



MIDCOAST
council

Minutes of the Development Control Unit Meeting

**held at the Council Chambers
4 Breese Parade, Forster**

16 November 2017

A handwritten signature in black ink, reading "Glenn Handford". The signature is written in a cursive style with a large initial 'G'.

Glenn Handford
General Manager

TABLE OF CONTENTS

PRESENT..... 1

IN ATTENDANCE 1

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS 1

PRAYER..... 1

APOLOGIES 1

ADOPTION OF MINUTES OF MEETING 1

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST 1

ADDRESSES FROM THE PUBLIC GALLERY 2

CONSIDERATION OF OFFICERS’ REPORTS:..... 2

DIRECTOR PLANNING & NATURAL SYSTEMS 2

1 283-2017DA - SHED AND USE OF FENCE - MITCHELLS ISLAND 2

2 482-2017DA - DEMOLITION OF TWO STOREY DWELLING - HARRINGTON 3

3 DA-464-2017 - SEVEN LOT SUBDIVISION - FAILFORD ROAD, FAILFORD 3

4 192-2014-DA-B MODIFICATION OF CONSENT - TAREE MOTORCYCLE CLUB - PAMPOOLAH 5

Minutes of the Development Control Unit meeting of the MidCoast Council held at the Council Chambers, 4 Breese Parade, Forster on 16 November 2017 commencing at 2pm.

PRESENT

Cr Len Roberts (Chairperson) as Mayor's delegate.

IN ATTENDANCE

Director Planning & Natural Systems - Lisa Schiff
Director Engineering & Infrastructure - Ron Hartley
Manager Development Assessments - Bruce Moore
Manager Building Assessments - Gary Mead
Minute Taker - Admin Officer - Yvette Ellis

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Cr Roberts recognised the traditional custodians of the lands contained in the MidCoast Council area, being the Gathang speaking people, and paid respect to their heritage and their elders - past and present.

PRAYER

Cr Roberts read the Local Government Prayer.

APOLOGIES

Mayor - Cr David West.

51/17 RESOLUTION

That the apology from Mayor - Cr David West be accepted.

ADOPTION OF MINUTES OF MEETING

52/17 RESOLUTION

That the Minutes of the Development Control Unit Meeting of 6 September 2017, copies of which were distributed among the Committee members, 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
Director Planning & Natural Systems - Lisa Schiff	Item 1 - 283-2017DA - Shed and Use of Fence - Mitchells Island	Non-Pecuniary Interest (Less than Significant) the nature of the interest being the Consultant is my neighbour. Ms Schiff elected to remain in the meeting

ADDRESSES FROM THE PUBLIC GALLERY

283-2017DA - Shed and Use of Fence - Mitchells Island

Mr Gavin Maberly-Smith (Consultant for the Applicant/Owner) addressed the Committee in support of the Development Application.

482-2017DA - Demolition of Two Storey Dwelling - Harrington

Ms Karen Thompson (adjoining neighbour) addressed the Committee objecting to the Development Application.

Mr Keith Richardson (adjoining neighbour) addressed the Committee objecting to the Development Application.

Mr Tony Dove (of Tony Dove Drafting - Applicant) addressed the Committee in support of the Development Application.

DA-464-2017 - Seven Lot Subdivision - Failford Road, Failford

Rev Dr Peter Marshall (neighbour) addressed the Committee objecting to the Development Application.

Messrs Brian Lidbury and Phillip Lidbury (of Lidbury, Summers & Whiteman - Applicant) addressed the Committee in support of the Development Application.

Mr Brian Birrell (neighbour) addressed the Committee, objecting to the Development Application.

192-2014-DA-B Modification of Consent - Taree Motorcycle Club - Pampoolah

Mrs Stacey Gorton and Mr Steve Gorton (adjoining neighbours) addressed the Committee objecting to the Modification of Consent.

Mr Barry Evans (of Barry Evans & Associates - Applicant) and Mr Craig Nelson (President, Taree Motorcycle Club) addressed the Committee in support of the Modification of Consent.

Ms Lee Stewart (with Barry Evans & Associates) addressed the Committee in support of the Modification of Consent.

Mr Rob Minett (neighbour) addressed the Committee objecting to the Modification of Consent.

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

1 283-2017DA - SHED AND USE OF FENCE - MITCHELLS ISLAND

Report Author Adam Dean, District Building Surveyor

Director Planning and Natural Systems - Lisa Schiff, declared a non-pecuniary interest (less than significant) and remained in the meeting.

RECOMMENDATION

It is recommended that Development Application 283/2017/DA for Use of Fence, Construction of new Shed on Lot 1 DP 842861 be approved in accordance with the conditions of consent contained in Annexure A.

53/17 RESOLUTION

That the above recommendation be adopted.

2 482-2017DA - DEMOLITION OF TWO STOREY DWELLING - HARRINGTON
Report Author Adam Dean, Building Surveyor

RECOMMENDATION

It is recommended that Development Application 482/2017/DA for Demolition and Two Storey Dwelling on Lot A DP 365106, No. 7 Church Street, Harrington be approved in accordance with the conditions of consent contained in Annexure A.

54/17 RESOLUTION

That the above recommendation be adopted.

3 DA-464-2017 - SEVEN LOT SUBDIVISION - FAILFORD ROAD, FAILFORD
Report Author Steve Andrews, Assessment Planner

RECOMMENDATION

It is recommended that development consent be granted to DA 464/2017 for the subdivision of Lot 2 DP 1009278, 408 Failford Road, Failford subject to compliance with the conditions referred to in Annexure A.

