2** be adopted and a condition added requiring the applicant to prepare a flood evacuation plan.

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 L Vaughan, Clr J Weate

**13 PES - Nine (9) Lot Community Titled Subdivision - Lots 47 & 48 DP 753178, Lot 453 DP 740410, The Bucketts Way, Limeburners Creek**

**Index: DA 353/2009**

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

**Ordinary Meeting: 22 September 2009**

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Clr K Hutchinson declared a non-pecuniary conflict of interest and left the meeting at 11:19 AM and took no further part in discussions or voting on this item.

**RECOMMENDATION:**

A. That the SEPP 1 objection in relation to Clause 17 of Great Lakes Local Environmental Plan 1996 be supported.

AND

B. That DA 353/2009 for a nine (9) lot community titled subdivision of Lots 47 & 48 DP 753178, 1177 The Bucketts Way, Limeburners Creek and Lot 453 DP 740410, 180 Forest Glen Road, Limeburners Creek be granted approval subject to the concurrence of the Director-General of the Department of Planning and subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered Job No. 6219, Drawing No. 1 of 1, dated 7 August 2008, prepared by Coastplan Group Pty Ltd, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.

**The following conditions 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:**

2. The development must be in accordance with the draft subdivision plan, the application form and on any supporting information received with the application, except as may be amended by the following conditions.
3. Prior to the release of any Subdivision Certificate the applicant shall submit and receive approval from Council for the community management statement. The statement 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 maintenance programme.
  - Provision for and indemnity of Council's domestic kerbside garbage collection, relating to access and damage of the internal road system.
  - Details for unrestricted public access on the proposed internal access road.
  - No habitable structures permitted on any parts of Lot 1.
  - No direct vehicle or pedestrian access to The Bucketts Way along Deep Creek Road from any allotments except as identified in any Bushfire evacuation management plan.
4. 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.
5. 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.

- 5.1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwellings on proposed Lot 471, to a distance of 20 metres to the eastern, southern & western elevations, extending to 30 metres to the northern elevation shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

**Water**

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. To achieve this, the following conditions shall apply:

- 5.2. Water provisions for the development, other than where modified below, shall comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
- 5.3. A minimum 20,000 L water supply be made available for fire fighting purposes for the existing dwelling.
- 5.4. A 3kW (5hp) petrol or diesel powered pump shall be provided with a 65mm metal Storz outlet with a gate or ball valve.
- 5.5. Unobstructed access to within 4 metres of the dedicated water supply for a Category 1 heavy bush fire tanker shall also be provided.

#### 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:

- 5.6. Community Title roads shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006.
- 5.7. Alternate access as identified by Coastplan Group Pty Ltd, Survey Plan reference number 6219, 2 of 2, dated 7/08/08 amended 16/01/09 shall comply with 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 5.8. Access to the existing dwelling and for the proposed community title development shall comply with 4.1.3(2) & 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 5.9. The existing building on proposed Lot 471 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

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

6. 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:

<b>Contributions Plan</b>	<b>Facility</b>	<b>quantity</b>	<b>unit</b>	<b>rate</b>	<b>amount</b>
Great Lakes Wide	Library Bookstock	12	persons @	\$66.12 =	<b>\$793.44</b>
Great Lakes Wide	Headquarters Building	12	persons @	\$198.79 =	<b>\$2,385.48</b>
Great Lakes Wide	s94 Admin	12	persons @	\$63.29 =	<b>\$759.48</b>
Great Lakes Wide	Rural Fire Fighting	12	persons @	\$565.29 =	<b>\$6,783.48</b>
Rural Roads Stroud	Rural Roads Stroud	5	ETs @	\$4,500.94 =	<b>\$22,504.70</b>
Open Space Rural Districts		12	persons @	\$692.00 =	<b>\$8,304.00</b>
<b>Total</b>					<b>\$41,530.58</b>

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.

7. 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.
8. 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.
9. 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.
- 10. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council.
- 11. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
- 12. 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:

- a) Construction of Forest Glen Rd. from the end of the existing bitumen to the frontage of the subject land. The standard of construction shall be a Great Lakes Council Class 4D category (6m. gravel pavement) with a 5.6m. wide 2 x coat bitumen seal.
  - b) Construction of the community title internal road from the end of Forest Glen Rd. to the driveway entrance to proposed Lot 8. The standard of construction shall be a Council Class 4D category (6m. gravel pavement). The internal road network shall comply with all conditions applied by the NSW Rural Fire Service.
  - c) All necessary traffic control during construction.
  - d) Street name sign at the intersection of Forest Glen Rd. and the internal road in the subdivision. The names for new streets are to be approved by Council in accordance with its road naming policy.
  - e) The road within proposed lot 1 shall be hot bitumen sealed (two coat 14/7 mm) on either side of the unnamed watercourse for a distance of 300 m to the north of the crossing and 100 m on the southern side of the crossing. In addition the table drain adjacent to the bitumen seal shall be stabilised with geofabric and rock fill of nominal diameter 75 mm.
  - f) Mitre drains shall be established at appropriate intervals in accordance with design requirements prescribed in Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (the "Blue Book").
13. 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.

- 14. 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.

- 15. A permit being obtained from the Department of Water and Energy under the Water Management Act 2000 for any excavations or fill in or within 40 metres of a watercourse.

- 16. The provision by the developer of works-as-executed drawings of all engineering works prior to the issue of the subdivision certificate.

The provision by the developer of CAD files which include all lot and road boundaries, lot numbers and easements, prior to the issue of the subdivision certificate. The data is to be supplied to the requirements of Council's GIS Officer.

