

**Minutes of the Ordinary Meeting of MidCoast Council held in the Council Chambers, 2 Pulteney Street, Taree, on Wednesday 14 December 2016 commencing at 2pm**

**Present** Administrator (John Turner)

**In attendance** Interim General Manager (Glenn Handford)  
 Director Community Spaces & Services (Paul De Szell)  
 Director Planning & Natural Systems (Lisa Schiff),  
 Director Corporate & Business Systems (Steve Embry)  
 Director Engineering & Infrastructure Services (Ron Hartley)  
 Governance & Council Support Officer (Michelle Jobson).

The following document is the minutes of the Council meeting held on 14 December 2016.

These minutes are subject to confirmation as to their accuracy at the next meeting to be held on 8 February 2017 and therefore subject to change.

Please refer to the minutes of the meeting of 8 February 2017 for confirmation.

For the purposes of ensuring the accuracy of the Minutes, a recording of the proceedings was made.

MINUTE NO	
201/16	<p><b>ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS</b></p> <p>The Administrator recognised the traditional custodians of the land and paid respect to their elders and heritage.</p> <p><b>DISCLOSURES OF INTEREST</b></p> <p>Nil</p> <p><b>APOLOGIES</b></p> <p>Nil</p> <p><b>CONFIRMATION OF MINUTES</b></p> <p><b>RESOLVED (Turner)</b></p> <p>That the minutes of the Ordinary Meeting held on 23 November 2016 be adopted, subject to the change of minute numbers.</p> <p><b>SPEAKERS FROM THE GALLERY</b></p> <p>The Administrator allowed the following speaker to address the meeting:</p> <ul style="list-style-type: none"> <li>Mr Noel Webber addressed the meeting in regards to roadworks on corner Pulteney &amp; Victoria Streets, Taree.</li> </ul> <p><b>MATTERS ARISING FROM MINUTES</b></p> <p>Nil</p>

## ADDRESS FROM THE PUBLIC GALLERY

The Administrator advised of requests to address Council from:

- Mr Tony Fish, PDA Planning (on behalf of an Objector) addressed Council in relation to DA84/2017 Poultry Farm, Cedar Party Road, Cedar Party.
- Ms Jacqui Buckingham (Objector) addressed Council in relation to DA534/2016 Carpark to be used for Outdoor Eating at Nabiac.
- Mr Simon Carroll (on behalf of owners) addressed Council in relation to DA534/2016 Carpark to be used for Outdoor Eating at Nabiac.
- Mr Mark Morris addressed Council in relation to Draft DCP for Short-Term rental accommodation.

## CONSIDERATION OF REPORTS

### LATE REPORT

202/16

#### **Change to Ordinary Council Meeting Schedule**

Steve Embry, Director Corporate & Business Systems

#### **RESOLVED (Turner)**

That the Ordinary Council meeting scheduled for 25 January 2017 at Gloucester be cancelled, and replaced with a 8 February 2017 meeting at Gloucester.

## DIRECTOR PLANNING & NATURAL SYSTEMS

203/16

#### **1 DA 84-2017 - Poultry Farm - Cedar Party Road, Cedar Party (84/2017/DA)**

Petula Bowden, Team Leader- Development Services (Taree)

#### **RESOLVED (Turner) (as per recommendation)**

That Development Application 84/2017/DA for a Poultry Farm on Lot 45 DP 790098, No. 1181 Cedar Party Road Cedar Party be approved subject to the conditions contained in attachment A to the report.

204/16

#### **2 DA 534-2016 - Carpark to be used for Outdoor Eating (DA 534/2016 and PK 15013)**

Robyn Shelley, Senior Development Assessment Planner

#### **RESOLVED (Turner)**

It is recommended that:

- A. Council agree to the execution of a Planning Agreement, with Kenneth Leigh Logan as contained in Annexure A to this report, for a contribution of \$30,000 for public purposes in Nabiac, and that the Common Seal of Council be affixed to any necessary documents.
- B. Development Application No. 534/2016 for the use of the carpark for outdoor eating be approved subject to the following:

#### **GENERAL CONDITIONS**

Council agree to the execution of the proposed Planning Agreement, as contained in Annexure A to this report, and that the Common Seal of Council be affixed to the document.

### 1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Statement of Environmental Effects	No Plan number	Accuplan	June 2016

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**Reason:** Information and to ensure compliance

### 2. Planning Agreement

The applicant shall enter into a Planning Agreement in accordance with Section 93 of the Environmental Planning and Assessment Act 1979. The Planning Agreement shall provide a mechanism for the applicant to provide Council with a total contribution of \$30,000 for public purposes in Nabiac.

### 3. Use of premises

The operation of the premises must be carried out in accordance with previous consents issued for the site in association with its use as a restaurant/café, with exception of the requirement for the provision of on-site car parking.

