

Shire of
Gunnedah
Land of Opportunity

GUNNEDAH SHIRE COUNCIL

The Minutes of the Ordinary Meeting of
Gunnedah Shire Council
held on

Wednesday 16 July 2014

consisting of Pages 1 to 7

(Minute Nos 1.07/14 to 41.07/14)

are confirmed as a true and correct record of the meeting
as per Minute No 1.08/14 of the
Ordinary Meeting held on 27 August 2014.



Mayor Owen Hasler
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 16 July 2014 in the
Council Chambers, 63 Elgin Street, Gunnedah, commencing at 4:31pm.

1.

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	APOLOGY TENDERED	ABSENT
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			
STAFF				
General Manager	X			
Executive Manager Business Systems and Governance	X			
Director Planning and Environmental Services	X			
Director Infrastructure Services	X			

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor H ALLGAYER

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Betty June Fitzsimmons, Beryl Muenster, Rex William Colin White, John Albert Staines, Thelma Mary Reid, Alan Albert Reeves, Janet Kaye Briggs, Joan Lawrence, John Edward Andren, Shirley Halloran, Lance Stuart Power, Raymond Craig Stevens, Cecil Taggart, Paul Stephen Dunn, Winifred Bessie Carson, Leslie Francis O'Neill and Ann Hardy Capp.

It was RESOLVED that Council pay their respects to the deceased and extend their condolences to the family and friends of the deceased with a minute's silence.

4. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM/S	REPORT	P	SNP	LSNP	RC	REASON
C FULLER	11.9	2014/15 Community Small Grants (Under Section 356 of the Local Government Act)		X			President of Gunnedah Meals on Wheels
RG SWAIN	11.5	Development Application 2014/024 – Subdivision – 334 Pownall Road, Mullaley		X			Brother-in-law owns Burleith
RG SWAIN	11.8	Voluntary Planning Agreement – Gunnedah Quarry Products – Development Application 2012/185		X			Brother-in-law owns Burleith
H ALLGAYER	11.5	Development Application 2014/024 – Subdivision – 334 Pownall Road, Mullaley		X			Family member employed by Gunnedah Quarry Products
H ALLGAYER	11.8	Voluntary Planning Agreement – Gunnedah Quarry Products – Development Application 2012/185		X			Family member employed by Gunnedah Quarry Products
GA GRIFFEN	11.9	2014/15 Community Small Grants (Under Section 356 of the Local Government Act)		X			Chairperson of Min Min Aboriginal Corporation

COUNCILLOR	ITEM/S	REPORT	P	SNP	LSNP	RC	REASON
R RYAN	11.9	2014/15 Community Small Grants (Under Section 356 of the Local Government Act)			X		Director of Gunnedah Conservatorium and Chairperson of Gunnedah Family Support Services
OC HASLER	11.5	Development Application 2014/024 – Subdivision – 334 Pownall Road, Mullaley	X				Uncle of wife of owner of Gunnedah Quarry Product
OC HASLER	11.8	Voluntary Planning Agreement – Gunnedah Quarry Products – Development Application 2012/185	X				Uncle of wife of owner of Gunnedah Quarry Product
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
Nil							

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

5. COMMUNITY PRESENTATION

Presentation by Mr Geoff Hood as representative of Gunnedah Motoring Enthusiasts regarding Item 12.4 of the Director Infrastructure Services Report concerning the Community Building Partnership Grant – Apex Drive.

Presentation by Mrs Helen Wise regarding Item 11.4 of the Director Planning and Environmental Services Report concerning Development Application 2014/021 – Dwelling House – Lot 1 DP609530, 92 Voca Road, Curlewis.

Presentation by Mr Michael Sparkes and Doug Pegg regarding Item 9.1 of the General Manager's Report concerning the Review of Gunnedah Visitor Information Centre.

Presentation by Mrs Shirley Urquhart, Mrs Trish Conway and Mrs Phillipa Murray regarding Item 9.1 of the General Manager's Report concerning the Review of Gunnedah Visitor Information Centre.

Presentation by Mrs Denise Roberts regarding Item 9.1 of the General Manager's Report concerning the Review of Gunnedah Visitor Information Centre.