- 17. Prior to the registration of the subdivision, in respect to the subject land (being Lots 47 and 48 DP753178 and Lot 453 DP740410 Forest Glen Road, Limeburners Creek):

- 17.1 The registered proprietor is to take all necessary steps to ensure restrictions on the use of land pursuant to the provisions of Section 88B 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 Area" as defined by this condition. The "Conservation Area" is that area of the subject land that, at the time of this consent, supported native forest, closed forest and woodland vegetation including the riparian zone of Deep Creek but which excludes proposed Lot 1, the areas of improved pasture that existed at the time of this consent (inclusive of the identified dwelling sites on proposed lots 2, 3, 6, 7 and 8 and cleared or semi-cleared land in the vicinity of proposed dwelling sites on proposed lots 4 and 5 to permit dwelling construction, access and the APZ required for future dwellings on those proposed lots. "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 Area" (as defined in this condition) and the following activities shall be prohibited:
  - (i) Clearing, destruction, removal of or injury to any local native trees, plants or grasses,
  - (ii) Planting of any trees, grasses or plants except local native flora,
  - (iii) Carrying out of any act which may significantly adversely affect any local native flora or any local native fauna or their related habitats
  - (iv) Creation of any additional access tracks in addition to those tracks that existed on the conservation area as of August 2009
  - (v) Wilful degradation of the natural state of or in the flow, supply, quantity, or quality of, any body of water,
  - (vi) Entry of livestock,
  - (vii) Logging or the removal of any timber, including dead and/ or fallen timber,
  - (viii) Removal, introduction or disturbance of any soil or rocks
  - (ix) Construction of new dams (other than already existing dams)
  - (x) Accumulation of rubbish or the storage of any materials
  - (xi) Deliberate burning other than hazard reduction burns conducted in accordance with the Bushfire Environmental Assessment Code and with the permission from the Rural Fire Service,
  - (xii) Fencing, including the creation, erection or maintenance of any fence, including boundary fencing, or
  - (xiii) Any other activity not consistent with conservation management of the area burdened

17.2 The registered proprietor is to take all necessary steps to ensure that public positive covenants pursuant to the provisions of Section 88E 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 Area" in this condition. "Development" in this restriction has the same meaning as that word in the Environmental Planning and Assessment Act 1979.
  
- b) The registered proprietor shall manage the area identified as the "Conservation Area" in this condition in order to protect, restore and conserve that area. This shall not preclude reasonable human access to the "Conservation Area" for the purpose of low-impact, nature-based recreation.

- c) The registered proprietor shall implement those actions set-out in the Habitat Management Plan required by these conditions over the "Conservation Area."

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

- i) The Council may, by its employees, agents, contractors or persons authorised 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.
  - ii) 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 authorised by it or its General Manager, remedy the failure (and if necessary to do so, enter upon the lot burdened) provided:
    - 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
    - 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.
  - iii) 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 authorised by the (i) and (ii) above.
18. The land burdened by the restrictions on use and public positive covenants referred to above is Lots 47 and 48 DP753178 and Lot 453 DP740410 Forest Glen Road, Limeburners Creek. 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. Prior to the registration of the subdivision, the Council of Great Lakes shall review and approve in writing the area of the "Conservation Area" required in the above condition as identified on the relevant plans of subdivision.
19. 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 the above conditions are entered on the appropriate title(s).
20. 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 Final Habitat Management Plan (HMP) for that part of the subject land identified as the "Conservation Area" in these conditions. The HMP shall relate only to the Conservation Area and shall be prepared with the over-riding purpose of directing the ecological restoration, protection and conservation management of the Conservation Area.

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 Area;
- 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 Area with respect to bushfire intervals and thresholds;
- e) The details and timeframes for the erection of fencing to protect the Conservation Area and details of existing tracks within the Conservation Area and the means of maintaining such;
- f) Details of the monitoring program of native vegetation condition, weeds, feral animals and threatened species of the Conservation Area;
- g) Details of any structure to be established in the Conservation Area.

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.

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 Property Management Plan (PMP) for the agricultural production lands being that part of the subject land to be maintained and used for grazing production purposes (and being outside the Conservation Area). The PMP shall be prepared with the over-riding purpose of directing sustainable and productive agricultural production of the improved pasture grasslands of the subject landholding. The Plan shall be submitted in draft form to Great Lakes Council for review and shall be prepared by a suitably qualified and experienced Agricultural Consultant. The Plan shall demonstrate the fencing of the improved pasture grasslands in a manner that protects the Conservation Area and allows for the effective and suitable rotation of grazing stock. 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.

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.

22. 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.

## **94 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:

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, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT. DID NOT VOTE - Clr K Hutchinson

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Clr K Hutchinson has returned from temporary absence at 11:23 AM

## **DIRECTOR ENGINEERING SERVICES**

### **29 ES - Naming of Bulahdelah Showground Arena**

**Index:** Parks & Reserves - Naming of Parks & Reserves  
**Author:** Recreation Officer - Kerrie Simmons  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

1. Council approve in principle, the proposal to name the Bulahdelah Showground Arena "The Royce Dorney Arena" and advertise the proposed naming for a period of 28 days.
2. If no submissions are received by the end of this period, the naming proposal be adopted.

## **95 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

That the above recommendation be adopted.

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## GENERAL MANAGER

### **7 GM - Councillor Training & Development Policy**

**Index:** Governance - Councillor Training & Development, Registers - Policy Register - General

**Author:** Manager Corporate Governance - Phil Brennan

**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That the draft "Councillor Training and Development Policy" as presented be adopted.

### **96 RESOLUTION**

(Moved L Gill/Seconded C McCaskie)

That the above recommendation be adopted.

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### **8 GM - Annual Report on Code of Conduct Complaints**

**Index:** Governance - Code of Conduct for Councillors and Staff

**Author:** General Manager - Keith O'Leary

**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That the information be noted.

### **97 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

That the above recommendation be adopted.

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### **9 GM - Code of Conduct Review**

**Index:** Governance - Code of Conduct for Councillors and Staff

**Author:** Manager Corporate Governance - Phil Brennan

**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That Council endorse the Code of Conduct adopted by Council in June 2008.

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**98 RESOLUTION**

(Moved C McCaskie/Seconded L Gill)

That the above recommendation be adopted.

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**10 GM - Minutes of Audit Committee Meeting 24 August 2009**

**Index: Council Meetings - Audit Committee**  
**Author: Manager Corporate Governance - Phil Brennan**  
**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

That the Minutes of the Audit Committee meeting held on 24 August 2009 be noted.

**99 RESOLUTION**

(Moved J Stephens/Seconded C McCaskie)

That the above recommendation be adopted.

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**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

**11 PES - Tuncurry Midge Orchid listed as Critically Endangered in NSW**

**Index: NS-STRAT-BIO**  
**Author: Senior Ecologist - Mat Bell**  
**Ordinary Meeting: 22 September 2009**

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Clr Tuffy left the meeting at this stage.

**RECOMMENDATION:**

That this information be noted.

**100 RESOLUTION**

(Moved L Gill/Seconded C McCaskie)

That the above recommendation be adopted.

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

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## 12 PES - Lot 2 DP 792861, 204 Failford Road, Failford - Two Lot Subdivision

Index: DA-466/2009 & PK 25245

Author: Development Assessment Planner – Joanne Dunkerley

Ordinary Meeting: 22 September 2009

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### RECOMMENDATION:

- A. That the SEPP 1 objection in relation to Clause 17 of Great Lakes Local Environmental Plan 1996 be supported.

