



GunnedahShire

GUNNEDAH SHIRE COUNCIL

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

Wednesday 17 February 2021

Consisting of Pages 1 to 35

(Minute Nos 1.02/21 to 36.02/21)

are confirmed as a true and correct record of the meeting
as per Minute No 1.03/21 of the
Ordinary Meeting held on 17 March 2021.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 17 February 2021 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30pm

1. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Kamilaroi people as the traditional custodians of the Land on which we gather today. I would also like to pay respect to Elders both past and present and extend that respect to other Aboriginal Australians present.

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Marion Noreen Wilson, Sandra Falconer, Morris Alexander Bull, Ian Roderick Sinclair, Beryl Eileen McKinnon, Janet Leigh Silver, William Richard Bailey, Valerie Joyce Howes, Patricia Ann McGarvey, James Arthur Roser, Judith Clare Baker, Della Mary Zerner and Malcolm Wayne Conlan

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. PRESENT/APOLOGIES

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey (Chair)	X		
JR Campbell	X		
C Fuller	X		
OC Hasler	X		
R Hooke	X		
A Luke	X		
D Moses	X		
M O'Keefe	X		
RG Swain	X		
STAFF			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)	X		
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)	X		
Acting Chief Financial Officer (K Many)	X		

5. PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES – ORDINARY MEETING

MOTION *Moved Councillor C FULLER*
 Seconded Councillor R HOOKE

1.02/21 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 16 December 2020 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

6. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
OC HASLER	10.4	Arts Gunnedah – Renewal of Agreement			X		Spouse of the Secretary of Arts Gunnedah
RG SWAIN	12.6	Tractor Trek and Vehicle Display 2021			X		Husband – member of organisation is the applicant.
J CHAFFEY	11.5	Development Application 2020/087 – 125-147 Mathias Road, Gunnedah	X				Property 125-147 Mathias Road and development are owned by myself and my wife
R HOOKE	12.3	Request Fee Waiver – Riding for Disabled Association			X		Wife is Hon. Treasurer
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

7. COMMUNITY PRESENTATIONS

Ms Juliana McArthur – Item 11.1 – Director Planning and Environmental Services Report – Shop Local and Win Christmas Report 2020.

Mr Bob Ironmonger – Item 11.2 – Director Planning and Environmental Services Report – Endorsement of Submission to State Significant Development 8530563 – Gunnedah Waste Facility.

Ms Deeanne Rankin - Item 11.2 – Director Planning and Environmental Services Report – Endorsement of Submission to State Significant Development 8530563 – Gunnedah Waste Facility.

Mr Luke Finlay - Item 11.2 – Director Planning and Environmental Services Report – Endorsement of Submission to State Significant Development 8530563 – Gunnedah Waste Facility.

Mr Allan Hamlen – Item 11.2 – Director Planning and Environmental Services Report – Endorsement of Submission to State Significant Development 8530563 – Gunnedah Waste Facility.

Mrs Carol Ward – Item 11.9 – Director Planning and Environmental Services Report – Planning Proposal to Amend the Gunnedah Local Environmental Plan 2012 – Planning Proposal to Rezone Privately Owned E3 Environmental Management Zoned Land to RU1 Primary Production.

Ms Rhonda Smith – Item 12.1 – Director Infrastructure Services Report – Gunnedah Basketball Association Lease.

Ms Fay Byrne – Item 12.1 – Director Infrastructure Services Report – Gunnedah Basketball Association Lease.

Mr Richard McLean – Item 13.3 – Chief Financial Officer's Report - Recommencement of Debt Recovery Action and Application of Interest Charges on Overdue Rates, Charges and Sundry Debts.

Ms Rebecca Ryan – Item 16.1 – Notice of Motion – Livvi's Place Playground.

Ms Rebecca Dridan – Item 16.1 – Notice of Motion – Livvi's Place Playground.

SUSPENSION OF STANDING ORDERS

A Motion was Moved Councillor R HOOKE, Seconded Councillor D MOSES for a five minute recess.

