



Dungog Shire Council

MINUTES

**Ordinary Council Meeting
Wednesday, 16 December 2020**

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**MINUTES OF DUNGOG SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BROWN STREET, DUNGOG
ON WEDNESDAY, 16 DECEMBER 2020 AT 6.01PM**

PRESENT: Mayor John Connors (Mayor), Cr Steve Low AM (Deputy Mayor), Cr Tracy Norman, Cr Digby Rayward, Cr Robert Booth, Cr Jan Lyon, Cr Kate Murphy, Cr Greg Riley, Cr Glenn Wall

IN ATTENDANCE: Gareth Curtis (General Manager), Shaun Chandler (Executive Manager Corporate and Customer Services), Steve Hitchens (Executive Manager Infrastructure and Assets), Jacqui Tupper (Manager Planning), Paul Minett (Manager Environmental Services)

1 ACKNOWLEDGEMENT OF COUNTRY

Delivered by Mayor John Connors

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTERESTS

Cr J Lyon declared a Non-Pecuniary Significant Interest in item 10.1.

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/271

Moved: Cr Robert Booth

Seconded: Cr Steve Low AM

That the minutes of the Ordinary Council Meeting held on 18 November 2020 be confirmed.

CARRIED

6 MATTERS ARISING FROM MINUTES

Nil

7 PRAYER

Delivered by Mayor John Connors.

8 MAYORAL MINUTE

Nil

9 PUBLIC ACCESS SESSION

SUSPENSION OF STANDING ORDERS

RESOLUTION 2020/272

Moved: Cr Steve Low AM

Seconded: Cr Robert Booth

A motion was moved that Council suspend standing orders. Standing Orders suspended at 6.04pm.

CARRIED

Mr & Mrs Sweeney spoke against the Officers recommendation of item 10.1.

Mr James McKay spoke against the Officers recommendation of item 11.1.

Mr Dominic O'Neil spoke for the Officers recommendation of item 11.1.

Ms Suzanne Landers spoke for the Officers recommendation of item 11.1.

RESUMPTION OF STANDING ORDERS

RESOLUTION 2020/273

Moved: Cr Kate Murphy

Seconded: Cr Steve Low AM

A motion was moved that Council resume standing orders. Standing Orders resumed at 6.22pm.

CARRIED

10 PLANNING DEPARTMENT

Cr J Lyon declared an Interest in the following item. Cr Jan Lyon left the Chambers at 6.22pm.

10.1 DEVELOPMENT APPLICATION 61/2008 - SECTION 4.55(1)(A) TO INCLUDE A DRIVE THRU COFFEE SHOP**Precis**

The modification is being reported to Council in accordance with the provisions of Council's policy C4:12 *Delegated Authority Policy for the assessment of Development Applications* (Adopted 17 February 2009), this application has been reported to Council for determination due to the following:

- The application is subject to three (3) public or more submissions and is likely to generate public interest due to the nature of the use.

RESOLUTION 2020/274

Moved: Cr Digby Rayward

Seconded: Cr Greg Riley

That the report be deferred to be dealt with under delegation by the General Manager and Planning staff providing an agreement can be reached with the applicant on the operation of the roller doors.

CARRIED

Cr Wall foreshadowed a motion.

In Favour: Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Kate Murphy and Greg Riley

Against: Cr Glenn Wall

CARRIED 7/1

Cr Jan Lyon returned to the Chambers at 6.40pm.

10.2 DA122/2019 - SECTION 8.2 REVIEW - 483 BLACK ROCK ROAD, MARTINS CREEK**Precis**

The following report is a review of the determination of Development Application No. 122/2019 for a two storey tourist facility and conversion of rural shed to a function centre, which was approved subject to conditions at the May 2020 Council meeting.

MOTION

Moved: Cr Digby Rayward

Seconded: Cr Robert Booth

That the report be deferred until it is confirmed that the applicant wishes to withdraw the application.