Presentation by Mrs Trish Conway regarding Item 11.3 of the Director Planning and Environmental Services Report concerning the Cultural Activities Contribution – Two Rivers Arts Council.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor C FULLER

1.07/14 COUNCIL RESOLUTION:

The Minutes of Ordinary Meeting held on Wednesday 18 June 2014 were received and it was RESOLVED that the minutes be adopted as a true and correct record of that meeting, with the following amendment:

4. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM/S	REPORT	P	SNP	LSNP	RC	REASON
SJ SMITH	15.1	Whitehaven Voluntary Planning Agreement (VPA)		X			Employed by Whitehaven Coal Pty Ltd
H ALLGAYER	15.1	Whitehaven Voluntary Planning Agreement (VPA)		X			Relative is employed by Whitehaven Coal Pty Ltd

6.2 CONFIRMATION OF PREVIOUS MINUTES

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

2.07/14 COUNCIL RESOLUTION:

The Minutes of Extraordinary Meeting held on Wednesday 25 June 2014 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

7. NOTICE OF MOTION

Nil.

8. MAYORAL MINUTE

8.1 2014 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – CALL FOR MOTIONS

AUTHOR Mayor OC Hasler

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor RG SWAIN

3.07/14 COUNCIL RESOLUTIONS:

That the following Motions be submitted to the 2014 Local Government NSW Annual Conference for consideration:

1. That the NSW Government be requested to ensure that the Planning Assessment Commission becomes a more substantive, better resourced body clearly independent from the Department of Planning and Environment. Furthermore, that PAC hearings be undertaken at the beginning of the application process rather than towards the end of the process as presently is perceived to be the case.
2. That the NSW Government be requested to provide guidelines for Voluntary Planning Agreements which provide greater clarity in the process including the formulation of appropriate quantum's for the project and an understanding of what can be included in the negotiations, both those items with a direct nexus as well as the socio-economic/community implications from the proposed development.

SUSPENSION OF STANDING ORDERS

- 4.07/14 A Motion was Moved to Suspend Standing Orders to allow consideration of the Mayoral Minute in relation to Submission to Natural Resource Commission – National Parks and Nature Reserves in NSW.

Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor C FULLER

8.3 **MAYORAL MINUTE – SUBMISSION TO NATURAL RESOURCE COMMISSION – NATIONAL PARKS NATURE RESERVES IN NSW**

AUTHOR Mayor OC Hasler

Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor C FULLER

5.07/14 **COUNCIL RESOLUTION:**

That Gunnedah Shire Council make a submission supporting the recommendations of the Natural Resources Commission's Report into the Active Management of White Cypress Pine in the State Conservation areas in the Brigalow Nandewar Community Conservation Area and that Council encourage members of the Gunnedah community to make similar submissions of support.

9. GENERAL MANAGER'S OFFICE

9.1 **REVIEW OF GUNNEDAH VISITOR INFORMATION CENTRE**

AUTHOR Manager Customer Relations and Communication

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor H ALLGAYER

6.07/14 **COUNCIL RESOLUTIONS:**

That Council:

1. Relocate the Gunnedah Visitor Information Centre (VIC) in accordance with Option 3 as recommended in the April 2014 Location Assessment with the amendment that it be located within the Mooki Room of the Civic Centre, Chandos Street as opposed to the Creative Arts Centre, with relocation to be completed during the 2014/15 financial year;
2. Allocate a budget of \$200,000 within the 2014/15 estimates towards the relocation costs inclusive of Building Furniture and Fit-out \$60,000, Displays \$50,000, Exterior Signage \$4,000, Directional Signage \$8,000, Computer Networking and Equipment Costs \$13,000, and Traffic Management Works as required within Chandos Street \$65,000;

3. Require the General Manager to investigate options and costs for increasing operating hours and the level of the VIC's accreditation at the new location;
4. Allocate a budget of \$35,000 within the 2014/15 estimates towards the costs of relocating the Jean Isherwood "My Country" watercolour collection, in cooperation with the Dorothea Mackellar Memorial Society, for its permanent exhibition at the current Visitor Information Centre building, ANZAC Park;
5. As part of the relocation of the VIC process and in meeting Council's existing intention to provide a memorial, that the current Visitor Information Centre be renamed in honour of the late Bill Clegg; and
6. Investigate options for co-location, of interested community groups along with the Dorothea Mackellar Memorial Society, within the centre to that is to be renamed.