55/17 RESOLUTION

That development consent be granted to DA 464/2017 for the subdivision of Lot 2 DP 1009278, 408 Failford Road, Failford subject to compliance with the conditions referred to in Annexure A and to the following amendments:

Amend the table in Condition 8 to read as follows:

Required work	Specification of work
Full width road construction	Full width road and drainage construction for all proposed roads on the approved plan in accordance with section 4.1.3 and 4.2.7 of "Planning For Bushfire Protection 2006" and Council design standards.
Service conduits	Service conduits to each of the proposed new allotments laid in strict accordance with the service authorities' requirements.
Estate sign and/or structure	Council will not accept ownership or responsibility for the sign or structure. Council will need to be satisfied that a Plan is in place that will provide for ongoing maintenance of the sign and/or structure. Council reserves the right to assess the condition of the sign or structure and also its relevance at intervals of 5 years. The Estate name will not be recognised by Council as part of a property address.
Culverts required across drainage channels, passing bays or streams	The culvert must be designed for a 1:5 ARI (Average Recurrence Interval) and ensures that peak flow rates for the 1% AEP storm event are not affected.
Tree disposal	Details of the means of tree disposal are to be submitted for Council's approval prior to the commencement of subdivision works.

Amend Condition 11 by adding the words "for Stage 2" in the first paragraph as follows:

11. Erosion and sediment control plan

Prior to the issue of a subdivision construction certificate *for Stage 2*, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "*The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction*" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

Amend Condition 12 by adding the words "for Stage 2" in the first paragraph as follows:

12. Bond required to guarantee against damage to public land

Prior to the issue of a subdivision construction certificate *for Stage 2*, a Damage Bond Application form together with payment of a bond in the amount of \$4000 and a non-refundable administration fee of \$320 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

Delete Condition 13.

Amend the second last paragraph of Condition 33 to read as follows:

The Registered Proprietor of the land shall have registered by the Registrar-General a plan as a deposited plan showing that part of the land of Proposed Lots 21 and 20 comprising the area identified in this Condition and which plan is to identify the area affected by the Restrictions as to Use and Public Positive Covenant such that on its registration, these instruments are executed on the appropriate title(s).

Amend the table in Condition 47 to read as follows:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Building envelope	Restrictions to limit the erection of any building or structure to the nominated building envelope.
Easement for services for access handle	The creation of suitable easements for services over the access handle of proposed Lot 1.
Easement for services	The creation of suitable easements where applicable for services over the proposed lots.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.

Replace Condition 49 with the following:

49. Landscape Design

Prior to the issue of the Subdivision Certificate appropriate landscaping shall be provided either side of the existing land handle that connects the site with Heather Close to ensure visual amenity, containment of light spill from vehicles and a reasonable standard of privacy for neighbouring properties.

Reason: To ensure visual amenity, containment of light spill from vehicles and a reasonable standard of privacy for neighbouring properties.

4 192-2014-DA-B MODIFICATION OF CONSENT - TAREE MOTORCYCLE CLUB - PAMPOOLAH

Report Author Petula Bowden, Senior Town Planner

RECOMMENDATION

It is recommended that Development Application 192/2014/DA/B for Modification of Development Consent for the Taree Motorcycle Club on Lot 8 DP 229417 (No. 328 Old Bar Road Pampoolah) be approved subject to Condition No. 3 being amended as follows:

1.
 3. A total of 23 motorcycling events can be held in any one calendar year and may include the following:

MEETING	HELD	Gate Opening Times	Racing Times	Maximum No. of Persons (including competitors)
<i>Troy Bayliss Classic</i>	<i>2 days /year Day /Night</i>	<i>6.30 am – 11 pm</i>	<i>10 am - 10 pm</i>	<i>6000</i>
<i>Taree Twilight/Night Race</i>	<i>1 day/ year Day/Night</i>	<i>7.30 am – 11 pm</i>	<i>12 noon - 10 pm</i>	<i>3000</i>
Other Meetings	<i>Day event</i>	<i>6.30 am – 7 pm</i>	<i>10 am – 5 pm</i>	<i>1500</i>

Activity in the site for the purpose of working bees and track maintenance can be carried out on any day between the hours of 7am and 5pm.

2. That all other conditions of consent remain valid and applicable.

56/17 RESOLUTION

That Development Application 192/2014/DA/B for Modification of Development Consent for the Taree Motorcycle Club on Lot 8 DP 229417 (No. 328 Old Bar Road Pampoolah) be approved subject to Condition No. 3 being amended as follows:

1.
 3. A total of 26 motorcycling events (inclusive of six Kickstart days) can be held in any one calendar year and may include the following:

MEETING	HELD	Gate Opening Times	Racing Times	Maximum No. of Persons (including competitors)
<i>Troy Bayliss Classic</i>	<i>2 days /year Day /Night</i>	<i>6.30 am – 11 pm</i>	<i>10 am - 10 pm</i>	<i>6000</i>
<i>Taree Twilight/Night Race</i>	<i>1 day/ year Day/Night</i>	<i>7.30 am – 11 pm</i>	<i>12 noon - 10 pm</i>	<i>3000</i>
Other Meetings	<i>Day event</i>	<i>6.30 am – 7 pm</i>	<i>10 am – 5 pm</i>	<i>1500</i>

Activity in the site for the purpose of working bees and track maintenance can be carried out on any day between the hours of 7am and 5pm.

2. That all other conditions of consent remain valid and applicable.

This is the last page of the minutes of the Development Control Unit meeting of MidCoast Council held on 16 November 2017.

There being no further business, the meeting closed at 4.40pm.

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Chairperson