**Reason:** Information and to ensure compliance

205/16

### 3 Planning Proposal - Land Adjoining Palms Oasis, Pacific Palms Alexandra Macvean, Senior Strategic Planner

**RESOLVED (Turner) (as per recommendation)**

That Council:

- A. Supports lodgement to the Department of Planning and Environment of the Planning Proposal - Land Adjoining Palms Oasis Caravan Park which has the intent of:
  - a) Amending Great Lakes Local Environmental Plan 2014 Land Zoning, Minimum Lot Size and Floor Space Area maps affecting Lot 1 DP 653396, Lot 83 DP 753168 & Lots 427 DP 861736 The Lakes Way, Pacific Palms; and
  - b) Facilitating a Planning Agreement for the permanent protection of approximately 60 hectares of ecologically sensitive land within the existing E2 Environmental Conservation zone of Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736 The Lakes Way, Pacific Palms.
- B. Requests a Gateway Determination from the Department of Planning and Environment, pursuant to the Environmental Planning & Assessment (EP&A) Act 1979, in relation to the Planning Proposal.
- C. Undertakes consultation with State Government agencies and service authorities in accordance with the Gateway Determination.
- D. Places the Planning Proposal on public exhibition in accordance with the Gateway Determination.

206/16

**4 Strategic Planning Priorities for MidCoast Council**

Roger Busby, Manager Strategic Planning

**RESOLVED (Turner) (as per recommendation)**

- A. That Council endorse the preparation, in stages, of a Local Planning Strategy for MidCoast Council with Stage 1 being the preparation of a Rural Economic Diversity Strategy and subsequent components being the subject of a further "roadmap" report to Council.
- B. That a further report be submitted to Council on planning proposals that may be prepared to give effect to the Regional Priorities identified for MidCoast Council in the Hunter Regional Plan.

207/16

**5 Draft Great Lakes DCP Amendments - Water Sensitive Design**

Louise Morris, Strategic Landuse Planner

**RESOLVED (Turner) (as per recommendation)**

That Council endorse the draft amendments to the Water Sensitive Design section of the Great Lakes DCP, as contained in Attachment B for community engagement with a final draft to be presented to Council following consideration of any submissions received during this period.

208/16

**6 Greater Taree Local Environmental Plan Amendment Package 4 (S671/03)** Sue Calvin, Team Leader Landuse Planning

**RESOLVED (Turner) (as per recommendation)**

1. That the planning proposal for the fourth package of amendments to the *Greater Taree Local Environmental Plan 2010* endorsed by the Greater Taree City Council on 9 December 2015, be amended to:
  - a) change the community title subdivision provision to:
    - explain in more detail the intent of the clause for seniors housing
    - remove reference to an eco-tourist facility
  - b) remove the coastal protection works provision
  - c) change the dam provision to insert "water supply system" as a permitted with consent use in the Primary Production (RU1), Primary Production Small Lots (RU4), Village (RU5) and Large Lot Residential (R5) zones
  - d) change the dual occupancies (detached) in the Primary Production (RU1) zone provision to be consistent with the intent of Clause 4.2B in the *Great Lakes Local Environmental Plan 2014*
  - e) remove the reclassification sites at 3 Bahanas Close, Wingham and 35 John Hall Drive, Taree.
2. That a request be made for a Gateway determination from the Department of Planning and Environment, pursuant to the Environmental Planning and Assessment Act (EP&A Act) 1979, in relation to the amended planning proposal as summarised in Attachment A.
3. That a request be made for delegation in respect of the Minister for Planning's plan making function under section 59 of the EP&A Act 1979 for the amended planning proposal.

4. That the planning proposal is placed on public exhibition in accordance with the Gateway determination.
5. That the plan be made if no objections are received during public exhibition.
- 209/16 **7 Gloucester Heritage Scoping Report (S240)**  
Sue Calvin, Team Leader Strategic Landuse Planning
- RESOLVED (Turner) (as per recommendation)**
- That Council accept the offer of funding from the NSW Office of Environment for the Gloucester Heritage Scoping Report and the work commence with the findings being reported to Council.
- 210/16 **8 Draft Development Control Plan for Short-Term Rental Accommodation**  
Rebecca Underwood, Strategic Planner
- RESOLVED (Turner) (as per recommendation)**
- That Council:
- A. Note the issues raised as a result of the public exhibition of the draft amendments to the Great Lakes Development Control Plan for Short-Term Rental Accommodation as contained in Attachment C.
- B. Adopt the draft Short-Term Rental Accommodation objectives and controls for Great Lakes Development Control Plan, as amended as a result of public submissions, as contained within Attachment A.
- C. Give public notice in the manner prescribed under the *Environmental Planning and Assessment Regulation 2000* of Council's adoption of the Short-Term Rental Accommodation amendments to the Great Lakes Development Control Plan.
- D. Forward the amended Great Lakes Development Control Plan to the Department of Planning and Environment within 28 days of the amendments to the Plan being adopted by Council.
- 211/16 **9 MidCoast Water Easement for Access, Services and Structures**  
Gerard Tuckerman, Manager Natural Systems
- RESOLVED (Turner) (as per recommendation)**
- That Council:
- 1) Resolve to grant MidCoast Water an easement for access, services and structures over that part of 1189 Minimbah Road, Nabic as identified on the easement plan.
- 2) That the Common Seal of the Council be affixed to all necessary easement documentation.
- 212/16 **10 Minutes for Port Stephens/Myall Lakes Coast & Estuary Committee**  
Debbi Delaney, Senior Environmental Officer
- RESOLVED (Turner) (as per recommendation)**
- It is recommended that the minutes of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee meeting held 10 August 2016 be noted.