RESUMPTION OF STANDING ORDERS

8. MAYORAL MINUTE

8.1 GUNNEDAH HOSPITAL – ADVOCACY UNDERTAKEN – UPDATE

AUTHOR Mayor J Chaffey

MOTION *Moved Councillor J CHAFFEY
Seconded Councillor*

2.02/21 COUNCIL RESOLUTIONS:

That Council:

1. Thank The Hon. Kevin Anderson MP for supporting our position and making representations on behalf of the Gunnedah Community with regard to the inadequate consultation process that has been undertaken in development of the Clinical Services Plan for the new Gunnedah Hospital.
2. Formally calls on the NSW Minister for Health to place the DRAFT Clinical Services Plan on Public Exhibition for a period of two (2) weeks and accept public feedback on the draft.
3. If there is no response from the Minister's Office on the matter within two (2) weeks, Council initiate steps to lead a petition to the parliament on behalf of the Gunnedah Community.

9. GENERAL MANAGER'S OFFICE

9.1 GRANT APPLICATION BBRF ROUND 5

AUTHOR General Manager

MOTION *Moved Councillor C FULLER
Seconded Councillor D MOSES*

3.02/21 COUNCIL RESOLUTION:

That Council endorse applications under Round 5 of the Federal Building Better Regions Fund, with details as laid out in this report, for:

1. Gunnedah Koala Park - \$1,750,000;
2. Gunnedah Saleyards - \$2,500,000.

9.2 SISTER CITIES & FRIENDLY RELATIONSHIPS WORKING GROUP

AUTHOR General Manager

MOTION *Moved Councillor RG SWAIN
Seconded Councillor A LUKE*

4.02/21 COUNCIL RESOLUTIONS:

That Council:

1. Endorse the amended membership for the Sister Cities and Friendly Relationships Working Group and associated changes to the Register of Committees and Working Groups as laid out in this report; and
2. Note the inclusion of Mr Robert Hoddle as the additional community representative.

9.3 LOCAL GOVERNMENT PROCUREMENT REBATE

AUTHOR General Manager

MOTION *Moved Councillor R HOOKE
Seconded Councillor J CAMPBELL*

5.02/21 COUNCIL RESOLUTION:

That Council APPROVE THE ENTERING INTO AN AGREEMENT BY Council as part of Namoi Unlimited with Local Government Procurement for 2020/21 and any rebate from Local Government Procurement to Gunnedah Shire Council procurement for that period being provided to Namoi Unlimited, on the condition that the rebate goes to offsetting Gunnedah Shire Council's required contribution to the costs of membership for VendorPanel.

10. CORPORATE AND COMMUNITY SERVICES

10.1 MEETING DATES FOR ORDINARY MEETINGS TO AUGUST 2021

AUTHOR Director Corporate and Community Services

MOTION *Moved Councillor C FULLER
Seconded Councillor D MOSES*

6.02/21 COUNCIL RESOLUTIONS:

1. That the information be received and noted, and that the proposed meeting schedule up until August 2021 be endorsed.
2. That Council hold a meeting in Breeza Hall hosted by the Breeza Progress Association on 17 March 2021.

10.2 2017-2021 DELIVERY PROGRAM – PROGRESS REPORT AS AT 31 DECEMBER 2020

AUTHOR Director Corporate and Community Services

MOTION *Moved Councillor A LUKE
Seconded Councillor RG SWAIN*

7.02/21 COUNCIL RESOLUTION:

That the 2017-2021 Delivery Program Progress Report as at 31 December 2020 be received and noted.

10.3 POLICY – MODEL INTERNAL REPORTING POLICY

AUTHOR Manager Governance and Legal

MOTION *Moved Councillor RG SWAIN
Seconded Councillor D MOSES*

8.02/21 COUNCIL RESOLUTION:

That the revised Model Internal Reporting Policy be adopted.

10.4 ARTS GUNNEDAH – RENEWAL OF AGREEMENT

Councillor OC Hasler declared an interest; left the Chamber and took no part in discussion or consideration of this item.

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor A LUKE
Seconded Councillor RG SWAIN

9.02/21 **COUNCIL RESOLUTION:**

That Council endorse the attached Renewal of Agreement with Arts Gunnedah.

Councillor OC Hasler returned to the Chamber.

10.5 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor R HOOKE
Seconded Councillor A LUKE

10.02/21 **COUNCIL RESOLUTION:**

That the information be received and noted.

10.6 **RAINBOW SERPENT AWARD NOMINATION**

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor C FULLER
Seconded Councillor D MOSES

11.02/21 **COUNCIL RESOLUTION:**

That Council nominate Councillor OC HASLER and a Council staff member appointed by the General Manager to attend the awards ceremony as representatives of the Council.

