



MIDCOAST
council

PLANNING DECISION REGISTER 2021

Section 375A, Local Government Act 1993
(DLG Circular 08-45)

<p>10 FEBRUARY 2021 ORDINARY COUNCIL MEETING</p>	<p>2 DA-182/2021 - ALTERATIONS & ADDITIONS TO EXISTING OFFICE PREMISE BREESE PARADE, FORSTER (MIDCOAST ASSIST BUILDING)</p> <p>Report Author Ben Lim-Cooper - Development Assessment Planner</p> <p>DA No. DA-182/2021</p> <p>Date of Meeting 10 February 2021</p> <p>Authorising Director Paul De Szell - Director Liveable Communities</p> <hr/> <p>RECOMMENDATION</p> <p>It is recommended that Development Application DA-182/2021 for alterations and additions to the existing MidCoast Assist building on Lot 2 DP 1133390, 4 -12 Breese Parade, Forster NSW 2428 be approved subject to the conditions contained in Annexure A.</p> <p><u>5/2021 RESOLUTION</u></p> <p>(Moved Cr K Hutchinson/Seconded Cr C Pontin)</p> <p>That the above recommendation be adopted.</p> <p>FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Cr D Keegan, Cr J McWilliams, Cr L Roberts</p>
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5 SUPERSEDED DEVELOPMENT CONTRIBUTION PLAN FUNDS - TAREE

Report Author Richard Pamplin - Principal Strategic Planner (Projects, Contributions and Planning Agreements)

File No. / ECM Index

Date of Meeting 10 February 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That funding be allocated from the superseded development contribution reserve for Taree to the following projects:

- up to \$200,000 to the new studio space at the Manning Entertainment Centre; and
- up to \$80,000 to footpaths within the Bicentennial Gardens to link them to the FIGTREES on the Manning Public Infrastructure Works Project.

8/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin

AGAINST VOTE – Cr P Epov

ABSENT. DID NOT VOTE - Cr D Keegan, Cr J McWilliams, Cr L Roberts, Cr K Bell

**24 MARCH 2021
ORDINARY
COUNCIL
MEETING**

**5. PRIMITIVE CAMPING GROUND - DEVELOPMENT APPLICATION 25/2021 — PACIFIC HIGHWAY,
BULAHDELAH**

Report Author **Craig Wilkinson - Senior Development Planner**
File No. **DA-25/2021**
Date of Meeting **24 March 2021**
Authorising Director **Paul De Szell - Director of Liveable Communities**

RECOMMENDATION

It is recommended that Development Application DA-25/2021 for a Primitive Camping Ground on Lot A DP 405759 and Lot 7003 DP 1026591, Pacific Highway, Bulahdelah be approved in accordance with the conditions of consent contained in Annexure A.

(Moved Cr T Fowler/Seconded Cr C Pontin)

That the above recommendation be adopted.

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That this matter be deferred to a Councillor Workshop for further discussion.

FOR VOTE – Cr K Smith, Cr B Christensen, Cr K Hutchinson

AGAINST VOTE - Cr K Bell, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr D West, Cr L Roberts

ABSENT. DID NOT VOTE - Cr D Keegan

The amendment was lost and Council returned to the original motion.

54/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr C Pontin)

	<p>That the above recommendation be adopted.</p> <p>FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Cr D Keegan</p> <p><i>Cr B Christensen having declared a conflict of interest, left the meeting at 3:34pm</i></p>
	<p>6. TWO (2) LOT SUBDIVISION - DEVELOPMENT APPLICATION 588/2020 — 56 JERICO ROAD, MOORLAND</p> <p>Report Author Andrew Lister - Contract Planner</p> <p>File No. 588/2020/DA</p> <p>Date of Meeting 24 March 2021</p> <p>Authorising Director Paul De Szell - Director of Liveable Communities</p> <hr/> <p>RECOMMENDATION</p> <p>It is recommended that Development Application No. 588/2020 for a two-lot subdivision of Lot 3, DP 841419, 56 Jericho Road, Moorland be refused for the following reasons:</p> <p>Reasons for Refusal</p> <ol style="list-style-type: none"> 1. The proposed subdivision does not comply with Clause 4.1A of the Greater Taree Local Environmental Plan 2010 and is deemed impermissible by virtue of that Clause. 2. The proposed subdivision does not comply with Section C3.4 of the Greater Taree Development Control Plan 2010 related to the management of effluent disposal for unsewered lands.

3. The proposed unsewered lots have insufficient useable land available for sustainable on-site sewage management (OSSM) as per Section 6.3 of Council's On-site Sewage Management Technical Manual.
4. The stormwater concept design prepared by Zenith Surveying Services shows a charged line. As the catchment for this line is grassed, a charged solution is unacceptable due to the propensity for blockage.
5. The cumulative impact of an unsatisfactory drainage strategy and the inadequate method of onsite effluent disposal would have an undesirable environmental impact on the local area.
6. Approval of the proposed development would establish a dangerous and undesirable precedent for MidCoast Council's assessment of subdivisions of this type.

Moved Cr K Smith/Seconded Cr K Hutchinson

Reasons

- Council is currently undertaking a harmonisation of three LEPs.
- This subdivision would likely have been recommended for approval had it been in former Gloucester or Great Lakes Council.
- That the subdivision is not out of character with the subdivision pattern in the locality.
- 4.1a of the Greater Taree LEP 2010 is a development standard and the applicant's 4.6 variation request is accepted by Council given that the report by Whitehead & Associates adequately demonstrates that onsite effluent management will not impact negatively on public health, water quality or environmental values.

It is recommended that Development Application No. 588/2020 for a two-lot subdivision of Lot 3, DP 841419, 56 Jericho Road, Moorland be approved for the following reasons:

Proposed Conditions for Consent

General Conditions

The following conditions of consent are general conditions applying to the development.

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
Proposed Plan of Subdivision	A01	Coastplan GF	27/3/2020
Onsite Wastewater Management Plan		Whitehead & Associates Environmental consultants	18 May 2020

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. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

3. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument shall establish the following title encumbrances on proposed Lot B with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Effluent disposal area

Restrictions to limit any development, other than effluent disposal systems and associated works, to the nominated effluent disposal area as shown in the Onsite Wastewater Management Plan prepared by Whitehead & Associates Environmental consultants (Ref: 2588_Letter_002 Dated: 18 May 2020).

Reason: To ensure the proper management of land.

Prior to the issue of the Subdivision Certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate.

4. Plan of subdivision

An application for a subdivision certificate must be made on the approved form and must be accompanied by the subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges. Three (3) copies of the plan of subdivision must be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on one copy of the plan.

Reason: To ensure adequate identification of boundaries and the location of structures.

5. Utility supply certificate

The provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:

- a) electricity supply
- b) national broadband network

Reason: To ensure that utility services have been provided to the newly created lots.

6. Driveway application

Prior to the issue of a subdivision certificate, a Driveway Application must be submitted to and approved by Council for a new driveway and removal of any redundant vehicular crossing for proposed Lot A.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

7. Driveway in accordance with approved Driveways Application

Prior to the issue of a subdivision certificate, a driveway must be constructed from the edge of the road formation to the property boundary of proposed Lot A and any redundant vehicular crossings removed in accordance with the approved Driveway Application. A certificate of compliance must be obtained from Council certifying that the works have been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

8. Completion of works

Prior to the issue of a subdivision certificate, all works approved under the subdivision works certificate must be completed. Evidence of practical completion must be provided to Council.