9.2 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

AUTHOR General Manager

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R RYAN

7.07/14 COUNCIL RESOLUTIONS:

1. That Council nominate Councillor R Ryan and GA Griffen as delegates, in addition to the Mayor, to attend the LGNSW 2014 Annual Conference pursuant to its resolution of June 2014; and
2. That any motions submitted by Councillors to the General Manager for consideration at the 16 July Ordinary Meeting be received and considered for notice to the Association prior to 1 August so that they may be presented at the Conference.

9.3 PROMOTING BETTER PRACTICE REVIEW

AUTHOR General Manager

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

8.07/14 COUNCIL RESOLUTION:

That Council:

1. Receive and note the report on the Action Plan addressing the issues raised in the Promoting Better Practice Review Report; and
2. That the General Manager bring a report back to the October Ordinary Meeting of Council detailing the status of items not yet completed and any items completed during the period from now until then.

9.4 **2014 WOMEN'S FORUM**

AUTHOR **Events Officer**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

9.07/14 **COUNCIL RESOLUTION:**

1. **For Council's Information.**
2. **That Council supports staff in undertaking investigations into coordinating a Men's Forum to be held in 2015.**

9.5 **2016 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA)**

AUTHOR **Events Officer**

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor RG SWAIN

10.07/14 **COUNCIL RESOLUTIONS:**

1. **That the Council agrees to hold the 2016 Australian Local Government Women's Association (ALGWA) conference on Thursday 14 April to Saturday 16 April 2016.**
2. **That Council establish a working party with the following membership:**
 - **2 Councillors – one of whom shall be appointed Chair (Councillors R Ryan and RG Swain)**
 - **3 Council staff members**
 - **1 ALGWA representative (Councillor C Fuller)**
 - **1 Event Officer**

9.6 **COMMUNITY ENGAGEMENT FRAMEWORK**

AUTHOR **Manager Customer and Community Relations**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

11.07/14 **COUNCIL RESOLUTIONS:**

1. **That Council Rescind the Community Engagement Policy adopted 25 August 2010 minute No 33.5.**
2. **That Council adopt the draft Community Engagement Framework inclusive of policy, matrix and toolkit.**

9.7 **COMMUNICATION STRATEGY**

AUTHOR **Manager Customer and Community Relations**

Council Resolution

Moved Councillor R RYAN

Seconded Councillor C FULLER

12.07/14 **COUNCIL RESOLUTION:**

That Council adopt the draft Communications Strategy.

9.8 **INVESTMENTS**

AUTHOR **Acting Manager Finance**

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor SJ SMITH

13.07/14 **COUNCIL RESOLUTION:**

That the principal investment of \$41.5 million for all funds to date be received and noted.

10. *BUSINESS SYSTEMS AND GOVERNANCE*****

10.1 **DELIVERY PROGRAM 2013/14–2016/17**

AUTHOR **Executive Manager Business Systems and Governance**

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor RG SWAIN

14.07/14 **COUNCIL RESOLUTION:**

That the Delivery Program 2013/14–2016/17 report be received and noted.

10.2 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR **Executive Manager Business Systems and Governance**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

15.07/14 **COUNCIL RESOLUTION:**

That the information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 REVIEW OF GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012

AUTHOR **Manager Development and Planning**

Council Resolution

Moved Councillor H ALLGAYER

Seconded Councillor GA GRIFFEN

16.07/14 COUNCIL RESOLUTION:

1. That Council:

prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979, for the amendment of the Gunnedah Local Environmental Plan 2012, to:

- a. amend the lot size map as follows:
 - i. all of Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah to 40ha
 - ii. all of Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah to 200ha
 - iii. all of Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah to 40 ha
 - iv. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
- b. amend the zoning map as follows:
 - i. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
 - ii. Amend the wording from Water Management Facility to Waste Management Facility.
- c. insert the following clause for Boundary Changes between lots in Zone RU1 and E3:

Boundary changes between lots in Zone RU1 and E3

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- (2) *This clause applies to land in Zone RU1 Primary Production and E3 Environmental Management.*
- (3) *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings that may be erected on any of the lots.*
- (4) *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*

- (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,*
- (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
- (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
- (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*

- (5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

- 2. That the draft planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
- 3. That the Secretary of the Department of Planning and Environment be requested to issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

11.2 CLASSIFICATION OF PUBLIC LAND – WALKWAY, 178 CONADILLY STREET, GUNNEDAH

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor H ALLGAYER

Seconded Councillor GA GRIFFEN

17.07/14 COUNCIL RESOLUTION:

- 1. That Council give public notice of 28 days under Section 34 of the Local Government Act 1993 of its intention to consider the following resolution.

