



MINUTES OF THE ORDINARY COUNCIL MEETING

HELD AT BREESE PARADE, FORSTER

ON TUESDAY, 25 AUGUST 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 25 August 2009 commencing at 9.39am.

PRESENT

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

Clr C McCaskie will be absent from the meeting.

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 Administrative Support Assistant - Sue Bookallil (Minute Taker).

ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the following statement:

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

PRAYER

Rev Audrey de Witte (Uniting Church) led the meeting in prayer.

APOLOGIES

49 RESOLUTION

(Moved L Roberts/Seconded J Weate)

That the apology from Clr McCaskie be accepted.

The Mayor read aloud the following statement:

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

ADOPTION OF MINUTES OF MEETING

50 RESOLUTION

(Moved L Roberts/Seconded J Stephens)

That the Minutes of the Ordinary Meeting of 28 July 2009, copies of which were distributed among the Councillors, be taken as read and confirmed as a true record of proceedings.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Councillor/Staff Member	Item and Subject	Nature of Interest
Mr G Handford	Item 12 - List of Matters before the Land & Environment Court	Non-pecuniary interest, the nature of the interest being friend is town planner acting for the objector. Mr Handford elected to leave the meeting and take no part in discussions.
Clr J Weate	Item 24 - Tuncurry Community College	Non-pecuniary interest, the nature of the interest being I am a member of the Association, but not an office bearer. Clr Weate elected to remain in the Chambers and participate in discussions.
Clr L Gill	Item 29 - List of Matters before Land & Environment Court	Non-pecuniary interest, the nature of the interest being brother sold mill to Mr Wilkes, also a neighbour to my residence. Clr Gill elected to leave the meeting and take no part in discussions or voting.

NOTICES OF MOTION

1 **NOM - Notice of Motion of Rescission 1 - Development Application 384/2009**

Index: DA 384/2009 and PK25005 - Notice of Motions
Author: Councillors - McWilliams, Hutchinson & Weate
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the Notice of Motion of Rescission be considered by Council.

51 RESOLUTION

Clrs McWilliams, Hutchinson and Weate advised that they have withdrawn the Notice of Rescission.

CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

2 GM - Forster Tuncurry Employment Land Implementation Strategy - Final Draft for Adoption

Index: Forster Tuncurry Strategy
Author: Economic Development Manager - Deb Tuckerman
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

Council adopt the Forster Tuncurry Employment Land Implementation Strategy (May 2009).

(Moved K Hutchinson/Seconded M Tuffy)

That this matter be deferred for consideration at a Council Workshop.

An amendment was moved by J Weate, seconded J Stephens that:

1. That Council adopt the Forster Tuncurry Employment Land Implementation Strategy (May 2009)
2. A workshop be scheduled for further discussion of the issues raised.

The amendment was put to the vote and declared lost.

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

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

The motion was put to the vote and declared carried.

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

52 RESOLUTION

(Moved K Hutchinson/Seconded M Tuffy)

That this matter be deferred for consideration at a Council Workshop.

PUBLIC ADDRESSES

Nabiac Strategic Plan 2009

Public Address - Mr Kit Carson

Mr Kit Carson, President, Nabiac Village Futures Group, addressed Council in respect of the Nabiac 2009 Community Strategic Plan and highlighted priorities from the Plan. Mr Carson also expressed the thanks and appreciation to Ms Deb Tuckerman on her dedication and interest in the Nabiac Village group.

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

Public Address - Mr Russell Jones

Mr Russell Jones (Objector) addressed Council objecting to the proposed development and the commercialisation of the property.

Public Address - Mr Rick Clissold

Mr Rick Clissold (Objector) addressed Council objecting to the proposed development for various reasons including loss of views.

Public Address - Mr Simon Carroll

Mr Simon Carroll (on behalf of the Applicant) addressed Council in support of the application and answered various questions from Councillors.

3 GM - Nabiac Strategic Plan 2009

Index: Nabiac Strategic Plan

Author: Economic Development Manager - Deb Tuckerman

Ordinary Meeting: 25 August 2009

RECOMMENDATION:

Council note the 2009 Nabiac Community Strategic Plan.