Reason: To ensure civil works are appropriately constructed.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr L Roberts

AGAINST VOTE – Cr P Epov, Cr C Pontin

ABSENT. DID NOT VOTE - Cr D Keegan, Cr B Christensen

55/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

Reasons

- Council is currently undertaking a harmonisation of three LEPs.

- This subdivision would likely have been recommended for approval had it been in former Gloucester or Great Lakes Council.
- That the subdivision is not out of character with the subdivision pattern in the locality.
- 4.1a of the Greater Taree LEP 2010 is a development standard and the applicant's 4.6 variation request is accepted by Council given that the report by Whitehead & Associates adequately demonstrates that onsite effluent management will not impact negatively on public health, water quality or environmental values.

It is recommended that Development Application No. 588/2020 for a two-lot subdivision of Lot 3, DP 841419, 56 Jericho Road, Moorland be approved for the following reasons:

Proposed Conditions for Consent

General Conditions

The following conditions of consent are general conditions applying to the development.

9. 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
Proposed Plan of Subdivision	A01	Coastplan GF	27/3/2020
Onsite Wastewater Management Plan		Whitehead & Associates Environmental consultants	18 May 2020

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.

10. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

11. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument shall establish the following title encumbrances on proposed Lot B with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Effluent disposal area	Restrictions to limit any development, other than effluent disposal systems and associated works, to the nominated effluent disposal area as shown in the Onsite Wastewater Management Plan prepared by Whitehead & Associates Environmental consultants (Ref: 2588_Letter_002 Dated: 18 May 2020).
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Reason: To ensure the proper management of land.

Prior to the issue of the Subdivision Certificate

The following conditions must be complied with prior to the issue of the Subdivision Certificate.

12. Plan of subdivision

An application for a subdivision certificate must be made on the approved form and must be accompanied by the

subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges. Three (3) copies of the plan of subdivision must be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on one copy of the plan.

Reason: To ensure adequate identification of boundaries and the location of structures.

13. Utility supply certificate

The provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:

- a) electricity supply
- b) national broadband network

Reason: To ensure that utility services have been provided to the newly created lots.

14. Driveway application

Prior to the issue of a subdivision certificate, a Driveway Application must be submitted to and approved by Council for a new driveway and removal of any redundant vehicular crossing for proposed Lot A.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

15. Driveway in accordance with approved Driveways Application

Prior to the issue of a subdivision certificate, a driveway must be constructed from the edge of the road formation to the property boundary of proposed Lot A and any redundant vehicular crossings removed in accordance with the approved Driveway Application. A certificate of compliance must be obtained from Council certifying that the works have been constructed to comply with the approved driveway application.

Reason: To ensure suitable vehicular access to the development.

16. Completion of works

Prior to the issue of a subdivision certificate, all works approved under the subdivision works certificate must be completed. Evidence of practical completion must be provided to Council.

Reason: To ensure civil works are appropriately constructed.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr L Roberts

AGAINST VOTE – Cr P Epov, Cr C Pontin

ABSENT. DID NOT VOTE - Cr D Keegan, Cr B Christensen

Cr Christensen returned to the meeting at 4:06pm

7. BULAHDELAH HIGHWAY SERVICE CENTRE PLANNING AGREEMENT REFERENCE GROUP - NOMINATIONS

Report Author **Aaron Kelly - Strategic Planner**
File No. / ECM Index **Governance / Committees**
Date of Meeting **24 March 2021**
Authorising Director **Paul De Szell - Director Liveable Communities**

RECOMMENDATION

That:

1. The revised Terms of Reference for the Bulahdelah Highway Service Centre Planning Agreement Reference Group as shown in Attachment A to this report be adopted.
2. That the nominations outlined in Attachment B to this report be endorsed for membership to the Bulahdelah Highway Service Centre Planning Agreement Reference Group.

56/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Cr D Keegan

8. SUPERSEDED DEVELOPMENT CONTRIBUTION PLAN FUNDS - WINGHAM

Report Author Richard Pamplin - Principal Land Use Planner
ECM Index Development Contribution Plans/Greater Taree Plans
Date of Meeting 24 March 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That funding of up to \$400,000 be allocated from the superseded development contribution reserve for Wingham to the Wingham Library redevelopment project.

57/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr D Keegan

10.TUNCURRY WATER PLAYGROUND – DESIGN CONSULTATION

Report Author Elysha Futterleib - Recreation Officer
File No. / ECM Index Parks & Reserves – Tuncurry Water Playground
Date of Meeting 24 March 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council:

1. Notes the Engagement Outcomes Report in relation to the Tuncurry Water Playground design.
2. Supports the results outlined in the report and proceeds to tender for design and construction.
3. That further community engagement be undertaken following the completion of the design phase of the project.

59/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr D Keegan

12 GLOUCESTER COMMUNITY GARDEN

Report Author Daniel Aldridge - Manager Community Spaces, Recreation & Trades

File No. / ECM Index

Date of Meeting 24 March 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council:

1. Recognise that no site is without constraints for the establishment of a Community Garden in the Gloucester area.
2. Identifies Gloucester District Park-adjacent tennis courts as its preferred location for the establishment of a Community Garden.
3. Assists Croquet with the establishment of a water tank and a storage facility.

Moved Cr K Smith/Seconded Cr K Hutchinson

That Council:

1. Recognise that no site is without constraints for the establishment of a Community Garden in the Gloucester area.
2. Identifies a site adjacent to the tennis courts in Gloucester District Park as its preferred location for the establishment of a Community Garden for a 2 year trial period.
3. Assists Croquet with the establishment of a water tank and a storage facility.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Cr D Keegan

61/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That Council:

1. Recognise that no site is without constraints for the establishment of a Community Garden in the Gloucester area.
4. Identifies a site adjacent to the tennis courts in Gloucester District Park as its preferred location for the establishment of a Community Garden for a 2 year trial period.
5. Assists Croquet with the establishment of a water tank and a storage facility.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Cr D Keegan

2. PLANNING PROPOSAL – LAND ADJOINING HAWKS NEST GOLF CLUB

Report Author Rebecca Underwood – Land Use Planner

File No. / ECM Index

Date of Meeting 28 April 2021

Authorising Director Paul De Szell - Director Liveable Communities

Cr L Roberts left the meeting at 2.42pm

RECOMMENDATION

1. That Council acknowledge the submissions received in response to the exhibition of the Draft Hawks Nest Planning Proposal as shown in Attachment C.
2. That Council adopt the Draft Hawks Nest Planning Proposal, as amended to increase the minimum lot size for subdivision to 1ha, as shown in Attachment A.
3. That Council make a request to the Office of the Parliamentary Counsel to draft the legal instrument to give effect to the Planning Proposal as Council is the Planning Proposal Authority.
4. That Council adopt the Draft Sanderling Avenue Planning Agreement between MidCoast Council and Core Property Developments Pty Ltd/Leric Group Pty Ltd, as contained in Attachment D, amended as a result of submissions, and register the planning agreement on the affected property.
5. That the General Manager authorise the Sanderling Avenue Planning Agreement.

103/2021 RESOLUTION

(Moved Cr Hutchinson/Seconded Cr Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin,

AGAINST VOTE - Cr P Epov; Cr K Bell

ABSENT. DID NOT VOTE Cr L Roberts

Cr Roberts returned to the meeting at 2.45pm

3. INDUSTRIAL SUBDIVISION – DEVELOPMENT APPLICATION 463/2020 – 18 WANYA ROAD, TEA GARDENS

Report Author Ben Lim-Cooper - Development Assessment Planner

DA No. DA-463/2020

Date of Meeting 28 April 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA-463/2020 for a thirteen (13) lot subdivision of land described as Lot 102 & Lot 103 DP 1178278, 18 Wanya Road, Tea Gardens be approved subject to the conditions contained in Annexure A.