In Favour: Crs Digby Rayward, Robert Booth and Greg Riley

Against: Crs John Connors, Steve Low AM, Tracy Norman, Jan Lyon, Kate Murphy and Glenn Wall

LOST 3/6

Cr Low foreshadowed a motion.

RESOLUTION 2020/275

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That the Section 8.2(1)(A) review of Development Consent DA122/2019 be approved subject to the amended conditions in Annexure 1.

CARRIED

In Favour: Crs John Connors, Steve Low AM, Tracy Norman, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall

Against: Crs Digby Rayward and Robert Booth

CARRIED 7/2

Meeting adjourned at 6.46pm due to technical difficulties. Meeting resumed at 7.00pm.

10.3 DEVELOPMENT APPLICATION NO 184/2020 - CAMPING GROUND (PRIMITIVE CAMP GROUND) AT DUNGOG SHOWGROUND**Precis**

The following report considers Development Application No 184/2020, which seeks development consent for a camping ground (primitive) comprising 16 sites at the Dungog Showground. The site is zoned RE1 Public Recreation and the proposed use as a camping ground is permissible with consent under Dungog Local Environmental Plan (LEP) 2014. The application is reported to Council for determination due to Council acting as the land owner in this instance and the proposal also has the potential to impact on the economy and tourism potential of Dungog Township.

RESOLUTION 2020/276

Moved: Cr Kate Murphy
Seconded: Cr Steve Low AM

That Development Application No 184/2020 for a camping ground (primitive) at Lot 1 DP 668270, Lot 7020 DP 1126701 and Lot 41 DP 901443 (Dungog Showground), be approved subject to the conditions listed in **Annexure 3**.

CARRIED

In Favour: Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall

Against: Nil

CARRIED 9/0**10.4 DEVELOPMENT APPLICATIONS - DELEGATED AUTHORITY & TRACKING****Precis**

Development Consent has been granted to the following development applications under delegated authority for the month of November 2020.

RESOLUTION 2020/277

Moved: Cr Robert Booth
Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

In Favour: Crs John Connors, Steve Low AM, Tracy Norman, Digby Rayward, Robert Booth, Jan Lyon, Kate Murphy, Greg Riley and Glenn Wall

Against: Nil

CARRIED 9/0

11 ENVIRONMENTAL SERVICES**11.1 CLOSURE OF ROAD RESERVE - PORTION OF WALLARINGA ROAD HANLEYS CREEK BETWEEN PILCHERS RESERVE AND HANLEYS CREEK ROAD (ROAD R6531-1603)****Precis**

The purpose of this report is to seek Council resolution in regard to the proposal to close a portion of Wallaringa Road Hanleys Creek, which has been the subject of road closure applications from two adjoining property owners. The report also seeks to classify the land, if closed, to operational land and to commence the process of subdividing this land and negotiating its sale to the adjoining land holders.

RESOLUTION 2020/278

Moved: Mayor John Connors

Seconded: Cr Steve Low AM

That:

1. The matter be deferred to enable the application to be re-advertised as broadly as possible and that such advertisement includes a copy of figure 1 in the report to Council (enlarged to a readable level).
2. Legal advice be sought as to the matters to be considered in determining that “the road is not reasonably required as a road for public use (whether for present or future needs) [Roads Act 1993 s.38A(a)].
3. Legal advice be sought that should the application be refused:
 - what, if any, legal obligation there would be for Council to fence or contribute to the fencing of the road reserve;
 - what, if any, liability would rest on council for members of the public walking or riding within the road reserve of an unmaintained and largely unformed road; and
 - what, if any, liability would rest on council should people ride or walk outside the road reserve on a track commonly used by persons passing through such land. [Inclosed Lands Protection Act 1901 s.4(3)]
4. On receipt of the legal advice this matter be the subject of a workshop for councillors before any further steps are taken and a site inspection be undertaken.

CARRIED

11.2 CITIES POWER PARTNERSHIP MEMBERSHIP

Precis

The purpose of this report is to recommend that Council to join and participate in the Cities Power Partnership.