“That Lot 2 DP202076, 178 Conadilly Street, Gunnedah be classified Operational Land under Section 31(2) of the Local Government Act 1993”.
- 2. That the resolution and any submissions be considered at the September 2014 Ordinary Meeting of Council.
- 3. That a report on options for the future operation of Lot 2 DP202076, 178 Conadilly Street, Gunnedah be presented to the August Planning & Development Committee Meeting.

11.3 CULTURAL ACTIVITIES CONTRIBUTION – TWO RIVERS ARTS COUNCIL

AUTHOR Director Planning and Environmental Services

OFFICER'S RECOMMENDATIONS:

1. That consideration of the request for payment of a \$12,000 financial contribution to the Two Rivers Arts Council for the 2013-14 financial year be deferred.
2. That allocation of \$12,000 in the 2013-14 Community Development budget be transferred into a Restricted Asset.
3. That a Working Group comprising Councillor_____, Councillor_____, and Councillor_____ together with three representatives of the Two Rivers Arts Council be established to review financial, licencing and tenure matters in respect of Council's arrangements with the Two Rivers Arts Council for report to Council at its August 2014 meeting.

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

18.07/14 COUNCIL RESOLUTIONS:

1. That consideration of the request for payment of a \$12,000 financial contribution to the Two Rivers Arts Council for the 2013/14 financial year be deferred.
2. That allocation of \$12,000 in the 2013/14 Community Development budget be transferred into a Restricted Asset.
3. That a Working Group comprising Councillors OC Hasler, C Fuller and R Ryan together with two representatives of other art user groups of the Gunnedah Bicentennial Creative Arts Centre be established to review financial, licensing and tenure matters in respect of Council's arrangements with Two Rivers Arts Council as well as associated use arrangements for other users of the Gunnedah Bicentennial Creative Arts Centre for report to Council at its August 2014 meeting.

11.4 DEVELOPMENT APPLICATION 2014/021 – DWELLING HOUSE – LOT 1 DP609530, 92 VOCA ROAD, CURLEWIS

AUTHOR Town Planner

OFFICER'S RECOMMENDATIONS:

1. That Council does not support the exception to the development standard under Clause 4.6 of the Gunnedah Local Environmental Plan 2012 in respect of Development Application No 2014/021.
2. That the Development Application No 2014/021 for the construction of a new single storey dwelling at Lot 1 DP609530, 92 Voca Road, Curlewis be refused, as the proposal does not comply with Clause 4.2 of the Gunnedah Local Environmental Plan 2012.

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

19.07/14 COUNCIL RESOLUTIONS:

1. That Council does not support the exception to the development standard under Clause 4.6 of the Gunnedah Local Environmental Plan 2012 in respect of Development Application 2014/021.
2. That the applicant be requested to withdraw Development Application or the application will be refused.
3. That should the application be withdrawn that 50% of the development application fee be refunded to the applicant.
4. That a Planning Proposal be undertaken for Council's consideration to rezone RU1 Primary Production land to R5 Large Lot Residential generally within a one kilometre radius of the Curlewis Post Office.
5. That an allocation of \$5,000 be provided from General Fund to support preparation of the Planning Proposal.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

11.5 DEVELOPMENT APPLICATION 2014/024 – SUBDIVISION (2 LOTS INTO 3) – LOTS 160 AND 161 DP755508, 334 POWNALL ROAD, MULLALEY

Councillors RG Swain, H Allgayer and OC Hasler declared an interest, left the Chamber and took no part in discussion or consideration of the matter.

Councillor R Ryan nominated Councillor SJ Smith who assumed the Chair for consideration of this item.