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

It is recommended that Development Application DA-463/2020 for a thirteen (13) lot subdivision of land described as Lot 102 & Lot 103 DP 1178278, 18 Wanya Road, Tea Gardens be approved subject to amending the following conditions in relation to removal of reference to sewer in condition 3, condition 14, and condition 19 in Annexure A.

A Conditions of consent

3. Engineering construction plans

Prior to the issue of a subdivision works certificate, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Kerb & gutter, road shoulder construction	Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing including any necessary relocation of services across the frontage of proposed Lots 5,6 and 7 on Wanya Road and proposed Lots 11 and 12 fronting Yarrumba Street. The extension of the kerb in Wanya Road is to include an offset cul-de-sac bulb with a minimum radius of 8.5m compliant to Rural Fire Services and Council requirements.
Inter-allotment drainage	An inter-allotment drainage system to an approved public drainage system for each of the proposed new lots where it is not possible to provide a gravity connection for stormwater runoff from future development on the lot to the kerb and gutter.
On-site stormwater detention	Stormwater must be discharged via an on-site stormwater detention/bio-retention system that is to be designed to ensure that peak flow rates for the 1% AEP storm event exiting the subdivision do not exceed that occurring in the pre-development state. The Design must be in accordance with The Institution of Engineers, Australia <i>Australian Rainfall and Runoff</i> .
Street lighting	Street lighting must be provided to the requirements of the energy supply authority and Australian Standard AS/NZS 1158: Lighting for roads and public spaces.
Service utilities	All stormwater drainage pipelines and overflow routes, water, electricity, and telecommunication service lines are to be indicated on the engineering plans. The service lines are to be laid within the road reserves and lots as required by the service provider during construction (i.e. no trenching is to occur through constructed roads etc.). Where necessary, conduits are

	to be extended from the utility service provided to each lot for future connection (e.g. NBN). Written approval from each service authority is to also be provided.
Street Trees	<p>Street tree locations are to be shown on the submitted plans. Details are to include the:</p> <ul style="list-style-type: none"> • Tree species. • Tree proximity to footpaths, pipelines, service utility corridors and conduits. • Tree guard, root guard, soil mix profile and maintenance procedure.

Reason: To ensure works are constructed to a suitable standard.

14. MidCoast Water approval

Prior to the issue of a subdivision certificate, a Certificate of Compliance from MidCoast Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

19. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Inter-allotment drainage easements	The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments and/or road reserves.
Drainage easements	The creation of suitable easements for drainage of water over all drainage pipelines and structures located within the proposed allotments and/or road reserves in accordance with Council's policy.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.
Dedicated public road access	Dedication of suitable public road access to all proposed allotments.

Reason: To ensure the proper management of land.

104/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

It is recommended that Development Application DA-463/2020 for a thirteen (13) lot subdivision of land described as Lot 102 & Lot 103 DP 1178278, 18 Wanya Road, Tea Gardens be approved subject to amending the following conditions in relation to removal of reference to sewer in condition 3, condition 14, and condition 19 in Annexure A.

A Conditions of consent

3. Engineering construction plans

Prior to the issue of a subdivision works certificate, engineering construction plans and specifications must be submitted to and approved by the certifying authority for the works listed below.

Required work	Specification of work
Kerb & gutter, road shoulder construction	Kerb and gutter, road shoulder and associated drainage construction, footpath formation and turfing including any necessary relocation of services across the frontage of proposed Lots 5,6 and 7 on Wanya Road and proposed Lots 11 and 12 fronting Yarrumba Street. The extension of the kerb in Wanya Road is to include an offset cul-de-sac bulb with a minimum radius of 8.5m compliant to Rural Fire Services and Council requirements.
Inter-allotment drainage	An inter-allotment drainage system to an approved public drainage system for each of the proposed new lots where it is not possible to provide a gravity connection for stormwater runoff from future development on the lot to the kerb and gutter.
On-site stormwater detention	Stormwater must be discharged via an on-site stormwater detention/bio-retention system that is to be designed to ensure that peak flow rates for the 1% AEP storm event exiting the subdivision do not exceed that occurring in the pre-development state. The Design must be in accordance with The Institution of Engineers, Australia <i>Australian Rainfall and Runoff</i> .
Street lighting	Street lighting must be provided to the requirements of the energy supply authority and Australian Standard AS/NZS 1158: Lighting for roads and public spaces.
Service utilities	All stormwater drainage pipelines and overflow routes, water, electricity, and telecommunication service lines are to be indicated on the engineering plans. The service lines are to be laid within the road reserves and lots as required by the service provider during construction (i.e. no trenching is to occur through constructed roads etc.). Where necessary, conduits are

	to be extended from the utility service provided to each lot for future connection (e.g. NBN). Written approval from each service authority is to also be provided.
Street Trees	<p>Street tree locations are to be shown on the submitted plans. Details are to include the:</p> <ul style="list-style-type: none"> • Tree species. • Tree proximity to footpaths, pipelines, service utility corridors and conduits. • Tree guard, root guard, soil mix profile and maintenance procedure.

Reason: To ensure works are constructed to a suitable standard.

14. MidCoast Water approval

Prior to the issue of a subdivision certificate, a Certificate of Compliance from MidCoast Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

19. Plan of subdivision and Section 88B Instrument

The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with MidCoast Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument	Details of Item
Inter-allotment drainage easements	The creation of easements for drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures located within the proposed allotments and/or road reserves.
Drainage easements	The creation of suitable easements for drainage of water over all drainage pipelines and structures located within the proposed allotments and/or road reserves in accordance with Council's policy.
Easement for electricity	The creation of any necessary easements for electricity purposes as required by the electricity supply authority.
Dedicated public road access	Dedication of suitable public road access to all proposed allotments.

Reason: To ensure the proper management of land.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
 AGAINST VOTE - Nil
 ABSENT. DID NOT VOTE

4. DUAL OCCUPANCY – DEVELOPMENT APPLICATION 256/2021 – 1569 THE BUCKETTS WAY, ALLWORTH

Report Author Arnna Fotheringham - Development Planner

File No. / ECM Index DA-256/2021

Date of Meeting 28 April 2021

Authorising Director Paul De Szell – Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application 256/2021 for a Dual Occupancy on Lot 2 DP 262892, 1569 The Bucketts Way, Allworth be approved in accordance with the conditions of consent contained in Annexure A.

105/2021 RESOLUTION

(Moved Cr Hutchinson/Seconded Cr Christensen)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE

5. BOUNDARY ADJUSTMENT & TWO (2) LOT SUBDIVISION – DEVELOPMENT APPLICATION 120-2021 – BREESE PARADE, FORSTER

Report Author Ben Lim-Cooper - Development Assessment Planner

DA No. DA-120/2021

Date of Meeting 28 April 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Development Application DA-120/2021 for a boundary adjustment and a two (2) lot subdivision of land described as Lot 172 and Lot 173 DP 1117963, 16 - 18 Breese Parade, Forster be approved subject to the conditions contained in Annexure A.