RESOLUTION 2020/279

Moved: Cr Kate Murphy

Seconded: Cr Steve Low AM

- That Council join the Cities Power Partnership.
- That a further report be provided to Council within 6 months to determine the pledges to be made under the partnership.

CARRIED

12 INFRASTRUCTURE AND ASSETS DEPARTMENT

12.1 REGIONAL PROCUREMENT - TENDER FOR THE SUPPLY AND DELIVERY OF ROAD BASE MATERIALS - TENDER T272021HUN

Precis

Reporting on the Tender undertaken by Regional Procurement for the Supply and Delivery of Road Base Materials – Tender No T272021HUN.

RESOLUTION 2020/280

Moved: Cr Greg Riley

Seconded: Cr Digby Rayward

1. That the Tenders from the following three Tenderers be awarded this Tender (T272021HUN) as Panel Source suppliers for the period 1 January 2021 to 31 December 2022:-
 - (a) Boral Resources (NSW) Pty Ltd;
 - (b) Buttai Gravel Pty Ltd t/a Daracon Quarries;
 - (c) Quarry Products (Newcastle) Pty Ltd.
2. That a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31 December 2023.

CARRIED

12.2 WORKS PROGRESS REPORT

Precis

Reporting on construction and maintenance works undertaken in November 2020.

RESOLUTION 2020/281

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

13 CORPORATE AND CUSTOMER SERVICES DEPARTMENT

13.1 GRESFORD DISTRICT AGRICULTURAL SOCIETY INC.

Precis

Request for financial assistance toward the 2021 Gresford Annual Show.

RESOLUTION 2020/282

Moved: Cr Glenn Wall

Seconded: Cr Kate Murphy

That Council donate \$250 from the 2020/21 Section 356 Budget Allocation to the Gresford District Agricultural Society Inc. for the 2021 Gresford Show.

CARRIED

13.2 AGENCY INFORMATION GUIDE 2019 - 20

Precis

Reporting on the requirement for Council to adopt its Agency Information Guide under The Government Information (Public Access) Act 2009 (NSW).

RESOLUTION 2020/283

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council adopt the Agency Information Guide as submitted, post a copy on Council's website and forward a copy to the Information Commissioner.

CARRIED

13.3 ACCOUNTING POLICY C2:1 REVIEW

Precis

Reporting on new requirements pertaining to the recognition and reporting of revenue and leases in Council's annual financial statements and required updates to Council's Accounting Policy.

RESOLUTION 2020/284

Moved: Cr Greg Riley

Seconded: Cr Digby Rayward

1. That Council note the changes to the Accounting Standards as detailed in this report.
2. Council adopt the Dungog Shire Council Policy No. C2:1 - Accounting Policy.

CARRIED

13.4 DRAFT FINANCIAL REPORTS FOR THE PERIOD ENDED 30 JUNE 2020 - COUNCIL STATEMENT GENERAL PURPOSE FINANCIAL REPORTS

Precis

The Draft 2019/2020 Financial Statements have been prepared and are currently undergoing external audit. This report recommends to Council the adoption of the Draft 2019/2020 Financial Statements and the completion of the Statement by Council in the approved form as to its opinion on the General Purpose Financial Reports in accordance with *Section 413(2)(c) of the Local Government Act 1993* and a statement by Council in the approved form as to its opinion on the special purpose financial reports in accordance with the *Local Government Code of Accounting Practice and Financial Reporting*.

RESOLUTION 2020/285

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

1. That Council's 2019/2020 Financial Statements be referred to the NSW Audit Office for audit.
2. That approval be granted for the Financial Statements, pursuant to Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the Local Government (General) Regulation 2005 and the Local Government Code of Accounting Practice and Financial Reporting, be signed on behalf of Council and attached to the Annual Financial Reports.

CARRIED

13.5 WORKS COST STATEMENT**Precis**

A selective summary of expenditures on capital works and maintenance expense areas within Council's roads, bridges, cemeteries, toilets, parks and sports grounds cost centres.