AND

- B. That the application for a two lot subdivision at Lot 2 DP 792861, 204 Failford Road, Failford be granted approval subject to the concurrence of the Director General of the Department of Planning and the following conditions:
1. The development is to be in accordance with the plans numbered 2008/36 prepared by Geoffrey Keith Wood and dated 5/6/2008, the application form and on any supporting information received with the application, except as may be amended by 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:**

2. Compliance with the following conditions imposed by the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997:
  - a) At the issue of the subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 1, to be a minimum distance of 20 metres or to the property boundary, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
  - b) The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with non-corrosive metal screens. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

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

3. **Prior to the release of the subdivision certificate**, a Certificate of Compliance from MidCoast Water is to be submitted to the Certifying Authority, stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.
  4. The applicant must meet the full cost for any utility services (eg Telstra, Optus, Country Energy or Mid Coast Water etc) to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
  5. The developer, at no cost to Council, making any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
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6. Any gates located along the property boundaries for vehicle access to access the site are to open into the lot and not the road reserve.
7. The lodgement, with the application for a subdivision certificate, 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.
8. In order to protect and manage the conservation values of the land and give proper effect to conservation management, prior to the release of the subdivision certificate, in respect to proposed Lot 2:
  - 8.1 The registered proprietor is to take all necessary steps to ensure restrictions on the use of land pursuant to the provisions of Section 88B 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 proposed Lot 2. "Development" in this restriction has the same meaning as that word in the Environmental Planning and Assessment Act 1979.
    - b) No dwelling shall be permitted anywhere on proposed Lot 2.
    - c) No harm shall be caused to any part of the natural heritage and/or cultural heritage on proposed Lot 2 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
      - v) The removal, introduction or disturbance of any soil or rocks
      - vi) The construction of dams
      - vii) The recreational use of trail bikes or four wheel drive vehicles
      - viii) The accumulation of rubbish or the storage of any materials
      - ix) Logging or the removal of any timber including fallen timber
      - x) Deliberate burning other than hazard management 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 Lot burdened
      - xii) Any structure or building.
    - d) The registered proprietor shall allow functional native vegetation over proposed Lot 2 to mature, develop and naturally regenerate and shall not undertake any action that would interrupt or modify these natural restoration and regeneration processes.
  - 8.2 The registered proprietor is to take all necessary steps to ensure that public positive covenants pursuant to the provisions of Section 88E 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 dwelling is established and no development is carried out on, in, over proposed Lot 2. "Development" in this restriction has the same meaning as that word in the Environmental Planning and Assessment Act 1979.
- b) The registered proprietor, or their agents, over proposed Lot 2 shall implement the registered Property Vegetation Plan with reference Hunter-Central Rivers PVP6442 and shall promptly and appropriately carry out on the land, those conservation actions that are set-out in that Property Vegetation Plan.
- c) The registered proprietor, or their agents, shall erect and maintain in perpetuity, a stock-proof fence at the common boundary between proposed Lot 1 and proposed Lot 2. This fence shall not include any barbed wire and shall comprise a hardwood strainer/ post and metal star picket construction with four rows of tensioned plain wire.

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

- i) The Council may, by its employees, agents, contractors or persons authorised 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.
  - ii) 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 authorised by it or its General Manager, remedy the failure (and if necessary to do so, enter upon the lot burdened) provided:
    - 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
    - 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.
  - iii) 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 authorised by (i) and (ii) above.
9. The land burdened by the restrictions on use and public positive covenants referred to above is proposed Lot 2 (which is part of the current Lot 2 DP792861). 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.
  10. 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 8.1 and 8.2 above, such that on its registration, the restrictions on the use of land and public positive covenants set out in Conditions 8.1 and 8.2 above are entered on the appropriate title(s).
  11. No native vegetation shall be cleared, harmed, modified or removed from anywhere on the subject land for the purpose of the registration or formation of this subdivision.

## **101 RESOLUTION**

(Moved J Stephens/Seconded J Weate)

That the above recommendation be adopted.

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

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### **14 PES - Two Lot Subdivision - Lot 1 DP 593827 Park Street, Coolongolook**

**Index: DA 543/2009 - Two Lot Subdivision (SEPP 1)**  
**Author: Development Assessment Planner - David Koppers**  
**Ordinary Meeting: 22 September 2009**

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#### **RECOMMENDATION:**

It is recommended that DA 543/2009 which proposes a two lot subdivision (one additional) on Lot 1 DP 593827 – 70 Park Street, Coolongolook be refused for the following reasons:

1. The proposal does not comply with the minimum allotment requirements as contained within clause 17(3) of the Great Lakes Environmental Plan 1996 for subdivision within 1(a) Rural Zone and the SEPP 1 Objection is not supported.
2. The approval of the proposed development would set an undesirable precedent for the locality given the number of allotments in the area that could be subdivided below the development standard and be granted dwelling entitlements.
3. The proposed development is not in the public interest as it will result in the fragmentation of agricultural lands and is inconsistent with State Environmental Planning Policy (Rural Lands) 2008.

## **102 RESOLUTION**

(Moved J Weate/Seconded L Gill)

That the above recommendation be adopted.

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

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## 16 PES - Proposed Multiple Dwellings (6) - 10 Sunset Place, Tuncurry

Index: DA 320/2009 & PK21951

Author: Senior Development Assessment Planner - David Pirie

Ordinary Meeting: 22 September 2009

This item was considered at Council's Ordinary Meeting held on 25 August 2009. Council resolved "that this matter be deferred pending a site inspection and that building profiles be erected prior to the site inspection." Subsequently the site inspection was held on 8 September 2009. The matter is now referred back to Council for determination.