106/2021 RESOLUTION

(Moved Cr Fowler/Seconded Cr Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE

8.DPIE PROPOSAL – SECONDARY DWELLINGS IN RURAL ZONES

Report Author Alex Macvean - Senior Land Use Planner

File No. / ECM Index Rural Strategy; Department of Planning, Industry & Environment

Date of Meeting 28 April 2021

Authorising Director Paul De Szell - Director Liveable Communities

Cr Hutchinson left the meeting at 3.10pm

RECOMMENDATION

1. Council formally notify the Department of Planning, Industry and Environment of the resolution to opt-in to inclusion of the following clause in Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010:

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(i) 60 square metres,

(ii) 50% of the total floor area of the principal dwelling

2. Council advise the Department of Planning, Industry and Environment of the resolution to opt-in to the Department's LEP amendment program on the basis that this will provide a clear and consistent approach to the assessment of secondary dwellings in the MidCoast by also:

- including "secondary dwellings" as permissible with consent within the RU1 Primary Production zone of Gloucester LEP 2010;
- including "secondary dwellings" permissible with consent within the RU1 Primary Production and RU4 Primary Production Small Lots zones of Greater Taree 2010; and
- amending *Clause 4.2B Erection of dual occupancies and secondary dwellings in Zone RU2* in Great Lakes LEP 2014 so that it is generally consistent with the intent and purpose of existing *Clause 4.2C Erection of dual occupancies in Zone RU1* of Greater Taree LEP 2010.

(Moved Cr K Bell/Seconded Cr Roberts)

1. Council formally notify the Department of Planning, Industry and Environment of the resolution to opt-in to inclusion of the following clause in Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010:

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

(a) the total floor area of the dwelling, excluding any area used for parking, must not

exceed whichever of the following is the greater—

(i) **100 square metres,**

(ii) *50% of the total floor area of the principal dwelling*

2. Council advise the Department of Planning, Industry and Environment of the resolution to opt-in to the Department's LEP amendment program on the basis that this will provide a clear and consistent approach to the assessment of secondary dwellings in the MidCoast by also:

- including "secondary dwellings" as permissible with consent within the RU1 Primary Production zone of Gloucester LEP 2010;
- including "secondary dwellings" permissible with consent within the RU1 Primary Production and RU4 Primary Production Small Lots zones of Greater Taree 2010; and
- amending *Clause 4.2B Erection of dual occupancies and secondary dwellings in Zone RU2* in Great Lakes LEP 2014 so that it is generally consistent with the intent and purpose of existing *Clause 4.2C Erection of dual occupancies in Zone RU1* of Greater Taree LEP 2010.

109/2021 RESOLUTION

(Moved Cr K Bell/Seconded Cr Roberts)

1. Council formally notify the Department of Planning, Industry and Environment of the resolution to opt-in to inclusion of the following clause in Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010:

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

(a) *the total floor area of the dwelling, excluding any area used for parking, must not*

exceed whichever of the following is the greater—

(i) **100 square metres,**

(ii) *50% of the total floor area of the principal dwelling*

2. Council advise the Department of Planning, Industry and Environment of the resolution to opt-in to the Department's LEP amendment program on the basis that this will provide a clear and consistent approach to the assessment of secondary dwellings in the MidCoast by also:

- including “secondary dwellings” as permissible with consent within the RU1 Primary Production zone of Gloucester LEP 2010;
- including “secondary dwellings” permissible with consent within the RU1 Primary Production and RU4 Primary Production Small Lots zones of Greater Taree 2010; and
- amending *Clause 4.2B Erection of dual occupancies and secondary dwellings in Zone RU2* in Great Lakes LEP 2014 so that it is generally consistent with the intent and purpose of existing *Clause 4.2C Erection of dual occupancies in Zone RU1* of Greater Taree LEP 2010.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr K Hutchinson

Cr Hutchinson returned to the meeting at 3.15pm

9. PLANNING AMENDMENTS FOR AGRICULTURE AND AGRI-TOURISM (DPIE)

Report Author Alex Macvean - Senior Land Use Planner

File No. / ECM Index Rural Strategy; Department of Planning, Industry & Environment

Date of Meeting 28 April 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council forward the submission provided in Attachment C to this report to the Department of Planning, Industry and Environment, expressing an interest in making amendments to the Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010 as part of an amending State Environmental Planning Policy.

110/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE

**30 JUNE 2021
ORDINARY
COUNCIL
MEETING**

**2. DEVELOPMENT APPLICATION 246/2021 – ALTERATIONS & ADDITIONS TO EXISTING LIBRARY
– 222 MYALL WAY, TEA GARDENS**

Report Author Craig Wilkinson - Senior Development Planner
File No. / ECM Index DA-246/2021
Date of Meeting 30 June 2021
Authorising Director Paul De Szell - Director of Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA-246/2021 for alterations & additions to the existing Tea Gardens Library on Lot 4, DP 10190763, 222 Myall Way, Tea Gardens be approved in accordance with the conditions of consent contained in Annexure A.

2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr L Roberts)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE – Nil

3. DEVELOPMENT APPLICATION 504/2020 – PRIMITIVE CAMPING GROUND - BULAHDELAH

Report Author Craig Wilkinson - Senior Development Planner
File No. / ECM Index DA-504/2020
Date of Meeting 30 June 2021
Authorising Director Paul De Szell - Director of Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A.

Moved Cr L Roberts/Seconded Cr T Fowler

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

An amendment was moved by Cr K Smith/Seconded Cr K Hutchinson

That this matter be deferred to be dealt with at the 28 July 2021 Ordinary Council Meeting.

FOR VOTE - Cr B Christensen, Cr P Epov, Cr K Smith

AGAINST VOTE - Cr D West, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr L Roberts, Cr C Pontin

ABSENT. DID NOT VOTE – Nil

The motion was lost.

Council returned to the original motion sought by Cr L Roberts

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

171/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

It is recommended that Development Application DA-504/2020 for a Primitive Camping Ground on Lot 7009 DP 1054332, Lot 215 DP 822689 and Lot 216 DP 822689, Prince Street, Bulahdelah, be approved in accordance with the conditions of consent contained in Annexure A subject to the following amendment to condition 10:

10. Certificate of Compliance (Water & Sewer)

Prior to the issue of an approval to operate, a certificate of compliance in accordance with the Section 64 of the Local Government Act 1993 must be obtained from Council in relation to water & sewerage infrastructure.

Reason: To provide for the improvement of water and sewer infrastructure.

FOR VOTE - Cr D West, Cr T Fowler, Cr B Christensen, Cr L Roberts, Cr C Pontin, Cr K Bell

AGAINST VOTE – Cr K Hutchinson, Cr P Epov, Cr K Smith

ABSENT. DID NOT VOTE – Nil

4. PLANNING PROPOSAL – LAKE STREET FORSTER

Report Author Rebecca Underwood - Land Use Planner and All About Planning Pty Ltd

File No. / ECM Index PP 03/02

Date of Meeting 30 June 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That Council note the submissions received in response to the exhibition of the Draft Lake Street Planning Proposal as shown in Attachment C.
2. That the Draft Lake Street Planning Proposal be amended to exclude Lake Lane and that the applicant be advised that access to the subject site for any future development shall only be provided via Lake Street.
3. That Council adopt the Draft Lake Street Planning Proposal as shown in Attachment A with the above additional amendment to exclude Lake Lane.
4. That Council seek approval from the Secretary of the Department of Planning Industry and Environment that changes made to the Draft Lake Street Planning Proposal to address compliance with 9.1 Ministerial directions: 2.2 Coastal Protection, 2.6 Remediation of Contaminated Land, 3.4 Land Use and Transport and 4.1 Acid Sulfate Soils are satisfactory.
5. That Council formally request the NSW Department of Planning, Industry and Environment to make the amendments to give effect to the Draft Lake Street Planning Proposal.