AUTHOR Town Planner

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor C FULLER

20.07/14 COUNCIL RESOLUTIONS:

That the Development Application No. 2014/024 for the Subdivision (2 lots into 3) at 334 Pownall Road, Mullaley Lot 160 & 161 DP 755508, be approved subject to the following conditions:

A. That development consent be granted subject to the following conditions:

A1. The proposed development shall be carried out in accordance with the details set out in the following

- Development Application form, lodged 19 March 2014;
- Statement of Environmental Effects, prepared by Kathryn Yigman (Stewart Surveys), dated September 2013; & dated 20 May 2014; and
- Submitted Plans - prepared by Stewart Surveys, dated 13 March 2014, Ref: 4122, Subdivision Layout;
- Supporting Document:
 - Koala Plan of Management, prepared by NICHE Environment and Heritage, dated May 2013, Koala Plan of Management;
 - Noise Assessment, prepared by Spectrum Acoustics, dated 1 May 2014, Ref: 13779/5175;
 - Dust Emissions Assessment, prepared by Pacific Environment Limited, dated 19 May 2014;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. General Terms of Approval – NSW Rural Fire Service

B1. The developer proposal is to comply with the subdivision layout identified on the drawing prepared by Stewart Surveys numbered 4122, dated 2 July 2014, except as modified by the following conditions.

Asset Protection Zones

B2. At the issue of the subdivision certificate and in perpetuity the land surrounding the existing dwelling on proposed Lot 1 for a distance of 10 metres shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

B3. At the issue of the subdivision certificate and in perpetuity the land surrounding the existing dwelling on proposed Lot 2 for the following distances, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

- North and east for 20 metres (10m as an inner protection area and 10 metres as an outer protection area); and
- South and west for 30 metres (15m as an inner protection area and 15 metres as an outer protection area)

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- B4.** At the issue of the subdivision certificate and in perpetuity the land surrounding the telecommunications tower on proposed Lot 2 for a distance of 10 metres shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The required inner protection area shall be contained wholly within proposed Lot 2.

Reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

Water and Utilities

- B5.** A fire fighting water supply shall be provided for the existing dwelling on proposed Lot 2 in accordance with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- B6.** Any alteration to the electricity supply network required to service the subdivision shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Access

- B7.** Property access roads shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation

C. General

Access – Rural

- C1.** Vehicular access is to be provided to each lot from Pownall Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain. The access shall be constructed from the road shoulder to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical Rural Property Access for a single unit truck). The location of the driveway is to be determined by the developer in consultation with Council.

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond, being half of the estimated cost of the construction work is to be lodged with Council, before work on the access is commenced.
- b) Upon the satisfactory completion of the access by the developer, the security bond will be released.

Reason: To ensure access is provided and meets appropriate engineering standards.

- C2.** The battle-axe handles to Lots 2 and 3 shall be constructed from the property boundary on Pownall Road for the entire extent of the access handle. The handles shall be constructed of dust-suppressed ridge gravel, compacted to form an all-weather surface. The material shall have minimum depth of 150 mm and width of 4 metres to enable satisfactory access for vehicles.

Reason: To ensure adequate internal vehicle access.

D. During Construction

- D1.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

- D2.** Prior to the commencement of works, appropriate measures are to be implemented in relation to erosion and sediment controls are to be installed. The erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure erosion and sediment control measures are installed.

E. Prior to Issue of a Subdivision Certificate

- E1.** Written notification shall be provided to demonstrate that a telecommunication service can be provided to Lot 3.

Reason: To ensure that telecommunication services are provided.

- E2.** Written notification shall be provided to demonstrate that an electricity supply can be provided to Lot 3.

Reason: To ensure that electrical services are provided.

- E3.** The subdivision certificate release fee of \$120 shall be paid prior to the issue of the subdivision certificate.

Note: The above fee has been adopted under the Council's 2014/2015 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

11.6 STRATEGIC PLANNING REVIEW – COMMERCIAL AND INDUSTRIAL STRATEGY

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

21.07/14 COUNCIL RESOLUTIONS:

1. That Council undertake a review of the Gunnedah Commercial and Industrial Strategy and the Gunnedah Satellite Commercial Strategy in order to assess mechanisms by which the entry points of the Oxley and Kamilaroi Highways can support specific types of commercial and business development.
2. That Master Planning to support the review and strategic direction proposed be undertaken.
3. That an allocation of \$25,000 from General Revenue be provided to support the Strategic Review and Master Planning process.