### RECOMMENDATION:

It is recommended that:

- A. Deferred commencement consent be granted under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 320/2009 for multiple dwellings (6) at 10 Sunset Place, Tuncurry (Lot 12 DP 833285), subject to the following deferred commencement conditions:-

### DEFERRED COMMENCEMENT CONDITIONS

The consent will not operate until evidence, as specified in the following deferred commencement conditions, has been submitted to and approved by consent authority and written notice given under Section 100(4)(b) of the Environmental Planning and Assessment Regulation 2000 that the deferred commencement conditions have been satisfied and the date from which the consent operates:-

- A1. Submission of amended architectural plans that detail:
- i) The ground floor level of the dwellings within the development be raised to a minimum of RL 2.79m AHD to account for the 1:100 flood level with an allowance for climate change and with no increase to the overall height of the development. Allowance must be made in floor construction to prevent the entry of surface water into the building.
  - ii) The curtilage around the eastern frontage of the dwellings raised to a minimum RL 2.79 AHD for minimum width of 3m from the outer edge of the carports for each dwelling (**except for the area of the northern most driveway to the boat ramp**). This level shall be reduced at the boundaries with No. 8 and No. 11 Sunset Place to reduce the visual impact from these adjacent properties.
  - iii) All buildings and structures setback a minimum of 6m from the boundary of the site with the Jonnel Cove drainage reserve.
  - iv) All BASIX commitments for the DA shown on ABSA stamped architectural plans and the solar panels required by the BASIX commitments shown on the architectural plans and elevations, without projecting above the roof parapet.
- A2. Submission of amended landscape plan prepared by a qualified landscape architect or horticulturalist generally in accordance with landscape plans with Drawing Nos. 0820/1 and 0820/2, prepared by Pamela Fletcher dated 27 May 2009 but also showing the following details:
- i) The cartilage around the eastern frontage of the dwellings raised to a minimum RL 2.79 AHD for minimum width of 3m from the outer edge of the carports for each dwelling (**except for the area of the northern most driveway to the boat ramp**). This level shall be reduced at the boundaries with No. 8 and No. 11 Sunset Place to reduce the visual impact from these adjacent properties.
  - ii) All buildings and structures setback a minimum of 6m from the boundary of the site with the Jonnel Cove drainage reserve.
  - iii) A minimum 500mm setback of the retaining wall along the northern side of the site with landscape screening to a minimum mature height of 1m on its northern side.

- iv) The required bio-retention system planted with Carex appressa and/or other native plant species that have research supported similar performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions, at a minimum density of 6 living plants per m2.
- v) Maintenance notes amended to reflect a minimum period of 12 months for the monitoring, nurturing and replacement (where required) of plant stock proposed in the landscape plan.

**Evidence required to satisfy the above deferred commencement conditions must, in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, be submitted to Council within 12 months of the date of this consent.**

- B. Delegation be given to the Director, Planning and Environmental Services to determine satisfactory compliance with the above deferred commencement conditions, and to make the consent to Development Application No. 320/2009 for multiple dwellings (6) at 10 Sunset Place, Tuncurry (Lot 12 DP 833285), operational under Section 100(4)(b) of the Environmental Planning and Assessment Regulation, subject to the following conditions under Section 80A of the Environmental Planning and Assessment Act, 1979, as amended:

## **DEVELOPMENT CONSENT CONDITIONS**

### **REFERENCED PLANS:**

- 1. The development must be implemented substantially in accordance with the plans with Project No. 08021 and Drawing Nos. DA-00, DA-02, DA-03, DA-04 Issue B dated 18 December 2008 prepared by Morrisbray Architects and DA-01 with File No. 0847 dated 23 June 2004 prepared by Degotardi, Smith and Partners the application form and on any supporting information received with the application, except as may be amended by the satisfaction of the deferred commencement conditions, the following conditions and as may be shown in red on the approved plans:

**The following conditions are applied to satisfy the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity.**

- 2. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to the Council. The applicant must apply to the Department of Water and Energy for a Controlled Activity Approval. The Department's General Terms of Approval are attached to this consent as Annexure 'A'.
- 3. Subdivision shall be the subject of a separate development application.
- 4. The northern edge of the terrace of the northern most dwelling (Unit 1) shall have a fixed obscure glass privacy screen to a height of 1.5m. Details to be shown on the construction certificate plans to the satisfaction of the certifying authority prior to the issue of the construction certificate.
- 5. Landscaping shall be fully implemented in accordance with the landscape plans approved by the satisfaction of Deferred Commencement Condition A2 prior to the issue of the final Occupation Certificate and maintained in accordance with the approved plan at all times.
- 6. All glass used externally having a maximum reflectivity index of 20% with certification to Council's satisfaction being supplied prior to the issue of an occupation certificate.
- 7. The development not exceeding a height of 9.55m AHD with this being clearly indicated in the application for a construction certificate.

8. External finishes and colours shall be in accordance with those specified on Drawing with Project No. 08021 and Drawing No. DA-04 Issue B dated 18 December, 2009 prepared by Morrisbray Architects.
9. All vertical plumbing, other than rain water heads and downpipes, to be concealed within the building.
10. There is to be no construction and/or demolition works, including deliveries on or to the site prior to 7.00 am or after 6.00 pm Monday to Friday and prior to 8.00 am and after 6.00 pm Saturday. No work including deliveries on or to the site Sundays or Public Holidays.
11. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS2601-1991: The Demolition of Structures, as in force 1 July 1993.
12. All utility services are to be disconnected to the requirements of the relevant authorities.
13. The details of the demolition contractor engaged to remove the existing building and any associated structures must be provided to Council prior to any demolition work being undertaken.
14. The demolition and removal of all asbestos material is to be undertaken in accordance with WorkCover requirements.
15. If asbestos is present in a greater amount than 10m<sup>2</sup>, then the demolition and removal must be undertaken by a WorkCover licensed demolition contractor who holds the appropriate WorkCover licence (e.g. Asbestos Demolition Licence) for the material to be demolished.
16. All asbestos is to be removed from the site and be disposed of at an approved licensed waste facility.
17. All asbestos waste shall be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags. The bags are to be marked "Caution Asbestos" with 40mm high lettering. Twenty four (24) hours notice must be given to the waste facility prior to disposal.
18. Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council prior to the issue of an occupation certificate.
19. Noise from air conditioners and water tank pumps shall not be audible within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - (a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
  - (b) before 7 am or after 10 pm on any other day.
20. Noise associated with all mechanical plant and equipment, including water tank pumps and air conditioners shall not be a source of "offensive noise" at the nearest affected residence as defined by the Protection of the Environment Operations Act 1997 at any time.

"offensive noise" means noise:

- (a) that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

21. All fill used on the allotment must be clean, natural inert material.
22. Front fencing shall have a maximum height of 1m if solid or 1.5m if the fence has openings which make it not less than 50% transparent.
23. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks & Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks & Wildlife Act 1974.

**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:**

24. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
25. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

26. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

27. A 'Waste Management Plan' must be prepared using Council's prescribed format and approved by Council's Waste Management Coordinator prior to issue of a Construction Certificate.
28. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.
29. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
30. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

31. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
  - b) Footings of the proposed structure.
  - c) Structural steel beams/columns.
  - d) Classification of the filled site by way of a geotechnical report by a qualified geotechnical engineer in accordance with AS 2870: Residential Slabs and Footings – Construction.