172/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr L Roberts)

That the above recommendation be adopted.

	<p>FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr C Pontin, Cr L Roberts AGAINST VOTE – Cr T Fowler, Cr P Epov ABSENT. DID NOT VOTE - Nil</p>
<p>28 JULY 2021 ORDINARY COUNCIL MEETING</p>	<p style="text-align: center;">3. MULTI-DWELLING HOUSING DA2021/1080 – 157 BOOMERANG DRIVE, BOOMERANG BEACH</p> <p>Report Author Ben Lim-Cooper – Development Assessment Planner</p> <p>File No. / ECM Index DA-2021/1080</p> <p>Date of Meeting 28 July 2021</p> <p>Authorising Director Paul De Szell - Director of Liveable Communities</p> <hr/> <p>RECOMMENDATION</p> <p>It is recommended that Development Application DA2021/1080 for multi-dwelling housing on land described as Lot 90, DP 200167, 157 Boomerang Drive, Boomerang Beach be refused based on the following reasons:</p> <ul style="list-style-type: none"> • Non-compliance with the <i>Great Lakes Local Environmental Plan 2014</i>; • Non-compliance with the <i>Great Lakes Development Control Plan 2014</i>; • Unacceptable likely impacts on existing sewer infrastructure; • The site is not suitable for the proposed development; and • The proposed development is not in the public interest. <p><u>220/2021 RESOLUTION</u></p> <p>(Moved Cr L Roberts/Seconded Cr K Hutchinson)</p> <p>That the above recommendation be adopted.</p> <p>FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts AGAINST VOTE - Nil ABSENT. DID NOT VOTE - Nil</p>

5.MIDCOAST URBAN RELEASE AREAS

Report Author Richard Pamplin - Principal Landuse Planner (Projects and Planning Contributions)

File No. / ECM Index SPR 03/02

Date of Meeting 28 July 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That the MidCoast Urban Release Areas report as shown in Attachment A be adopted and referred to the NSW Department of Planning, Industry and Environment for endorsement.
2. That the MidCoast Housing Strategy be amended to reflect the Urban Release Areas as shown in Attachment A.

(Moved Cr L Roberts/Seconded Cr T Fowler)

1. That the MidCoast Urban Release Areas report as shown in Attachment A, (as amended) be adopted and referred to the NSW Department of Planning, Industry and Environment for endorsement.
2. That the MidCoast Housing Strategy be amended to reflect the Urban Release Areas as shown in Attachment A as amended.
3. That Attachment A be amended so that Berts Farm Forster Growth Area 6 be included as an Urban Release Area in the short term 5-10 years.
4. That Attachment A be amended so that the words “provided lands on the western side of Mungo Brush Road are dedicated to National Parks & Wildlife Services as part of a trade-off for development potential on the eastern side of the road providing residential and environmental opportunities” be deleted.
5. That Council thank the staff for the great work that has been carried out on this matter

An amendment Moved Cr K Smith/Cr B Christensen

That the matter be deferred to a workshop to be held in August 2021

FOR VOTE - Cr K Smith, Cr B Christensen, Cr C Pontin, Cr P Epov,
AGAINST VOTE - Cr K Hutchinson, Cr L Roberts, Cr T Fowler, Cr K Bell, Cr D West
ABSENT. DID NOT VOTE – Nil

The amendment was put to the vote and lost.

Council returned to Cr L Roberts Motion

(Moved Cr L Roberts/Seconded Cr T Fowler)

1. That the MidCoast Urban Release Areas report as shown in Attachment A, (as amended) be adopted and referred to the NSW Department of Planning, Industry and Environment for endorsement.
2. That the MidCoast Housing Strategy be amended to reflect the Urban Release Areas as shown in Attachment A as amended.
3. That Attachment A be amended so that Berts Farm Forster Growth Area 6 be included as an Urban Release Area in the short term 5-10 years.
4. That Attachment A be amended so that the words “provided lands on the western side of Mungo Brush Road are dedicated to National Parks & Wildlife Services as part of a trade-off for development potential on the eastern side of the road providing residential and environmental opportunities” be deleted.
5. That Council thank the staff for the great work that has been carried out on this matter

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr L Roberts,
AGAINST VOTE Cr P Epov, Cr C Pontin
ABSENT. DID NOT VOTE - Nil

222/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

1. That the MidCoast Urban Release Areas report as shown in Attachment A, (as amended) be adopted and referred to the NSW Department of Planning, Industry and Environment for endorsement.
2. That the MidCoast Housing Strategy be amended to reflect the Urban Release Areas as shown in Attachment A as amended.
3. That Attachment A be amended so that Berts Farm Forster Growth Area 6 be included as an Urban Release Area in the short term 5-10 years.
4. That Attachment A be amended so that the words “provided lands on the western side of Mungo Brush Road are dedicated to National Parks & Wildlife Services as part of a trade-off for development potential on the eastern side of the road providing residential and environmental opportunities” be deleted.
5. That Council thank the staff for the great work that has been carried out on this matter

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr L Roberts,
AGAINST VOTE Cr P Epov, Cr C Pontin
ABSENT. DID NOT VOTE - Nil

7.DEVELOPMENT CONTROL PLAN – KOLODONG PRECINCT

Report Author Richard Pamplin – Principal Landuse Planner (Projects and Planning Contributions)

File No. / ECM Index DCP 03/02

Date of Meeting 28 July 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the draft Development Control Plan amendment to the Greater Taree Development Control Plan 2010, L13 Kolodong Precinct (as shown in Attachment A), be placed on public exhibition for a period of 28 working days and that the results of the consultation process be reported back to Council as soon as practically possible.

224/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr B Christensen)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

9.BULAHDELAH HIGHWAY SERVICE CENTRE – VOLUNTARY PLANNING AGREEMENT

Report Author Richard Pamplin – Principal Land Use Planner (Projects and Planning Contributions)
File No. / ECM Index PA 24
Date of Meeting 28 July 2021
Authorising Director Paul De Szell – Director Liveable Communities

RECOMMENDATION

1. That the draft Voluntary Planning Agreement as shown in Attachment A to this report between MidCoast Council and Linfield Property Nominee Pty Ltd & NGP Investments (No. 2) Pty Limited be exhibited for a period of 28 working days in accordance with the requirements of the *NSW Environmental Planning and Assessment Act 1979*.
2. That should no objections be received during the exhibition period of the draft Voluntary Planning Agreement, that the Voluntary Planning Agreement be adopted as exhibited and registered on the property affected.
3. That the General Manager be delegated the function of authorising the Voluntary Planning Agreement.
4. That should objections be received during the exhibition period of the draft Voluntary Planning Agreement, or changes are proposed to the document (other than editorial), that this matter be reported to Council for its consideration.

226/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE – Nil

10.GLENTHORNE EMPLOYMENT AREA PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN

Report Author Aaron Kelly – Land Use Planner

File No. / ECM Index PP 04

Date of Meeting 28 July 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That:

1. Council note the submissions received in response to the exhibition of the Glenthorne Employment Lands Draft Planning Proposal and associated Draft Development Control Plan provisions as shown in Attachment C.
2. Council adopt the Glenthorne Employment Area Draft Planning Proposal as shown in Attachment A.
3. Council allow further amendments to the Planning Proposal prior to the making of the LEP to include any changes from outstanding State agency referrals.
4. Council make a request to the Office of the Parliamentary Counsel to draft the legal instrument to give effect to the Planning Proposal as Council is the Planning Proposal Authority.
5. Council adopt draft amendment Part L12 of the Greater Taree Development Control Plan (DCP 2010) being the Glenthorne Employment Lands DCP as shown in Attachment B and that this become effective upon notification on Council's website.