11.7 PLANNING PROPOSAL – LOT 2 DP858991, 110 KAMILAROI HIGHWAY, GUNNEDAH

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor C FULLER

Seconded Councillor H ALLGAYER

22.07/14 COUNCIL RESOLUTIONS:

That Council:

- i) prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979, for the amendment of the Gunnedah Local Environmental Plan 2012, to:
 - a. rezone part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from RU1 Primary Production to IN1 General Industrial;
 - b. amend the minimum lots size for part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from 200ha to no minimum lot size:
- ii) forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;

- iii) request that the Secretary of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

11.8 VOLUNTARY PLANNING AGREEMENT – GUNNEDAH QUARRY PRODUCTS – DA2012/185 EXPANSION OF MARYS MOUNT BLUE METAL QUARRY – LOT 161 DP755508, “BURLEITH”, 334 POWNALL ROAD, MULLALEY AND LOT 2 DP865898, “BEULAH”, 259 BARKER ROAD, MARYS MOUNT, LOT 160 DP755495, “SOUTH YAMBA”, 475 GOOLHI ROAD, LOT 141 DP755495, “SOUTH YAMBA”, 475 GOOLHI ROAD, LOT 141 DP755495, “EMERALD PLAINS”, 398 GOOLHI ROAD AND LOT 53 DP755495, “YAMBA”, 224 GOOLHI ROAD, EMERALD HILL

Councillors OC Hasler, RG Swain and H Allgayer declared an interest, left the Chamber and took no part in discussion or consideration of this item.

Councillor GA Griffen nominated Councillor SJ Smith who assumed the Chair for consideration of this item.

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor C FULLER

Seconded Councillor GA GRIFFEN

23.07/14 COUNCIL RESOLUTION:

That Council endorse the execution of the amended Voluntary Planning Agreement.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

11.9 **2014/15 COMMUNITY SMALL GRANTS (UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT)**

Councillors C Fuller, GA Griffen and R Ryan declared an interest, left the Chamber and took no part in discussion or consideration of the matter.

AUTHOR **Acting Manager Community Development**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor SJ SMITH

24.07/14 **COUNCIL RESOLUTION:**

That Council grant funds to the following Community organisations: Gunnedah Eisteddfod Society Inc. (\$1,750), Gunnedah Show Society (\$2,709), Gunnedah Meals on Wheels (\$1,500), Gunnedah Ukulele Musical Society (\$878), Gunnedah Family and Children's Services – Mary Ranken Child Care Centre (\$2,400), Two Rivers Arts Council – CircustRAC (\$2,000), Min Min Aboriginal Corporation (\$2,433), Curlewis Progress Association (\$3,000) and Emerald Hill Progress Association Inc (\$1,638).

12. ***DIRECTOR INFRASTRUCTURE SERVICES REPORT***

12.1 **REVIEW OF FEES AND CHARGES - CEMETERY**

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor H ALLGAYER

25.07/14 **COUNCIL RESOLUTION:**

That Council exhibit for 28 days an amendment to the 2014/15 Operational Plan by inclusion of the following fees and charges for cemeteries into the Fee Schedule of the Operational Plan.

Portion A – Memorial Park, Hunter Street and Villages

Additional for Double Depth	\$170
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Portions A and C – Memorial Park, Hunter Street and Villages

Additional Interment in Occupied Double Depth	\$1013
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12.2 **2014 LGNSW WATER MANAGEMENT CONFERENCE**

AUTHOR **Water Services Manager**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

26.07/14 **COUNCIL RESOLUTION:**

That Council resolve for Councillor SJ Smith to attend the 2014 LGNSW Water Management Conference to be held in Port Macquarie from 25-27 August 2014.

12.3 **2014/15 SPORTS SMALL GRANTS (UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT)**

AUTHOR **Director Infrastructure Services**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor H ALLGAYER

27.07/14 **COUNCIL RESOLUTION:**

That Council grant funds to the following Sporting organisations: Boggabri-Gunnedah Gun Club (\$3,100), Gunnedah Cycling and Triathlon Club (\$2,000), Gunnedah Motoring Enthusiasts (\$4,500), Gunnedah Tennis Club (\$3,000) and Gunnedah and District Soccer Inc (\$4,070.75).