11. **PLANNING AND ENVIRONMENTAL SERVICES**

11.1 **SHOP LOCAL AND WIN CHRISTMAS CAMPAIGN REPORT 2020**

AUTHOR Economic Development Officer

MOTION Moved Councillor J CAMPBELL
Seconded Councillor C FULLER

12.02/21 **COUNCIL RESOLUTION:**

That the 2020 Shop Local and Win Christmas Campaign report from the Gunnedah and District Chamber of Commerce and Industry be received and noted.

11.2 **ENDORSEMENT OF SUBMISSION TO STATE SIGNIFICANT DEVELOPMENT NO 8530563 – GUNNEDAH WASTE FACILITY**

AUTHOR Senior Development Officer (Statutory)

MOTION Moved Councillor OC HASLER
Seconded Councillor R HOOKE

13.02/21 **COUNCIL RESOLUTION:**

That Council endorse the actions of the Director Planning and Environmental Services in the preparation and issue of submission to SSD8530563, containing matters discussed in the Councillor Workshop on Wednesday 3 February 2021.

11.3 NATURAL DISASTER LOCAL ENVIRONMENTAL PLAN CLAUSE

AUTHOR Senior Development Officer (Strategic)

**MOTION *Moved Councillor R HOOKE*
 *Seconded Councillor RG SWAIN***

14.02/21 COUNCIL RESOLUTION:

That Council advise the Department Planning, Industry and Environment to incorporate the proposed Natural Disasters Clause (clause 5.9) into the Gunnedah Local Environmental Plan 2012.

11.4 REQUEST FOR FINANCIAL SUPPORT – MULTICULTURAL GUNNEDAH

AUTHOR Community and Social Planner

**MOTION *Moved Councillor OC HASLER*
 *Seconded Councillor D MOSES***

15.02/21 COUNCIL RESOLUTIONS:

1. That Council endorse the provision of a total of 12 months financial assistance to Multicultural Gunnedah to offset the cost of venue hire at the Cultural Precinct for monthly meetings.
2. That up to \$310.00 and up to \$433.00 is allocated to the 2020/21 and 2021/22 financial years respectively.
3. That the financial support be drawn from within the 2020/21 and 2021/22 Facility Hiring Support Fund.

11.5 DEVELOPMENT APPLICATION 2020/087 – CHANGE OF USE TO HARDWARE AND BUILDING SUPPLIES AND ALTERATIONS AND ADDITIONS TO EXISTING BUILDING, ERECTION OF NEW WAREHOUSE AND TWO CARPORTS, CONSOLIDATION OF LOTS AND ERECTION OF NEW PYLON SIGN – LOT 459 DP755503 AND LOT 2 DP700684 – 125-147 MATHIAS ROAD, GUNNEDAH

Mayor J Chaffey declared an interest; left the Chamber and took no part in discussion or consideration of this item.

Deputy Mayor R Hooke assumed the Chair for consideration of this item.

AUTHOR Senior Development Officer

**MOTION *Moved Councillor OC HASLER*
 *Seconded Councillor D MOSES***

16.02/21 COUNCIL RESOLUTIONS:

That the Development Application No. 2020/087, Change of use to Hardware and Building Supplies and Alterations and Additions to Existing Building, Erection of New Warehouse and Two Carports, Consolidation of Lots and Erection of New Pylon Sign – Lot 459 DP7555003 and Lot 2 DP700684 – 125-147 Mathias Road, Gunnedah, be approved subject to the following conditions of consent:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 30 October 2020
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd dated October 2020;
 - Additional Information Letter, dated 23 December 2020 ref: 5298
 - Additional Information Letter, dated 3 February 2021 ref: 5298