53 RESOLUTION

(Moved J Stephens/Seconded L Gill)

That the above recommendation be adopted.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

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

Index: DA 320/2009 & PK21951

Author: Senior Development Assessment Planner - David Pirie

Ordinary Meeting: 25 August 2009

<p>This item was to be considered by Council's DCU at the meeting held on 6 August 2009. Councillor Stephens has "called in" the item and it is now to be referred to Full Council for determination.</p>

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. 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 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. 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 10m², 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 *Tristaniopsis 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 in 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 affects 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/ m².
 - 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
Total						\$39,089.36

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 or at Council's offices at Breese Parade, Forster.

54 RESOLUTION

(Moved K Hutchinson/Seconded L Roberts)

That this matter be deferred pending a site inspection and that building profiles be erected prior to the site inspection.

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

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

GENERAL MANAGER

4 GM - Economic Development Advisory Committee - Minutes of 24 June 2009 Meeting

Index: Great Lakes Economic Development Advisory Committee
Author: Economic Development Manager - Deb Tuckerman
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

Minutes of the Great Lakes Economic Development Advisory Committee meeting held on the 24 June 2009 be noted.

55 RESOLUTION

(Moved K Hutchinson/Seconded L Roberts)

That the above recommendation be adopted.

5 GM - Great Lakes Tourism Committee Meeting 3 August 2009 - Minutes

Index: Tourism Meeting
Author: Administrative Support Assistant - Sue Bookallil
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the minutes of the Great Lakes Tourism Committee held on 3 August 2009 be noted.

56 RESOLUTION

(Moved K Hutchinson/Seconded L Roberts)

That the above recommendation be adopted.

Meeting adjourned: 11.30am

Meeting reconvened: 11.42am

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

7 PES - Development Control Unit Delegations and Operating Procedures Review

Index: Land Use & Planning - Development Control Unit
Author: Manager Corporate Governance - Phil Brennan
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

1. That Council adopt the Development Control Unit Operating Procedure as set out in Annexure A to this report.
2. That Council delegate to each councillor the functions set out in the Development Control Unit's Chairperson Instrument of Delegation being Annexure B to this report.

57 RESOLUTION

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

8 PES - Consents Issued Under Delegated Authority - July 2009

Index: Development consents Issued Under Delegated Authority
Author: Director Planning & Environmental Services - Glenn Handford
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

It is recommended that the information be noted.

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

9 PES - State Environmental Planning Policy (Infrastructure) 2007

Index: State Environmental Planning Policy (Infrastructure) 2007
Author: Manager Development Assessment - Wayne Burgess
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the information be noted.

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

10 PES - State Significant Development - Concept Plan and Project Application

Index: State Significant Development - MP-09-0123
Author: Manager Development Assessment - Wayne Burgess
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the information be noted.

60 RESOLUTION

(Moved L Gill/Seconded L Roberts)

That the above recommendation be adopted.

11 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: 25 August 2009

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 RTA's assessment and that Council assumes that the RTA's assessment was based on Council's strategies and the Department of Planning's Growth Area Maps.
- B. Council advise the RTA that an appropriate clause can be included in the draft LEP to the effect that development consent must not be granted to the subdivision of the land unless satisfactory arrangements have been made for contributions for State road infrastructure and that Council understands that such a clause would not be invoked unless a study is done which demonstrates that the interchange is required within ten years.
- C. The proponent of the rezoning be advised that the RTA would accept the entering into of a Voluntary Planning Agreement, between the RTA and the proponent, as satisfactory arrangements for the provision of State road infrastructure.
- D. 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 raise relating to the North Shearwater Traffic Study have been addressed.

61 RESOLUTION

(Moved L Gill/Seconded K Hutchinson)

That the matter be deferred for consideration later in the meeting pending further information being provided.

Resumption of Debate on this matter occurred later in the Meeting at 3.50pm and Cllr Tuffy was absent for the decision on this item.

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

An amendment was moved L Roberts 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 RTA's assessment and that Council assumes that the RTA's assessment was based on Council's strategies and the Department of Planning's Growth Area Maps.

The amendment lapsed for want of a seconder.

A further amendment was moved J Stephens, seconded L Roberts that the matter be deferred to enable the recommendation to be re-examined in light of the recent precedent set.

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

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

The amendment was carried and upon becoming the substantive motion was also carried.