Where it is proposed to use driven timber piles as part of any building footing system, the following certification from a professional engineer shall be provided prior to a footing inspection:

- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
  - ii) That the driven piles have achieved the required bearing capacity.
32. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
  - (b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - (c) The sign must state that unauthorised entry to the work site is prohibited.

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

33. Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:
- a) Each toilet provided must be a standard flushing toilet and must be connected to MidCoast Water's sewer; and
  - b) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
34. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the principal certifying authority that they have complied with the applicable requirements of Part 6.
35. Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority:
- (a) in the case of work to be done by a licensed contractor:
    - (i) has been informed in writing of the licensee's name and contractor number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act (in relation to insurance policies); or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed of the person's name and owner-builder permit number; or

- (ii) has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.
36. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.
37. Retaining walls or other approved methods of preventing movement of the soil must be provided if the soil conditions require it and adequate provisions made for drainage. Where retaining walls exceed one (1) metre in height, Engineers details must be submitted to and approved by the Principal Certifying Authority.
38. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage.
  - b) if necessary, must underpin and support the building in an approved manner.
  - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public places.

39. Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied.
- The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
40. There is to be no encroachment of the structure/s (including roof guttering or footings) onto the adjoining premises or onto Council's footway/road reserve.
41. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.
42. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials.
43. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
44. Prior to the commencement of construction of the development, a public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

Note that this condition has been applied so that the applicant/contractors are aware of and take measures to protect the utility services within and adjacent to the site during the construction and excavation works.

45. Prior to occupation the applicant must meet the full cost for any utility services (e.g. Telstra, Optus, Country Energy or Mid Coast Water etc) to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority. All adjustments to existing utility services made necessary by the development are to be undertaken at the developer's expense.
46. Should a public utility Authority require the construction of an above ground fixture (e.g. electrical substation), such fixture shall be constructed at an appropriate location within the development site. This will require a modification to the consent under Section 96 of the Environmental Planning and Assessment Act, 1979, as amended or a new development consent.
47. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above-stated premises, prior to the commencement of any works.

48. To minimise soil erosion, the following measures shall be implemented in the sequence outlined:
  - 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.
  - f) The stormwater pollution prevention works shall be done in accordance with Landcom's "Soils and Construction Volume 1 Manual, 4th Edition, March 2004 Managing Urban Stormwater" (Blue Book)
49. The capacity and effectiveness of runoff and erosion control measures shall be maintained at all times to the satisfaction of Council.
50. Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.

Vehicular access paths shall be stabilised with compacted gravel.
51. All disturbed areas shall be rendered erosion-resistant by turfing, mulching, paving or otherwise suitably stabilised within seven (7) days of completion. Details are to be submitted with the Erosion and Sediment Control Plan.

52. All necessary works shall be undertaken to control dust pollution from the site.

These works may include, but not be limited to:

- (a) restricting topsoil removal;
- (b) regularly and lightly watering dust prone areas, however prevent excess watering as it can cause damage and erosion;
- (c) amend or cease construction work during periods of high wind;
- (d) erection of shade cloth or similar barriers to intercept dust.

53. A Certificate of Compliance being received from MidCoast Water prior to the release of the construction certificate, stating that satisfactory arrangements have been made and all payments have been finalised for the provision of water supply and sewerage to the development.

54. All electrical installations shall comply with the requirements of Country Energy. In this regard, the applicant shall submit to the certifying authority documentary evidence from a licensed electrician indicating that the proposed electrical installations comply with this Authority's requirements for sites/lots in flood affected areas prior to the issue of an occupation certificate.

The 1% flood level is RL 2.79\* AHD.

(\* current projected flood levels including allowance for climate change/sea level rise to the year 2060)

55. Prior to the issue of an occupation certificate, the existing revetment wall, where it is located from the boat ramp (adjacent to proposed Unit 1) to the western most corner of the development site (adjacent to proposed Unit 3), shall be reconstructed to the following requirements:

- i) The revetment wall shall be located within the development site boundary.
- ii) The revetment wall shall be low level and sloping to reduce wave reflection and refraction.

Details of the revetment wall in accordance with the above requirements prepared by a suitably experience and qualified engineer shall be submitted to and approved by the certifying authority, prior to the issue of a construction certificate.

Prior to any construction works for the revetment wall, the applicant shall obtain a permit from the NSW Department of Primary Industries to dredge and reclaim.

56. An acid sulphate soils preliminary assessment shall be undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines to determine whether or not the proposed development is likely to impact on acid sulphate soils. The acid sulphate soils preliminary assessment should include the area where the revetment (sea) wall to Jonnel Cove is required to be reinstated by this consent.

Should the proposal impact on acid sulphate soils, an acid sulphate soils management plan is to be prepared and submitted to Council prior to the issue of a Construction Certificate.

57. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$14,898.10 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 Construction Certificate that may be issued for any component of the development.

A final inspection will be carried out by Council's responsible officer and the bond (minus the administration fee) will be considered for refund:

- i) once all works, including landscaping, driveway construction, turfing, etc, have been completed; and
- ii) following issue of an Occupation Certificate by the Principal Certifying Authority for the development.

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

\$ 744.90 - (Rate of 0.05% of the value of developments exceeding \$400,000 – Note that the minimum fee is \$200).

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.

58. The developer submitting a Driveway Application prior to the issue of a Construction Certificate.

All work is to be at the developer's expense and completed in accordance with the Driveway Levels issued, and the following:

- a) Driveways being constructed in concrete over the footpath, at right angles to the kerb and gutter.
- b) Existing driveways and laybacks, which are not approved as being required for the development, are to be removed and the footpath and kerb reinstated.
- c) Footpath crossing shall be 3.5m wide over the footpath/nature reserve, and located 1.0m from the common boundary with 11 Sunset Place.
- d) Any landscaping works, fences or screens etc. adjacent to the exit driveway shall be generally a maximum 500 mm high. The area that this is to apply to is within a line taken from the following points:-
  - i) the first 2.5 metres from the boundary; and
  - ii) extending 2.0 metres either side of the driveway along the site frontage.

This condition is to help drivers of vehicles exiting the site obtain a 2.0 metres sight distance of pedestrians along the footpath from within the site.