227/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr B Christensen)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P

Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

13.MIDCOAST GREENING STRATEGY

Report Author Michael Griffith - Land Use Planner
File No. / ECM Index SPR 07/02
Date of Meeting 28 July 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That the amended MidCoast Greening Strategy provided in Attachment A be adopted and published on Council's website.

230/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Bell)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts
AGAINST VOTE - Nil
ABSENT. DID NOT VOTE - Nil

14.VEGETATION MANAGEMENT POLICY

Report Author Michael Griffith – Land Use Planner
File No. / ECM Index SPR 07/02
Date of Meeting 30 July 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That:

1. The amended Vegetation Management Policy provided in Attachment A be adopted.
2. The adopted Vegetation Management Policy become effective no sooner than 8 weeks after the resolution of Council to adopt the Policy.
3. The exhibited Vegetation Management Development Control Plan provisions for the *Gloucester Development Control Plan 2010*, the *Greater Taree Development Control Plan 2010* and the *Great Lakes Development Control Plan* as shown in Attachment B be adopted.
4. Within 28 days after the decision to adopt the Vegetation Management Development Control Plan provisions, a notice of Council's decision to amend the Development Control Plans and the date that they come into effect is published.
5. The current Tree Preservation Controls in Part 12 of the *Great Lakes Development Control Plan* remain in effect until the exhibited Vegetation Management Development Control Plan provisions for the *Great Lakes Development Control Plan* come into effect.
6. The fee for replacement planting for Vegetation Management permits be exhibited for 28 working days, and a further report be submitted to Council detailing and addressing any feedback received.

(Moved K Smith/Seconded Cr C Pontin)

That the matter be agreed to in principle and the matter be deferred to the August 2021 Council meeting.

Cr Roberts Foreshadowed the following Motion

That:

1. The amended Vegetation Management Policy provided in Attachment A be adopted.
2. The adopted Vegetation Management Policy become effective on 30 September 2021.

3. The exhibited Vegetation Management Development Control Plan provisions for the *Gloucester Development Control Plan 2010*, the *Greater Taree Development Control Plan 2010* and the *Great Lakes Development Control Plan* as shown in Attachment B be adopted.
4. Within 28 days after the decision to adopt the Vegetation Management Development Control Plan provisions, a notice of Council's decision to amend the Development Control Plans and the date that they come into effect is published.
5. The current Tree Preservation Controls in Part 12 of the *Great Lakes Development Control Plan* remain in effect until the exhibited Vegetation Management Development Control Plan provisions for the *Great Lakes Development Control Plan* come into effect.
6. A review of the Policy be undertaken within six months from 30 September.
7. Up until the 6 month review, that Council workshop the schedules for appropriate wording

The motion was put to the vote and lost

FOR VOTE - Cr K Smith, Cr K Bell, Cr B Christensen, Cr P Epov,
AGAINST VOTE Cr L Roberts, Cr T Fowler, Cr K Hutchinson, Cr C Pontin, Cr D West
ABSENT. DID NOT VOTE - Nil

Council returned to the foreshadowed motion of Cr L Roberts as under:

(Moved by Cr L Roberts/Cr T Fowler)

That:

1. The amended Vegetation Management Policy provided in Attachment A be adopted.
2. The adopted Vegetation Management Policy become effective on 30 September 2021.

3. The exhibited Vegetation Management Development Control Plan provisions for the *Gloucester Development Control Plan 2010*, the *Greater Taree Development Control Plan 2010* and the *Great Lakes Development Control Plan* as shown in Attachment B be adopted.
4. Within 28 days after the decision to adopt the Vegetation Management Development Control Plan provisions, a notice of Council's decision to amend the Development Control Plans and the date that they come into effect is published.
5. The current Tree Preservation Controls in Part 12 of the *Great Lakes Development Control Plan* remain in effect until the exhibited Vegetation Management Development Control Plan provisions for the *Great Lakes Development Control Plan* come into effect.
6. A review of the Policy be undertaken within six months from 30 September.
7. Up until the 6 month review, that Council workshop the schedules for appropriate wording.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin,
Cr L Roberts
AGAINST VOTE Cr B Christensen, Cr P Epov
ABSENT. DID NOT VOTE - Nil

231/2021 RESOLUTION

(Moved by Cr L Roberts/Cr T Fowler)

That:

1. The amended Vegetation Management Policy provided in Attachment A be adopted.
2. The adopted Vegetation Management Policy become effective on 30 September 2021.

3. The exhibited Vegetation Management Development Control Plan provisions for the *Gloucester Development Control Plan 2010*, the *Greater Taree Development Control Plan 2010* and the *Great Lakes Development Control Plan* as shown in Attachment B be adopted.
4. Within 28 days after the decision to adopt the Vegetation Management Development Control Plan provisions, a notice of Council's decision to amend the Development Control Plans and the date that they come into effect is published.
5. The current Tree Preservation Controls in Part 12 of the *Great Lakes Development Control Plan* remain in effect until the exhibited Vegetation Management Development Control Plan provisions for the *Great Lakes Development Control Plan* come into effect.
6. A review of the Policy be undertaken within six months from 30 September.
7. Up until the 6 month review, that Council workshop the schedules for appropriate wording.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin,
Cr L Roberts
AGAINST VOTE Cr B Christensen, Cr P Epov
ABSENT. DID NOT VOTE - Nil

15.MIDCOAST COUNCIL FLYING FOX CAMP MANAGEMENT PLAN

Report Author **Nick Colman – Environmental Project Officer**

File No. / ECM Index **S0100-000251**

Date of Meeting **28 July 2021**

Authorising Director **Paul De Szell - Director Liveable Communities**

Director Corporate Services, Steve Embry, having declared a pecuniary interest, left the meeting at 4.06pm

RECOMMENDATION

That the MidCoast Council Flying-fox Camp Management Plan provided in Attachment A be adopted.

232/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

**25 AUGUST
2021
ORDINARY
COUNCIL
MEETING**

3.INTEGRATED DEVELOPMENT – HUNTINGTON CIRCUIT, HARRINGTON

Report Author Ben Lim-Cooper - Development Assessment Planner

DA No. DA2020/7263

Date of Meeting 25 August 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA2020/7263 for an “Integrated Development” consisting of a staged 45-lot community title subdivision, construction of 44 dwelling houses and associated roadways on land described as Lot 52, DP 271329, Huntington Circuit, Harrington be approved subject to the conditions contained in Annexure A.

Moved Cr B Christensen/Seconded Cr K Smith

That this matter be deferred for Council to work with the developer to look at all options in regard to traffic exiting this development, in particular limiting traffic from exiting onto Boambee Street.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE – Cr K Hutchinson

ABSENT. DID NOT VOTE – Nil

256/2021 RESOLUTION

(Moved Cr B Christensen /Seconded Cr K Smith)

That this matter be deferred for Council to work with the developer to look at all options in regard to traffic exiting this development, in particular limiting traffic from exiting onto Boambee Street.