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 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

62 RESOLUTION

(Moved J Stephens/Seconded L Roberts)

That the matter be deferred to enable the recommendation to be re-examined in light of the recent precedent set.

12 PES - List of Matters before the Land & Environment Court - August 2009

Index: Land & Environment Court Appeals - Development Applications
Author: Manager, Development Assessment - Wayne Burgess
Ordinary Meeting: 25 August 2009

Clr L Gill declared a non-pecuniary conflict of interest and left the meeting at 11.59am and took no further part in discussions on this item.

Mr G Handford declared a non-pecuniary conflict of interest and left the meeting at 11.59am.

RECOMMENDATION:

That the information be noted.

63 RESOLUTION

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

Clr L Gill has returned from temporary absence at 12:01PM.

Mr Handford has returned from temporary absence at 12:01PM.

DIRECTOR ENGINEERING SERVICES

13 ES - Transfer of Land within Reserve R77312 from Midcoast Water to Department of Lands

Index: Parks & Reserves - Crown Land General
Author: Parks Asset Officer - Kris Koch
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

As trust managers Council support the request to transfer Lot 1 DP 616113, Coorilla Street Hawks Nest, from Mid Coast Water to the Department of Lands.

64 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

14 ES - Naming of Kularoo Drive Reserve

Index: Parks & Reserves - Naming of Parks & Reserves
Author: Parks Asset Officer - Kris Koch
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

1. Council approve in principle, the proposal to name the northern portion of Lot 272, DP 746202 "Marjorie Debert Reserve" and advertise the proposed naming for a period of 28 days.
2. If no submissions are received by the end of this period it is recommended that the naming proposal be adopted.

65 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

15 ES - Tuncurry Depot Nursery Operations 2008/2009

Index: Parks & Reserves - Depot Nursery
Author: Recreation Officer - Kerrie Simmons
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

It is recommended that Council supports the opportunity to extend the sale of plants to external customers providing this does not impact on commercial operations in the area.

66 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

16 ES - Regional Road Maintenance 2009/10

Index: Grants & Subsidies - Road & Ancillary Services - RTA 3 x 3 Program
Author: Manager Transport Assets - Greg Pitt
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

It is recommended that Council accept the grant in accordance with the Conditions of Assistance for Councils, and that the General Manager be authorised to sign the grant agreement.

67 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

17 ES - Regulation of Camping on Wallis Lake Islands

Index: Parks & Reserves - General
Author: Parks Natural Asset Officer - Andrew Staniland
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That Council adopts Management Option 2 for the control of camping on islands in Wallis Lake as identified in this report.

68 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

18 ES - Road Safety (Blackspot) and Traffic Management Program

Index: Grants & Subsidies - Blackspot Funding

Author: Manager Transport Assets - Greg Pitt

Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the increased funding amounts for Blackspot projects on The Lakes Way be noted.

69 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

19 ES - Weed Management Summit: Options to Deliver More Effective Weed Control in NSW (GT6190)

Index: Environmental Management - Noxious Plants General

Author: Noxious Weeds Officer - Terry Inkson

Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the Local Government and Shires Association and the Noxious Weeds Advisory Committee be advised that Council's response to the NSW Government's Weed Management Summit "to explore options to deliver more effective weed control across the state" be in terms of the report titled Recommendations for Weed Management in NSW.

70 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

20 ES - Traffic Committee Meeting Minutes - 12 August 2009

Index: Traffic Committee Minutes
Author: Traffic Engineer - Wade Holmes
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the recommendations of the Traffic Advisory Committee meeting held 12 August 2009 be adopted.

71 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

21 ES - Development Traffic Advisory Committee Meeting Minutes - 12 August 2009

Index: Traffic Committee Minutes
Author: Traffic Engineer - Wade Holmes
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the recommendations of the Development Traffic Advisory Committee meeting held 12 August 2009 be adopted.

72 RESOLUTION

(Moved L Roberts/Seconded L Vaughan)

That the above recommendation be adopted.

DIRECTOR CORPORATE & COMMUNITY SERVICES

22 CCS - Quarterly Review of 2008/2009 Management Plan as at 30 June 2009

Index: Financial Management - Management Plan Quarterly Reports
Author: Director Corporate & Community Services - Steve Embry
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That the 2008/2009 Management Plan Quarterly Performance and Budget Review Statements to 30 June 2009 be received and noted and that the budget variations be adopted.