RESOLUTION 2020/286

Moved: Cr Robert Booth

Seconded: Cr Greg Riley

That the report be received and the information noted.

CARRIED**13.6 STATEMENT OF INVESTMENTS****Precis**

Clause 212 of Local Government (General) Regulation 2005 requires a monthly report to Council outlining all money's Council has invested under Section 625 of the Local Government Act.

RESOLUTION 2020/287

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That the report be received and the information noted.

CARRIED

14 OFFICE OF THE GENERAL MANAGER**14.1 CORRESPONDENCE FROM PREMIER THE HON. GLADYS BEREJIKLIAN MP - ACKNOWLEDGEMENT OF RECEIPT OF LETTER RE: MEDICARE LICENCE FOR MRI UNITS AT THE NEW MAITLAND HOSPITAL****Precis**

Council received correspondence on Monday 30 November 2020 from Premier of New South Wales, The Hon. Gladys Berejiklian MP.

The Premier acknowledged the receipt of Council's letter dated 19 October 2020 requesting support for a full Medicare licence for the Magnetic Resonance Imaging units at the new Maitland Hospital. The Premier also advised that Council's letter was forwarded to the Minister for Health and Medical Research, The Hon. Brad Hazzard MP for his consideration.

RESOLUTION 2020/288

Moved: Cr Greg Riley
Seconded: Cr Steve Low AM

That Council note the correspondence from Premier of New South Wales, The Hon. Gladys Berejiklian MP in relation to Council's support for a full Medicare licence for the Magnetic Resonance Imaging units at the new Maitland Hospital.

CARRIED**14.2 C1.24 PUBLIC INTEREST DISCLOSURES (PID) POLICY****Precis**

Reporting on an update of organisation title and contact details of existing Council Policy C1:24 Public Interest Disclosure (PID) Policy.

RESOLUTION 2020/289

Moved: Cr Greg Riley
Seconded: Cr Kate Murphy

That the revised Council Policy C1.24 Public Interest Disclosures (PID) Policy is distributed to Councillors and Council Staff for information.

CARRIED

14.3 AMENDMENT TO DUNGOG LOCAL ENVIRONMENTAL PLAN 2014 - AMEND MAPPING ERRORS IN DUNGOG HERITAGE CONSERVATION PRECINCT

Precis

This report is for Council to consider the preparation of a submission to the Department of Planning Industry and Environment (DPIE) for an expedited amendment to the Dungog Local Environmental Plan 2014 to correct two (2) mapping errors in the LEP Heritage Maps. This submission is to be made under section 3.22 of the *Environmental Planning and Assessment Act 1979* and will be forwarded to DPIE for consideration.

RESOLUTION 2020/290

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That:

1. Council prepare a submission to amend the Dungog Local Environmental Plan 2014 under section 3.22 of the *Environmental Planning and Assessment Act 1979* and forward such submission to the Department of Planning Industry and Environment for consideration
2. A report be returned to Council advising the outcome of the request

CARRIED

14.4 RESOLUTIONS TRACKING REPORT 2020

Precis

The purpose of this report is to provide Council with a regular update on the implementation of Council resolutions.

RESOLUTION 2020/291

Moved: Cr Greg Riley

Seconded: Cr Steve Low AM

That the report be received and the information noted.

CARRIED

14.5 NSW OFFICE OF LOCAL GOVERNMENT CIRCULARS**Precis:**

Providing a summary of circulars that have been released by the NSW Office of Local Government.

RESOLUTION 2020/292

Moved: Cr Steve Low AM

Seconded: Cr Greg Riley

That the report be received and the information noted.

CARRIED**14.6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION****Precis**

Reporting on the intention to deal with matters in Confidential Session.