12.4 **COMMUNITY BUILDING PARTNERSHIP GRANT – APEX ROAD**

AUTHOR **Director Infrastructure Services**

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R RYAN

28.07/14 **COUNCIL RESOLUTION:**

1. That Council support an application of the Gunnedah Motoring Enthusiasts' community grant to improve Porcupine Reserve.
2. That Council commit \$64,500 towards upgrade works as outlined within this report from general revenue funds.
3. That should the application not be successful Council review its year 2014/15 allocation.

13. *PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE*

Nil held in July.

13. *WORKS AND SERVICES COMMITTEE REPORT*

Nil held in July.

14. *AUDIT COMMITTEE REPORT*

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

29.07/14 **COUNCIL RESOLUTION:**

That the Audit Committee Meeting Report held on Wednesday 18 June 2014 be received and noted.

14.1 REVIEW OF AUDIT COMMITTEE CONSTITUTION

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

30.07/14 COUNCIL RESOLUTION:

That the Audit Committee Constitution and Office of Local Government Audit Committee Guidelines be noted.

14.2 ENTERPRISE RISK MANAGEMENT PROJECT REPORT

AUTHOR Governance Officer – Risk Management

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

31.07/14 COUNCIL RESOLUTIONS:

1. That the report on progress toward implementation of Councils risk management policy be noted.
2. That a copy of the Risk Register and an update of the implementation process be presented to the next meeting of the Audit Committee.
3. That the 2015/16 Operational Plan and 2015/16 Delivery Program include a report on identified strategic risks as detailed in the Risk Register.

14.3 RISK MANAGEMENT FRAMEWORK

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

32.07/14 COUNCIL RESOLUTIONS:

1. That the Risk Management Framework and Risk Consequence Table be adopted.
2. That consideration be given to the development of a Project Management Framework with a report on the intended development process to be presented to the next Audit Committee.

14.4 EXTERNAL AUDITOR STRATEGY

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

33.07/14 COMMITTEE RECOMMENDATION:

That the External Auditor be invited to present the audit strategy to a future Audit Committee Meeting.

14.5 ASSET MANAGEMENT

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

34.07/14 COUNCIL RESOLUTION:

That a report on the methodologies in relation to asset management be considered at a future meeting of the Committee.

14.6 INSURANCE PREMIUMS

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

35.07/14 COUNCIL RESOLUTION:

That a report on the performance of Council's insurance premiums (public liability, workers compensation, professional indemnity) in comparison to Councils within the Local Government group be presented to a future meeting of the Committee.

14.7 BUSINESS CONTINUITY PLAN

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

36.07/14 COUNCIL RESOLUTION:

That a copy of the Business Continuity Plan be presented to the next meeting of the Committee.

14.8 POLICY REGISTER

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

37.07/14 COUNCIL RESOLUTION:

That a copy of the Policy Register and process for review be presented to a future meeting of the Committee.

14.9 LEGISLATIVE COMPLIANCE

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

38.07/14 COUNCIL RESOLUTIONS:

1. That consideration be given to the development of a Legislative Compliance Register to be monitored by the Internal Auditor, with a report to be presented to a future meeting of the Committee.
2. That a review be undertaken of the reference to legislative compliance in reports presented to Council with a recommendation to be presented to a future meeting of the Committee.

CLOSED ITEM

14.10 INTERNAL AUDIT EXPRESSION OF INTEREST

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

39.07/14 COUNCIL RESOLUTION:

That Forsyths be engaged as Council's internal auditor as per their expression of interest for a three year engagement.

This item is classified CONFIDENTIAL under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

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

This matter is classified confidential because it relates to the potential utilisation of commercial properties in Gunnedah. It is not in the public interest to reveal information that could confer a commercial advantage.

15. GUNNEDAH MEMORIAL POOL COMPLEX COMMITTEE REPORT

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

40.07/14 COUNCIL RESOLUTION:

That the Gunnedah Memorial Pool Complex Committee Report held on Tuesday 1 July 2014 be received and noted.

15.1 ARCHITECTURAL CONSULTANCY TENDER

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

41.07/14 COUNCIL RESOLUTION:

That the information be noted.

URGENT QUESTIONS WITHOUT NOTICE

16. Mary Davis Park

Councillor GA Griffen advised that there is a water leak at Mary Davis Park and the Director Infrastructure Services indicated he would investigate the matter.

There being no further business, the meeting closed at 6:35 pm.

**Mayor OC Hasler
CHAIRPERSON**