FOR VOTE - Cr K Smith, Cr K Bell, Cr B Christensen, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE – Cr K Hutchinson, Cr D West

ABSENT. DID NOT VOTE – Nil

**22 SEPTEMBER
2021
ORDINARY
COUNCIL
MEETING**

**4.DEVELOPMENT APPLICATION 468/2020 – 1 POINT ROAD TUNCURRY – DEMOLITION OF EXISTING DWELLING
AND ERECTION OF A NEW DWELLING WITH ROOFTOP DECK**

Report Author James Duval – Building Surveyor

File No. / ECM Index DA468/2020

Date of Meeting 22 September 2021

Authorising Director Paul De Szell – Director Liveable Communities

RECOMMENDATION

That Development Application 468/2020 for the demolition of an existing dwelling and the construction of a 2-storey dwelling with an upper deck area on Lot 2, DP 361424, No.1 Point Rd, Tuncurry be approved subject to the conditions contained in Annexure A to this report.

281/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr T Fowler, Cr C Pontin, Cr P Epov,
Cr L Roberts

AGAINST VOTE - Cr K Hutchinson

ABSENT. DID NOT VOTE - Nil

7.PARRY'S COVE BIODIVERSITY PLANNING AGREEMENT

Report Author Bruce Moore - Coordinator Major Assessments

File No. / ECM Index DA-171/2020

Date of Meeting 22 September 2021

Authorising Director Paul De Szell - Director Liveable Communities

Having previously declared a Non Pecuniary Interest, Cr K Hutchinson and Cr T Fowler left the meeting at 3.32pm

RECOMMENDATION

1. That the draft Planning Agreement between MidCoast Council and Sheargold Property Developments Pty Ltd, as contained in Attachment A, be exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*.
2. If any objections are received during the exhibition period, that the draft Planning Agreement be reported back to Council for consideration.
3. If no objections are received to the draft Planning Agreement during the exhibition period, that the draft Planning Agreement be executed as exhibited and registered on the properties affected.
4. That the General Manager be delegated the function of authorising the Planning Agreement.

284/2021 RESOLUTION

(Moved Cr C Pontin/Seconded Cr K Smith)

That this matter be deferred at the request of the applicant.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE Cr K Hutchinson, Cr T Fowler

Cr K Hutchinson & Cr T Fowler returned to the meeting at 3.33 pm

8. STATUS UPDATE – PLANNING AGREEMENT – SANDERLING AVENUE, HAWKS NEST

Report Author Richard Pamplin - Principal Land Use Planner

File No. / ECM Index PA 25/02

Date of Meeting 22 September 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council note that the Sanderling Avenue Hawks Nest Planning Agreement obligation to make a monetary contribution to Council has been met and that staff will now be seeking the associated Local Environmental Plan Amendment to be made.

285/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts

AGAINST VOTE – Cr P Epov

ABSENT. DID NOT VOTE - Nil

22.TENDER FOR DESIGN AND CONSTRUCTION OF TUNCURRY WATER PLAYGROUND

Report Author **Liam Bulley - Recreation Officer**

Date of Meeting **22 September 2021**

Authorising Director **Paul De Szell - Director Liveable Communities**

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.*

301/2021 RESOLUTION

(Moved Cr T Fowler/Seconded Cr C Pontin)

That Council:

1. In accordance with clause 178 (1)(b) of the Local Government (General) Regulation 2005 decline to accept any tenders on the basis that none of the tenders address the project scope in a sufficient matter.
2. Allow the General Manager or his delegate to enter into negotiation with the two preferred tenderers on behalf of Council, in accordance with clause 178 (3)(e) of the Local Government (General) Regulation 2005 with a view to entering into a contract with the supplier who demonstrates that they can complete the project within the available budget and provide Council with the best value for money.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr P Epov, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

**13 OCTOBER
2021
ORDINARY
COOUNCIL
MEETING**

1. INTEGRATED DEVELOPMENT – HUNTINGTON CIRCUIT, HARRINGTON

Report Author Ben Lim-Cooper - Development Assessment Planner

DA No. DA2020/7263

Date of Meeting 13 October 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application 2020/7263 for an “Integrated Development” consisting of a staged 45-lot community title subdivision, the construction of 44 dwelling houses and associated roadways on land described as Lot 52, DP 271329, Huntington Circuit, Harrington be approved subject to the conditions contained in Annexure A.

311/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr P Epov

2. HOUSING STRATEGY – HARRINGTON HEIGHT AND DEVELOPMENT STRATEGY

Report Author Sue Calvin - Senior Land Use Planner
File No. / ECM Index SPR 03/02
Date of Meeting 13 October 2021
Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That a Harrington Height and Development Strategy be prepared that focuses on the vision and future development of Harrington (including height controls) after completion of the new MidCoast Local Environmental Plan and Development Control Plan.
2. That this work be undertaken instead of updating the Housing Strategy to include a review of heights in Harrington (Resolution 381/2020).

322/2021 RESOLUTION

(Moved Cr K Smith /Seconded Cr T Fowler)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Cr P Epov

4. HOUSING STRATEGY AMENDMENT – PEBBLY BEACH, FORSTER

Report Author Sue Calvin - Senior Land Use Planner

File No. / ECM Index SPR 03/02

Date of Meeting 27 October 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council amend the MidCoast Housing Strategy by inserting amended Forster maps (Attachment A) in order to reduce the density of residential land east of Macintosh Street, between Head and Lake Street and bounded by Forster Public School to the east (referred to as the 'Pebbly Beach locality') by identifying this area as a Medium Density Residential zone with a maximum building height of 12m.

331/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Bell)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

5. PLANNING PROPOSAL – GLOUCESTER SEWERAGE TREATMENT PLANT

Report Author Sue Calvin - Senior Land Use Planner

File No. / ECM Index PP 10/02

Date of Meeting 27 October 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that:

1. The Gloucester Sewage Treatment Plant Planning Proposal (as shown in Attachment A) be adopted and amended to reflect the outstanding referral responses from the NSW Department of Planning, Industry and Environment.
2. The NSW Department of Planning, Industry and Environment be requested to make the amendments to the *Gloucester Local Environmental Plan 2010*.

332/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Bell)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

2. PARRYS COVE BIODIVERSITY PLANNING AGREEMENT

Report Author Bruce Moore - Coordinator Major Assessments

File No. / ECM Index DA-171/2020

Date of Meeting 27 October 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That the draft Planning Agreement between MidCoast Council and Sheargold Property Developments Pty Ltd, as contained in Attachment A, be exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*.
2. If any objections are received during the exhibition period, that the draft Planning Agreement be reported back to Council for consideration.
3. If no objections are received to the draft Planning Agreement during the exhibition period, that the draft Planning Agreement be executed and registered on the properties affected.
4. That the General Manager be delegated the function of authorising the Planning Agreement.

352/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr C Pontin)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Cr K Hutchinson, Cr T Fowler

Cr T Fowler and Cr K Hutchinson returned to the meeting at 3.04pm

Cr L Roberts, having declared a non-pecuniary interest, left the meeting at 3.05pm

The Director Liveable Communities advised that the Bulahdelah Chamber of Commerce had advised Council that they have amended their position in relation to the Bulahdelah Highway Service Centre and no longer support the Draft Planning proposal.

Cr K Smith declared a non-pecuniary (less than significant) interest, due to having an affiliation with the Bulahdelah Business Chamber; and left the meeting at 3.13pm

6. BULAHDELAH HIGHWAY SERVICE CENTRE – PLANNING PROPOSAL & AGREEMENT

Report Author **Aaron Kelly - Land Use Planner**

File No. / ECM Index **PP 05**

Date of Meeting **27 October 2021**

Authorising Director **Paul De Szell - Director Liveable Communities**

RECOMMENDATION

That:

1. Council note the submissions received in response to the exhibition of the Bulahdelah Highway Service Centre Draft Planning Proposal and associated draft Planning Agreement as shown in Attachment C.
2. Council adopt the Bulahdelah Highway Service Centre Draft Planning Proposal as shown in Attachment A.
3. Council allow further amendments to the Planning Proposal prior to the making of the LEP to include any changes from outstanding State agency referrals.
4. Following outstanding State Agency referral responses, That Council seek the making of the amendment to Great Lakes Local Environmental Plan 2014 to implement the Bulahdelah Highway Service Centre Planning Proposal, following registration of the proposed Planning Agreement.