RESOLUTION 2020/293

Moved: Cr Steve Low AM

Seconded: Cr Greg Riley

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2)(di) of the *Local Government Act 1993*:
 - Report No. 19.1 – Tender – Relocation of Buildings from 59 Hooke Street, Dungog.
 - Report No. 19.2 – Management and Operation of Dungog Memorial and Clarence Town Pools – Tenders 02/2020 and 03/2020.
 - Report No. 19.3 – Investment Strategy
2. That the General Manager reports on these matters to the meeting in Open Session following completion of the Confidential Session.

CARRIED**15 NOTICES OF MOTION**

Nil

16 COMMITTEE & OUTSIDE ORGANISATIONS REPORTS

Nil

17 QUESTIONS WITH NOTICE

Nil

18 CLOSED COUNCIL**RESOLUTION 2020/294**

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

18.1 Proposed Closure and Sale of Public Road Lot 45 DP883919 895 Fosterton Road, Fosterton

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

18.2 Tender 08/2020 - Williams River Holiday Park Amenities Block

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

18.3 Economic Development

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

CARRIED

18.1 PROPOSED CLOSURE AND SALE OF PUBLIC ROAD LOT 45 DP883919 895 FOSTERTON ROAD, FOSTERTON**Precis**

Council received an application to acquire the land of an unformed "paper road" running through a property, being Lot 45 DP 883919, known as 895 Fosterton Road, Fosterton. Council endorsed to proceed with the proposed sale, in principle, at its meeting on 22 April 2020 and this report seeks Council approval to proceed with the road closure process.

RESOLUTION 2020/295

Moved: Cr Steve Low AM

Seconded: Cr Jan Lyon

That Council:

1. Agree to the closure and sale of the road reserve within Lot 45 DP 883919;
2. Agree to the compensation amount identified in the independent valuation for the land; and
3. Provide delegation to the General Manager to proceed with the road closure process.

CARRIED

18.2 TENDER 08/2020 - WILLIAMS RIVER HOLIDAY PARK AMENITIES BLOCK**Precis**

This report provides Council with the required analysis of the tenders received for Tender 08/2020 for the Construction of the Williams River Holiday Park Amenities Block

RESOLUTION 2020/296

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council:

1. Accept the proposal from PDA for Tender 08/2020 for the construction of Williams River Holiday Park Amenities Block;
2. Notify all unsuccessful Tenderers of the Council's decision;
3. Displays a notice containing the name of the successful Tenderer and the amount of said Tender; and
4. Allocate a further \$60,000 for the project from Loan Borrowings

CARRIED

18.3 ECONOMIC DEVELOPMENT**Precis**

After a review it is proposed to replace the vacant position of Manager Business Strategy and Investment with an Economic Development Manager on a permanent and ongoing basis.

RESOLUTION 2020/297

Moved: Cr Digby Rayward

Seconded: Cr Kate Murphy

That Council:

1. Confirms the permanent position of Manager - Economic Development in the Council structure to replace the position of Manager Business Strategy and Investment; and
2. Fund the position of Manager Economic Development from existing reserves in accordance with the previous resolution No. 37880 of 27 September 2018 and aim for the position to be primarily self-funded from business activities to reduce future reliance on Council's general revenue.

CARRIED

19 RESUMPTION OF OPEN COUNCIL

RESOLUTION 2020/298

Moved: Cr Steve Low AM

Seconded: Cr Kate Murphy

That Council moves out of Closed Council into Open Council.

CARRIED

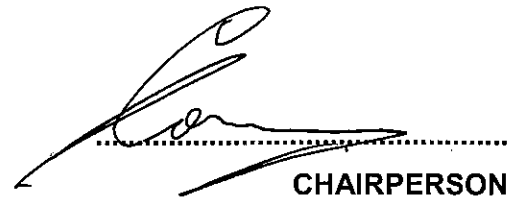
The Meeting closed at 8.14pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 February 2021.



Handwritten signature of the General Manager, consisting of stylized cursive letters, positioned above a dotted line.

GENERAL MANAGER



Handwritten signature of the Chairperson, consisting of stylized cursive letters, positioned above a dotted line.

CHAIRPERSON