59. Prior to the release of the construction certificate, the applicant shall submit and have approved by the certifying authority, plans showing the internal driveway pavement amended to comply with the following details:-

- i) The driveway entrance at the front boundary narrowed to have a 3.5 metres width and located 1.0m from the common boundary with 11 Sunset Place.
- ii) The pavement area adjacent to the proposed garage areas of proposed dwellings designed so that the 85% vehicle can undertake a maximum 3 point turn to enter and leave in a forward direction to the associated car parking spaces, as in accordance with Australian Standard AS 2890.1.

60. Prior to the issue of an occupation certificate, all carparking and vehicular manoeuvring areas being sealed with concrete and permeable paving (or equivalent) and suitably line marked to Council's satisfaction. The applicant shall provide line marking/signs for two way traffic direction, visitor parking signs, etc, within the proposed car parks in accordance with the RTA Regulatory Signs Manual.

61. Internal carparking and manoeuvring areas shall have a 100mm concrete kerb along any edges which may allow stormwater to discharge onto neighbouring properties.

62. The developer, at no cost to Council, making any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision.

Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

63. Prior to the issue of an occupation certificate, one street tree shall be planted within the council nature strip along the street site frontage, in general accordance with Council standard drawing STD 172. Tree species shall be *Tristania laurina* Water Gum, with a minimum plant pot size of 250mm. The street trees are to be maintained and cared for by the applicant over a period of 12 months.
64. Stormwater from the roof areas of each dwelling shall be connected to a rainwater tank for each dwelling in accordance with the commitments listed in the BASIX Certificate (i.e. each dwelling shall have a rainwater tank with a minimum capacity of 3000 litres). Overflow from each tank and stormwater from surface runoff within the site, including hardstand areas and driveway, shall be drained via a silt arrestor pit to a combined on-site bio-retention system/detention area located in the front area of the site.
65. Design details for an on-site bio-retention/detention system shall be approved by the Certifying Authority, prior to a Construction Certificate being issued. The bio-retention system shall be designed consistent with WSUD Engineering Procedures - Stormwater, Melbourne Water 2005 and shall include the following:
  - a) The bio-retention system shall be designed to infiltrate the stormwater runoff for the ARI 1 in 5 Year Storm.
  - b) A minimum size of 2% surface area of the contributing catchment and a maximum surface storage depth of 0.3m. The maximum batter/side slope of the bio-retention system shall be 1(v):5(h).
  - c) The bio-retention system shall be located a minimum of :
    - i) 3.0 metres from any structure (unless it has been certified by a structural engineer that there will not be any adverse effects on the structure); and
    - ii) 2.1 metres from any side boundary.
  - d) A piped overflow and/or overland surcharge path to Council's drainage network shall be provided for overflow from the bio-retention/detention system. Any pipeline to be connected to the kerb and gutter shall be done so only via a rigid kerb adopter.
  - e) The sides of the bio-retention system shall be lined unless demonstrated otherwise to minimise the potential for infiltrated stormwater to bypass the filter and infiltrate directly into the higher permeability insitu sands;
  - f) The entire bio-retention system shall be planted with *Carex appressa* and/or other native plant species that have research supported similar performance characteristics in the removal of nitrogen and tolerance of a range of moisture conditions, at a minimum density of 6 living plants/ m<sup>2</sup>.
  - g) Design specifications supported by testing done by NATA for the proposed filter media to be used demonstrating that the media will achieve a minimum saturated hydraulic conductivity of 150mm/hr at 16, 15 cm drops using the McIntyre Jakobsen Drop Cone Test. Testing shall also be undertaken by NATA registered laboratory to confirm that the filter media has sufficient water holding capacity and is also suitable for supporting growth of the bio-retention vegetation;
  - h) Engineering drawings for the details and configurations of the bio-retention system, including calculations showing the effect of the design storm runoff flow rates and the efficiency of the proposed measures to limit the flows, as set out in this condition, are to be submitted with details on how the system is to be maintained.
66. A work-as-executed plan prepared and signed by the designer/hydraulic engineer, and approved by an accredited certifier, must be submitted to the Certifying Authority prior to the issuing of an occupation certificate, detailing the location of the bio-retention/detention basin with finished surface levels and volume of storage available etc. If applicable, the outlet pipe from the infiltration/detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:-

- i) location;
- ii) pipe diameter;
- iii) gradient;
- iv) pipe material i.e. PVC or EW, etc;
- v) orifice size (if applicable).

67. 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 any Construction Certificate. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	Quantity	Unit	Rate	Amount
GLW-04	Great Lakes Wide	Library Bookstock	10.8	persons	@ \$66.12	= \$714.10
GLW-07	Great Lakes Wide	Headquarters Building	10.8	persons	@ \$198.79	= \$2,146.93
GLW-05	Great Lakes Wide	s94 Admin	10.8	persons	@ \$63.29	= \$683.53
FD04	Forster District	Major Roads Inner Zone	21	one way trips	@ \$481.60	= \$10,113.60
FD03	Forster District	Aquatic Centre	10.8	persons	@ \$137.37	= \$1,483.60
FD01	Forster District	Surf Life Saving	10.8	persons	@ \$69.61	= \$751.79
FOS-01	Forster District	Open Space	10.8	persons	@ \$1,246.01	= \$13,456.91
FD07	Forster District	Library Facility	10.8	persons	@ \$431.14	= \$4,656.31
	Forster District	Community Facilities	10.8	persons	@ \$470.61	= \$5,082.59
<b>Total</b>						<b>\$39,089.36</b>

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.

### **103 RESOLUTION**

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

**17 PES - Aquifer Protection - Landuse Planning Zone**

**Index: Water Supply General**

**Author: Director Planning & Environmental Services - Glenn Handford**

**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

That Council adopt the motion contained in Annexure 'A' to present to the LGA conference.

**104 RESOLUTION**

(Moved J Weate/Seconded L Roberts)

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 C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT DID NOT VOTE - Clr Tuffy

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**18 PES - North Shearwater Local Environmental Study (LES) - Comments from Roads and Traffic Authority**

**Index: SP-LEP-70**

**Author: Release Area Manager - Roger Busby**

**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

It is recommended that:

- A. Council advise the RTA that it acknowledges that a grade separated interchange will not be required at the intersection of The Myall Way with the Pacific Highway for at least ten years as per the RTAs assessment and that Council assumes that the RTAs assessment was based on Council's strategies and the Department of Planning's Growth Area Maps.
- B. Council advise the RTA that it believes a state road infrastructure clause need not be inserted in the LEP as Council agrees with the RTA's assessment as to the timing of the grade separated interchange.
- C. Council advise the RTA that when the Traffic Study for North Shearwater is combined with the broader Traffic Study of Hawks Nest/Tea Gardens done in 2008 by RoadNet, all issues they raised relating to the North Shearwater Traffic Study have been addressed.