## DIRECTOR ENGINEERING & INFRASTRUCTURE

- 213/16     **11    Additional Capital Works Program 2016/17**  
                 Greg Pitt, Manager Transport Assets

**RESOLVED (Turner) (as per recommendation)**

It is recommended that Council adopt the additional investigation and capital works outlined in this report.

- 214/16     **12    Capital Works Report - November & December 2016 & January 2017**  
                 Phil Miles, Manager Projects & Engineering

**RESOLVED (Turner) (as per recommendation)**

That Council note the information in this report.

- 215/16     **13    Minutes of Local Traffic Committee Meeting held on 23 November 2016**  
                 Richard Wheatley, Traffic Engineer

**RESOLVED (Turner) (as per recommendation)**

It is recommended that the Minutes of the Local Traffic Committee meeting held on 23 November 2016 be noted and that Council endorse the recommendations made at the meeting.

## DIRECTOR COMMUNITY SPACES & SERVICES

- 216/16     **14    Reallocation of Surf Club Funding**  
                 Lyndie Hepple, Community Development Coordinator

**RESOLVED (Turner) (as per recommendation)**

That Pacific Palms Surf Life Saving Club be permitted to reallocate funding already received in order to purchase a replacement inflatable boat and shade shelter.

- 217/16     **15    Design of Sand Transport System (Winda Woppa to Jimmys Beach)**  
                 Andrew Morris, Parks Natural Assets Officer

**RESOLVED (Turner) (as per recommendation)**

1. That the progress of the project and revised concept plans for the construction of a sand transfer system to allow the ongoing long term renourishment of Jimmys Beach be noted.
2. That the expected budget increase of \$981,308 associated with the project be supported.
3. That Council staff continue to liaise with OEH staff, but not submit a project variation until all designs are finalised and final construction costs are determined through an open tender process.

## DIRECTOR CORPORATE & BUSINESS SYSTEMS

218/16

### **16 Investments - November 2016**

Phil Brennan, Manager Finance (Forster)

#### **RESOLVED (Turner) (as per recommendation)**

That the report be received and noted.

#### **CLOSED COUNCIL**

219/16

#### **RESOLVED (Turner)**

That Council move into Closed Council (Confidential Section of Ordinary Meeting) (Meeting Closed to the Public) to discuss the items listed in the report (2.26pm).

Upon resuming into Open Council the Administrator reported that the following resolutions had been passed.

220/16

### **17 Wallamba River Water Quality Improvement Land Acquisition (Section 10A(2)(c))**

Gerard Tuckerman, Manager Natural Systems

#### **RESOLVED (Turner) (as per recommendation)**

It is recommended that:

1. Approves the purchase of Lot 75 DP753212 and part Lot 74 DP 753212 (proposed Lot 2 DP1222029) and that the Common Seal of Council be affixed as required to the contract relating to the purchase of the identified property;
2. Pursuant to Section 31(2) of the Local Government Act 1993, classify the land as community land, natural area, wetland and add the acquired land to Appendix C of Council's Plan of Management - Community Land.
3. Rezone the acquired property to E(2) at the next LEP amendment.

221/16

### **18 Contract 2016-17/13 - Diamond Beach Road Upgrade, Blackhead Road To Diamond Drive (Section 10A(2)(c) and 10A(2)(d))**

Phil Miles, Manager Projects and Engineering

#### **RESOLVED (Turner) (as per recommendation)**

- That Council award Contract 2016-17/13 Diamond Beach Road Upgrade, Blackhead Road to Diamond Drive to Ditchfield Contracting Pty Ltd for the lump sum price indicated in the report subject to the execution of all contract documentation.
- That the unsuccessful tenderers are thanked for their participation in the tender process

222/16

**19 Construction & repair of Jetty & Pontoon Infrastructure at Tuncurry, Pacific Palms & Coomba Park (Section 10A(2)(d)(i))**

Deb Tuckerman, Procurement Coordinator

**RESOLVED (Turner) (as per recommendation)**

That Council award the contract for the construction and repair of jetty and pontoon infrastructure at Tuncurry, Pacific Palms and Coomba Park to Landmark Marinas Pty Ltd (trading as Clement Marine Constructions) as detailed in this report.

---

There being no further business, the meeting closed at 2.27pm

This is the last page of the minutes of the Ordinary Meeting of MidCoast Council held on 14 December 2016

..... Administrator ..... Interim General Manager