73 RESOLUTION

(Moved J Weate/Seconded L Roberts)

That the above recommendation be adopted.

23 CCS - Review of Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy

Index: Governance - Councillors Allowances
Author: Manager Corporate Governance - Phil Brennan
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That public notice be given of Council's intention to adopt the "Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors" and that public submissions be invited for a period of 28 days.

74 RESOLUTION

(Moved L Gill/Seconded J Weate)

That the above recommendation be adopted.

24 CCS- Tuncurry Community College building extensions project

Index: Community Services- Adult Education Services
Author: Manager of Community Services - Andrew Braybrook
Ordinary Meeting: 25 August 2009

Clr Weate declared a non-pecuniary conflict of interest and remained in the meeting.

RECOMMENDATION:

That Council, as the Trust Manager of Reserve 96478 located at 31 Manning Street Tuncurry, recommend to the Department of Lands that approval be granted for the Forster Tuncurry Community College building extensions, subject to normal Development Application conditions.

That the Board of the Forster Tuncurry Community College be congratulated on its success in gaining Commonwealth funding of \$1,216,157 to provide additional adult education courses to the local community.

75 RESOLUTION

(Moved L Gill/Seconded L Vaughan)

That the above recommendation be adopted.

25 CCS - Stroud RSL Hall

Index: Library - General
Author: Manager, Library Services - Chris Jones
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

1. That considering the positive response from the Stroud community through the consultation process that Council adopt the concept of relocating the Stroud District office and Library to a refurbished Stroud RSL Hall.
2. That funding be sought through available avenues to refurbish the Stroud RSL Hall
3. That Council retain the name "RSL Hall" and that the existing historical aspects of the Hall be retained, including the Honour Board.

76 RESOLUTION

(Moved K Hutchinson/Seconded L Gill)

That the above recommendation be adopted.

26 CCS - Library Committee Meeting Minutes 17/08/09

Index: Library - General
Author: Manager, Library Services - Chris Jones
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

1. That the minutes from the Library Committee meeting of 17 August 2009 be noted.
2. That the following recommendations from the Library Committee be adopted:

003 - Donations - that Council formally thank the supporters of the library identified in the report.

004 - Cooperation with Greater Taree City Libraries - that Council endorse the ongoing investigation into cooperative services between Great lakes Library Service and Greater Taree City Libraries.

005 - Grant Funding Options - that, subject to a Council decision on the proposed Stroud RSL Hall Revitalisation project, Council endorse:

- a: The proposed individual grant application for Stroud RSL Hall
- b: The proposed cooperative grant application for non-print and alternative print media.

77 RESOLUTION

(Moved L Vaughan/Seconded L Gill)

That the above recommendation be adopted.

27 CCS - Minutes of the Commercial Enterprises Committee Meeting held 17 August 2009

Index: Council Meetings - Commercial Enterprises Committee
Author: Leasing/Caravan Parks Officer - Pat Powell
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

That all recommendations from the Commercial Enterprises Committee meeting held on 17 August 2009 be adopted.

78 RESOLUTION

(Moved J Stephens/Seconded L Vaughan)

That the above recommendation be adopted.

28 CCS - List of Outstanding Reports

Index: Council Meetings
Author: Director Corporate & Community Services - Steve Embry
Ordinary Meeting: 25 August 2009

RECOMMENDATION:

Submitted for Council's information/consideration.

79 RESOLUTION

(Moved L Gill/Seconded L Vaughan)

That the above recommendation be adopted.

LATE BUSINESS

Late Business 1 - Granny Flats

Reference was made to recent planning amendments relating to granny flat approvals and the potential impact on the garbage charge issue for granny flats. The Director of Corporate & Community Services to report back.

Late Business 2 - Bulahdelah RSL

Advice was requested on the current booking contact for the Bulahdelah RSL Hall as the bushfire brigade is interested in using the hall. The Director Corporate & Community Services to provide advice.

Late Business 3 - Roundabout Reflectors

Reference was made to the roundabout at Boundary Street where the reflectors are excellent and it was requested that similar treatment be given to the new roundabout at Lake and Cross Streets. The Director Engineering Services to follow up.