**105 RESOLUTION**

(Moved J Weate/Seconded L Gill)

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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 C McCaskie, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT DID NOT VOTE - Clr Tuffy

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## **19 PES - Strategic Planning Work Program 2009 - 2011**

**Index: SP-LEP-54;**

**Author: Manager Strategic Planning – Alex Caras**

**Ordinary Meeting: 22 September 2009**

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Clr Tuffy returned to the meeting at this stage.

### **RECOMMENDATION:**

That Council:

1. Note the information contained in this report.
2. Adopt the Strategic Planning Work Program proposed for the next 24 months, as contained in Annexure 'C'.

## **106 RESOLUTION**

(Moved J Weate/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:

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, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

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**20 PES - State Environmental Planning Policy (Infrastructure) 2007**

**Index:** State Environmental Planning Policy (Infrastructure) 2007  
**Author:** Development Assessment Planner - David Koppers  
**Ordinary Meeting:** 22 September 2009

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**RECOMMENDATION:**

That the information be noted.

**107 RESOLUTION**

(Moved L Gill/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:

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, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

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**21 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:** 22 September 2009

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**RECOMMENDATION:**

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

**108 RESOLUTION**

(Moved C McCaskie/Seconded J Stephens)

That the matter be deferred at the request of 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 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 L Vaughan, Clr J Weate

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## **23 PES - Consents Issued Under Delegated Authority - August 2009**

**Index:** Development Consents Issued Under Delegated Authority  
**Author:** Director Planning & Environmental Services - Glenn Handford  
**Ordinary Meeting:** 22 September 2009

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### **RECOMMENDATION:**

It is recommended that the information be noted.

## **109 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

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 L Vaughan, Clr J Weate

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## **24 PES - List of Matters before the Land & Environment Court - September 2009**

**Index:** Land & Environment Court Appeals - Development Applications  
**Author:** Manager, Development Assessment - Wayne Burgess  
**Ordinary Meeting:** 22 September 2009

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Mr Glenn Handford (Director Planning & Environmental Services) declared a non-pecuniary interest in this matter and left the meeting at this stage.

### **RECOMMENDATION:**

That the information be noted.

## **110 RESOLUTION**

(Moved K Hutchinson/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 L Vaughan, Clr J Weate  
Mr Handford returned to the meeting at this time.

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## **25 PES - Annual Domestic Waste Charge**

**Index: Domestic Waste Service**

**Author: A/Manager Environmental Services – John Cavanagh**

**Ordinary Meeting: 22 September 2009**

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### **RECOMMENDATION:**

That the information be noted.

### **111 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 L Vaughan, Clr J Weate

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## **26 PES - State Environmental Planning Policy - Affordable Rental Housing 2009**

**Index: State Environmental Planning Policy (Affordable Rental Housing) 2009**

**Author: Acting Manager Development Assessments - David Pirie**

**Ordinary Meeting: 22 September 2009**

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### **RECOMMENDATION:**

That the information be noted.

### **112 RESOLUTION**

(Moved L Vaughan/Seconded L Gill)

1. That the above recommendation be adopted.
2. That Council write to the relevant Ministers and the President of the Local Government Association noting Council's concern with this policy and the erosion of S94 contributions.

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 L Vaughan, Clr J Weate

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**27 PES - Penalty Infringement Notices issued July/August 2009**

**Index: Laws and Enforcement: Infringement Notice Issued**  
**Author: Investigations and Regulatory Control Coordinator - Greg Pevitt**  
**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

It is recommended that the information be noted.

**113 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 L Vaughan, Clr J Weate

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**DIRECTOR ENGINEERING SERVICES**

**28 ES - Jimmy's Beach Day Area Playground - \$20,000 Local Government Playground Grant**

**Index: Parks & Reserves - Playground Equipment Hawks Nest**  
**Author: Recreation Officer - Kerrie Simmons**  
**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

1. That Council accepts the \$20,000 grant funding from the Local Government Playground Grant Program for the purchase of new play equipment at Jimmy's Beach Day Area.
2. That Council allocates the sum of \$35,000 from the Section 94 embellishment Plan for Hawks Nest to assist with the purchase and installation of play equipment at Jimmy's Beach Day Area.

**114 RESOLUTION**

(Moved L Gill/Seconded L Vaughan)

That the above recommendation be adopted.

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**DIRECTOR CORPORATE & COMMUNITY SERVICES**

**30 CCS - Annual Financial Reports 2008/2009**

**Index: Financial Management**  
**Author: Manager Finance - Gary Collins**  
**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

1. That this information on the 2008/2009 Annual Financial Reports be received and noted.
2. That in accordance with the requirements of the Local Government Act 1993 (as amended), and Local Government Code of Accounting Practice and Financial Reporting, Council resolve to issue the necessary Statutory Statements in relation to the 2008/2009 Annual Financial Reports.

**115 RESOLUTION**

(Moved J Stephens/Seconded J Weate)

That the above recommendation be adopted.

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**31 CCS - Incomplete 2008/2009 Works & Projects Recommended for Revoting in 2009/2010**

**Index: Management Plan 2009/2012**  
**Author: Manager, Finance - Gary Collins**  
**Ordinary Meeting: 22 September 2009**

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**RECOMMENDATION:**

It is recommended that the revoting of the incomplete works and projects (as listed in Annexure 'A' be approved.

**116 RESOLUTION**

(Moved J Stephens/Seconded L Gill)

That the above recommendation be adopted.

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### **32 CCS - Re-establishment of Alcohol Free Zone at Hawks Nest**

**Index:** Alcohol Free Zones  
**Author:** Administrative Officer - Yvette Ellis  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

It is recommended that:

- 1 Council resolve to propose to re-establish the Alcohol Free Zone in Hawks Nest under the provisions of the Local Government Act 1993 for a period of four (4) years.
- 2 Areas to be included in the Alcohol Free Zone to be public roads, footpaths and carparks within the area shown on the map at Annexure A, excluding any future Council-licensed outdoor eating areas at BYO restaurants.
- 3 Following this resolution, the appropriate public consultation process be undertaken, including advertising in local newspapers circulating in the Hawks Nest area.

#### **117 RESOLUTION**

(Moved L Roberts/Seconded K Hutchinson)

That the above recommendation be adopted.