5. That:

A. Should settlement occur prior to the Making of the LEP, Council allow an amendment to the proposed Planning Agreement as shown in Attachment D, to be between MidCoast Council and MST Bulahdelah Pty Ltd as the Trustee for the MST Bulahdelah Trust and the amended Planning Agreement be adopted as amended and registered on the affected property.

OR

B. Should settlement not occur prior to the making of the LEP, the proposed Planning Agreement as shown in Attachment D between Mid-Coast Council and Linfield Property Nominee Pty Ltd & NGP Investments (No2) Pty Ltd be adopted as exhibited and registered on the affected property.

6. That the General Manager be delegated the function of authorising the Bulahdelah Highway Service Centre Planning Agreement.

Moved Cr P Epov/Seconded Cr K Hutchinson

That this matter be deferred to the 24 November 2021 Council Meeting.

FOR VOTE - Cr D West, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Cr L Roberts, Cr K Smith

353/2021 RESOLUTION

(Moved Cr P Epov/Seconded Cr K Hutchinson)

That this matter be deferred to the 24 November 2021 Council Meeting.

FOR VOTE - Cr D West, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Cr L Roberts, Cr K Smith

Cr L Roberts and Cr K Smith returned to the meeting at 3.16pm

**24 NOVEMBER
2021
ORDINARY
COUNCIL
MEETING**

2. DEVELOPMENT APPLICATION 221/2021 – DUAL OCCUPANCY & SWIMMING POOL – 85 GLEN AYR ROAD, GIRVAN

Report Author Arnna Fotheringham - Development Planner

File No. / ECM Index DA-221/2021

Date of Meeting 24 November 2021

Authorising Director Paul De Szell – Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application 256/2021 for a dual occupancy development and swimming pool on Lot 3, DP 871358, 85 Glen Ayr Road Girvan be approved in accordance with the conditions of consent contained in Annexure A.

367/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

3. DEVELOPMENT APPLICATION DA2021/1572 – DWELLING – 231 BARRINGTON WEST ROAD, BARRINGTON

Report Author Ben Lim-Cooper - Development Assessment Planner

DA No. DA2021/1572

Date of Meeting 24 November 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

It is recommended that Development Application DA 2021/1572 for a three-storey dwelling house on land described as Lot 2, DP 1266200, 231 Barrington West Road, Barrington be approved subject to the conditions contained in Annexure A.

368/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

4. BULAHDELAH HIGHWAY SERVICE CENTRE - PLANNING PROPOSAL & PLANNING AGREEMENT

Report Author Aaron Kelly - Land Use Planner

File No. / ECM Index PP 05

Date of Meeting 24 November 2021

Authorising Director Paul De Szell - Director Liveable Communities

Cr K Smith and Cr L Roberts, having declared a non pecuniary interest, left the meeting at 2.10pm

RECOMMENDATION

That:

1. Council note the submission from the Bulahdelah Chamber of Commerce to the Planning Proposal and associated draft Planning Agreement in Attachment D.
2. Council note the submissions received in response to the exhibition of the Bulahdelah Highway Service Centre Draft Planning Proposal and associated draft Planning Agreement as shown in Attachment E.
3. Council adopt the Bulahdelah Highway Service Centre Draft Planning Proposal as shown in Attachment E.
4. Council allow further amendments to the Planning Proposal prior to the making of the LEP to include any changes from outstanding State agency referrals.
5. Following the receipt of outstanding State Agency referral responses, Council seek the making of the amendment to Great Lakes Local Environmental Plan 2014 to implement the Bulahdelah Highway Service Centre Planning Proposal, following registration of the proposed Planning Agreement.
6. That:
 - A. Should settlement occur prior to the Making of the LEP, Council allow an amendment to the proposed Planning Agreement as shown in Attachment F, to be between MidCoast Council and MST Bulahdelah Pty Ltd as the

Trustee for the MST Bulahdelah Trust and the amended Planning Agreement be adopted as amended and registered on the affected property.

OR

B. Should settlement not occur prior to the making of the LEP, the proposed Planning Agreement as shown in Attachment F between Mid-Coast Council and Linfield Property Nominee Pty Ltd & NGP Investments (No2) Pty Ltd be adopted as exhibited and registered on the affected property.

7. That the General Manager be delegated the function of authorising the Bulahdelah Highway service Centre Planning Agreement.

369/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr C Pontin)

That this matter be deferred for consideration by the new Council.

FOR VOTE - Cr D West, , Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, , Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Cr K Smith; Cr L Roberts

Cr L Roberts and Cr K Smith returned to the meeting at 2.13pm.

5. DRAFT STATE SIGNIFICANT AGRICULTURAL LAND MAPPING

Report Author Alex Macvean - Senior Land Use Planner

File No. / ECM Index SPR02/02; Rural Strategy

Date of Meeting 24 November 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

That Council note the information provided in this report.

370/2021 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

6. INFRASTRUCTURE CONTRIBUTIONS REFORM

Report Author Paul De Szell - Director Liveable Communities

File No. / ECM Index CP04/01

Date of Meeting 24 November 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That Council note the content of this report.
2. That a further report be provided in February 2022 to enable the new Council to make a formal submission to the Department of Planning, Infrastructure and Environment.

371/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

8.GLOUCESTER LOCAL COMMUNITY PLAN

Report Author **Marcelle Boyling – Manager Engagement, Communication & Education**

Date of Meeting **24 November 2021**

Authorising Director **Paul De Szell - Director Liveable Communities**

RECOMMENDATION

That:

1. Council congratulate the Gloucester community on the development of their Local Community Plan.
2. Council note the Gloucester Local Community Plan.
3. The plan be distributed to internal stakeholders, as per the MidCoast Local Community Planning Framework, to support future planning for the delivery of services to the Gloucester community.

373/2021 RESOLUTION

(Moved Cr K Smith/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr T Fowler, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Nil

16.KOLODONG PRECINCT DEVELOPMENT CONTROL PLAN

Report Author Richard Pamplin - Principal Land Use Planner – Projects, Contributions and Planning Contributions

File No. / ECM Index DCP 03/02

Date of Meeting 24 November 2021

Authorising Director Paul De Szell - Director Liveable Communities

RECOMMENDATION

1. That Council adopt Draft Part L13 of the Greater Taree Development Control Plan (DCP) 2010 for the Kolodong Precinct, which has been amended following exhibition period as shown in Attachment C.
2. That Draft Part L13 of the Greater Taree Development Control Plan (DCP) 2010 for the Kolodong Precinct become effective upon notification on Council's website.

(Moved Cr T Fowler)

That the above recommendation be adopted.

The motion lapsed for want of a seconder

Cr T Fowler briefly left the meeting at 3.14pm

381/2021 RESOLUTION

(Moved Cr K Hutchinson/Seconded Cr L Roberts)

That this matter be deferred for consideration by the new Council.

FOR VOTE - Cr D West, Cr K Smith, Cr K Bell, Cr K Hutchinson, Cr C Pontin, Cr L Roberts, Cr P Epov

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE – Cr T Fowler