Late Business 4 - 2009 NSW Library Symposium

Clr Gill provided a verbal report on the 2009 NSW Library Symposium held at Parkes in June attended in her role as Chairperson on the Library Committee.

Late Business 5 - Waste Charge

The discrepancy between the waste charge for rural and urban areas under the new contract arrangements was raised and a report requested. The Director Planning & Environmental Services to report back.

Late Business 6 - Visit Clr Genia McCaffery

Clr McWilliams reminded Councillors of the meeting to be held with Clr McCaffery, President, Local Government Association on 29 September 2009 at the Council Chambers.

URGENT LATE BUSINESS

NSW Local Infrastructure Fund

The Director Engineering Services referred to a memo he tabled regarding the NSW. Local Infrastructure Fund and the need to formally apply for interest free loan funds.

80 RESOLUTION

(Moved L Roberts/Seconded J Stephens)

That Council endorse the application for an interest free loan from the State Government under the NSW Local Infrastructure Fund for the upgrading of The Myall Way at a cost of \$1,218,000 with the amount of be repaid from the S94 Program.

Council adjourned for lunch at 1.00pm.

Council reconvened at 2.02pm.

MEET THE PUBLIC SESSION

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

Meet the Public No. 1 - Chris Grey

Mr Chris Grey addressed Council on behalf of the newly formed Coolongolook/Wootton Action Group and raised various priority issues including the lack of public toilets in the town area.

81 RESOLUTION

(Moved K Hutchinson/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.

Clr M Tuffy left the meeting at this time (3.27pm).

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

CLOSED COUNCIL

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

Index: Land & Environment Court - Regulatory

Author: Investigations and Regulatory Control Coordinator - Greg Pevitt

Ordinary Meeting: 25 August 2009

Clr L Gill declared a non pecuniary conflict of interest and left the meeting at 3:35pm and took no further part in discussions on this item.

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.

82 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 L Roberts, Clr J Stephens, Clr K Hutchinson, Clr L Vaughan, Clr J Weate

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

Clr L Gill has returned from temporary absence at 3:43pm

30 ESCONF - Supply and/or Delivery of Quarry Products

Index: PC-CON-QUARRY; Summaries of Tenders
Author: Projects & Contracts Engineer - Stuart Small
Ordinary Meeting: 25 August 2009

REASON FOR CONFIDENTIALITY:

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

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

RECOMMENDATION:

That Council:

1. Accept the tenders supplied by CEMEX, PBM/Great Lakes Aggregates, Hunter Quarries, and Boral for the supply and/or delivery of quarry products for a period of 12 months commencing 1 September 2009, with a 12 month option.
2. Council's seal be affixed to the contract documents.

83 RESOLUTION

(Moved L Roberts/Seconded J Weate)

That the above recommendation be adopted.

31 CCSCONF - Tender 17/09 Supply & Installation of Caravan Park Cabins

Index: Tendering
Author: Manager Administrative Services - John Dougherty
Ordinary Meeting: 25 August 2009

REASON FOR CONFIDENTIALITY:

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

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

RECOMMENDATION:

That Council resolves:

1. Not to accept any of the tenders, and
2. To enter into negotiations with the two preferred tenderers, as outlined in the report, (East Coast Park Cabins and Timberline Cabins) with a view to entering into a contract for the provision of up to ten (10) cabins of designs acceptable by Council and suitable to each specific location at the various Council controlled caravan parks at the lowest possible negotiated price from either supplier.

84 RESOLUTION

(Moved L Gill/Seconded K Hutchinson)

That the above recommendation be adopted.

LATE REPORTS

Late Report - Budget Review

Manager, Tourism, Mr Richard Old, addressed Council in regard to Tourism issues.

85 RESOLUTION

(Moved L Roberts/J Stephens)

1. That Council adopt the measures detailed in the report to achieve a balanced budget position for the 2009/10 financial year.
 2. That Council having considered the proposal for introducing the Pay for Parking in the Forster Main Beach area as detailed in the report not proceed with this option at this stage.
 3. That Council having reviewed all options relating to reducing the tourism budget reluctantly resolve to close both the Pacific Palms and Bulahdelah Visitor Information Centres.
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MEETING CLOSURE

The meeting closed at 3.56PM

CHAIRPERSON