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### **33 CCS - Ageing & Disability Meeting - Minutes 7 July 2009**

**Index:** Community Services - Home and Community Care (HACC)  
**Author:** Manager, Community Services - Andrew Braybrook  
**Ordinary Meeting:** 22 September 2009

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#### **RECOMMENDATION:**

That the recommendations from the Great Lakes Council Ageing and Disability Services Committee held on 7 July 2009 be adopted.

#### **118 RESOLUTION**

(Moved J Stephens/Seconded L Gill)

That the recommendations from the Great Lakes Council Ageing and Disability Services Committee held on 7 July 2009 be noted.

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### **34 CCS - August Investment Report**

**Index: Investments**

**Author: Revenue Accountant - Colin McKillop-Davies**

**Ordinary Meeting: 22 September 2009**

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#### **RECOMMENDATION:**

It is recommended that the information concerning Council's investments as at 31 August 2009 be noted.

### **119 RESOLUTION**

(Moved L Roberts/Seconded C McCaskie)

That the above recommendation be adopted.

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### **35 CCS - List of Outstanding Reports**

**Index: Council Meetings**

**Author: Director Corporate & Community Services - Steve Embry**

**Ordinary Meeting: 22 September 2009**

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#### **RECOMMENDATION:**

Submitted for Council's information/consideration.

### **120 RESOLUTION**

(Moved J Stephens/Seconded C McCaskie)

That the list of outstanding reports be noted.

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#### **LATE BUSINESS**

##### **Lions Club, Tea Gardens**

An enquiry was made regarding the Lions Club, Tea Gardens application for assistance through the Community Building Partnerships Grant Funding Program and the requirement for a 50% contribution by Council. The Director Engineering Services to follow up.

*Council adjourned at 12.11pm for the launch of the Safeguard your Home Program.*

*Council reconvened at 2.00pm.*

*Clr M Tuffy left the meeting at this time.*

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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.

### **Meet the Public 1 - Bulahdelah Tourism Information Centre**

Mr Kevin Carter addressed Council concerning the closure of Bulahdelah Tourism Information Centre. Mr Carer proposed an alternative model to keep the Information Centre open utilising a community based structure.

The Mayor advised Mr Carter to continue to liaise with the General Manager in relation to his proposal.

*Clr C McCaskie left the meeting at this time.*

## **LATE BUSINESS CONTINUED**

### **Smiths Lake Fire Mitigation**

Correspondence received from Mr W Robertson, Smiths Lake concerning fire mitigation at Smiths Lake was referred to and a response requested. The Director Engineering Services to follow up.

### **Stroud Showground**

Congratulations were expressed to Mr D Bortfield and Mr R Claxton regarding the amenities at Stroud Showground.

### **Mr Marcel Terry**

The General Manager advised that Mr Marcel Terry, a past Shire Clerk of Council, had passed away recently.

### **Universal Store, Tea Gardens**

The Director Planning & Environmental Services advised of a brick wall in a collapsed state at the Universal Store at Tea Gardens and the action being taken by Council to have the matter rectified. The Director Planning & Environmental Services advised that he would report back to the next Strategic Committee meeting.

## **121 RESOLUTION**

(Moved L Vaughan/Seconded L Roberts)

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 Chairperson reported that the following motions had been passed:

**CLOSED COUNCIL**

**36 Mayoral Minute - General Manager's Contract of Employment**

**Index: Employment Contracts: Senior Staff**

**Author: Mayor - CI Jan McWilliams**

**Ordinary Meeting: 22 September 2009**

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**REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

**RECOMMENDATION:**

That consideration be given to the application by the General Manager for re-appointment for a further 12 month term, which would extend the current termination date from 9 September 2010 to 9 September 2011.

**122 RESOLUTION**

(Moved J Weate/Seconded L Roberts)

That the General Manager be reappointed for a further 12 month term, which would extend the current termination date from 9 September 2010 to 9 September 2011.

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**37 PESCONF - Regulatory Control - List of Matters before the Land & Environment Court**

**Index: Land & Environment Court - Regulatory**

**Author: Investigations and Regulatory Control Coordinator - Greg Pevitt**

**Ordinary Meeting: 22 September 2009**

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**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.

**123 RESOLUTION**

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(Moved L Gill/Seconded L Roberts)

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

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### **38 CCSCONF - Proposed Staff Restructure of HACC and Disability Services**

**Index: Community Services – Home and Community Care (HACC)**  
**Author: HACC and Disability Services Coordinator – Liz Green**  
**Ordinary Meeting: 22 September 2009**

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#### **REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

#### **RECOMMENDATION:**

1. That Council endorse the proposed new staff structure for the HACC and Disability Services Team as detailed within the report, and that recruitment take place for the vacant positions.
2. That all Position Descriptions and Letters of Appointment state that continued employment is subject to full ongoing external funding.
3. That the contract position within the Community Options Service may be converted to a permanent position in the future, subject to the approval of the General Manager.

### **124 RESOLUTION**

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

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#### **LATE CONFIDENTIAL REPORTS**

##### **Late Report No. 2 - Tea Gardens Waste Transfer Station Site**

#### **REASON FOR CONFIDENTIALITY:**

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

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

**RECOMMENDATION:**

That Council:

1. Acquire Lots 2 and 3 DP 877627 at the independently valued amount of \$1.45M plus reasonable cost and subject to development consent.
2. Authorise the affixing of the Seal of the Council to the documents associated with the acquisition;
3. Have a development application prepared independently;
4. Permit Lot 3 Carripool St to be utilised as part of the development;
5. Each parcel be classified as Operational Land.

**125 RESOLUTION**

(Moved L Roberts/Seconded J Stephens)

That the above recommendation be adopted.

FOR VOTE - Clr J McWilliams, Clr L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Gill, Clr L Vaughan, Clr J Weate

ABSENT. DID NOT VOTE - Clr M Tuffy, Clr C McCaskie

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**Late Item No. 3 - Amendment to Organisational Structure to Provide for an Alteration to Cleaning Arrangements at Council's Headquarter's Building**

**REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

**RECOMMENDATION:**

That Council's Organisational Structure be amended to provide for the amended cleaning arrangements of Council's headquarters building as detailed in this report.

That the action taken by the Mayor and General Manager in this matter be endorsed.

**126 RESOLUTION**

(Moved L Gill/Seconded J Stephens)

That the above recommendation be adopted.

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**MEETING CLOSURE**

The meeting closed at 3.15pm

**CHAIRPERSON**

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