- Site Servicing Strategy Report, prepared by Stewart Surveys Pty Ltd, dated December 2020 ref: 5298
 - Proposed Commercial Development Carpark – Stormwater Design, prepared by Northwest Projects dated December 2020
 - Updated Landscape Plan Letter, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021 ref: 5298 and
 - Submitted plans:
 - Proposed Retail Outlet & Warehouse Development Overall Site Plan, prepared by Stewart Surveys Pty Ltd, dated 3 February 2021, Drawing No. 1 Issue C ref: 5298
 - Proposed Retail Outlet & Warehouse Development Stormwater Plan, prepared by Stewart Surveys Pty Ltd, dated 14 December 2020, Drawing No. 2 Issue B ref: 5298
 - Proposed Retail Outlet & Warehouse Development Traffic Management Plan, prepared by Stewart Surveys Pty Ltd, dated 14 December 2020, Drawing No. 3 Issue B ref: 5298
 - Proposed Retail Outlet & Warehouse Development Landscape Plan, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021, Drawing No.: 4 Issue B ref: 5298
 - Proposed Carport Structure Plan, prepared by Stewart Surveys Pty Ltd, dated 16 December 2020, Sheet: 3 ref: 5298
 - Proposed Carport Structure Section, prepared by Stewart Surveys Pty Ltd, dated 16 December 2020, Sheet: 6 ref: 5298
 - Proposed Refurbishment of Existing Building Plans, prepared by W.J. Bryan Engineering, dated 22 December 2020, Drawing No. A001 Rev 6 (Site Information), A002 Rev 7 (Site Plan), A003 Rev 7 (Concept Stormwater), A004 Rev 6 (Floor Plan), A005 Rev 6 (Elevations), A006 Rev 6 (Elevations), A007 Rev 6 (Sections) and A008 Rev 6 (Sediment Erosion Control)
 - Proposed Warehouse Floor and Elevations Plan, prepared by Great Value Garages, dated 4 August 2020
 - Supporting Documentation:
 - Impression of Proposed 15m High Signage Pylon Prepared by Stewart Surveys, dated: 14 December 2020,
- except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: *To ensure compliance with the statutory requirements.*

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: *To ensure compliance with the statutory requirements.*

B3. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C2.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- D2.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$6,500.00, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

Reason: To make provision for public amenities and services within the community.

- D3.** Engage the services of a professional structural engineer to carry out an assessment of the structural adequacy of all existing structural elements to be retained. The assessment shall consider, but not be limited to, the existing footings, existing columns, existing roof beams/rafters, wall bracing and provide certification, including recommendations, prior to issue of any Construction Certificate.

Reason: To confirm the existing structure is suitable for the proposed new use and is adequate to support proposed infill walls and extended roof structures.

- D4.** All stormwater and surface water runoff from the development shall be collected within the property boundary. The onsite detention system shall be prepared by a suitably qualified and experience engineer or registered surveyor and shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The method of onsite stormwater detention shall be approved by Council prior to the issue of a construction certificate.

Note: All stormwater from the development is to be diverted to an approved detention system to ensure stormwater is discharged at pre-development flows. Hydraulic calculations are to be provided for 1 in 10 year events with models indicating 1 in 100 year flow paths.

Reason: To ensure compliance with Council's requirements.

- D5.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

E. GENERAL

- E1.** Onsite car parking accommodation shall be provided for a minimum of sixty seven (67) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

Reason: To ensure adequate on site car parking is provided.

- E2.** Appropriate signage is to be erected to clearly demonstrate designated entry and exit locations. Signage is to be erected identifying 'Entry Only' at the western most existing vehicle access and 'Exit Only' at the Eastern most existing vehicle access from Mathias Road. These signs are to be clearly visible from the public road reserve to ensure that adequate sighting of entry and exit positions is provided. Ingress and Egress shall be clearly signposted in accordance with Austroads and Australian standards.

Reason: To ensure the provision of appropriate traffic signage.

- E3.** All delivery vehicle loading and unloading is to be undertaken entirely within the site. No loading is to occur within the public road reserve.

Reason: To ensure the provision of appropriate traffic signage.

Traffic

- E4.** The proposed Traffic Management Plan shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.

Reason: To ensure suitable traffic movement on the site.

Stormwater

- E5.** Stormwater from the development site must not be concentrated onto adjoining land.

Reason: To ensure compliance with Council's requirements.

- E6.** Easements shall be created over onsite detention systems to ensure that they are maintained and operational with Gunnedah Shire Council to be named a beneficiary.

Reason: To ensure compliance with Council's requirements.

- E7.** Any underground storage tanks shall have suitable access for maintenance and comply with the Work Health and Safety Act 2011 and Confined Spaces Code of Practice (2019).

Reason: To ensure compliance with Council's requirements.

- E8.** The onsite stormwater systems shall be maintained at all times so as to ensure their effective operations for their intended purpose.

Reason: To ensure compliance with Council's requirements.

Outdoor Lighting

- E9. Outdoor lighting is to comply with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS4282 *Control of Obtrusive Effects of Outdoor Light*.

Reason: *To ensure compliance.*

F. DURING CONSTRUCTION WORKS

- F1. A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: *To ensure compliance with approved application and plans.*

- F2. No permanent structures are to be placed on any easement.

Reason: *To ensure legal requirements.*

- F3. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: *To ensure site safety.*

- F4. Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: *To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.*

Traffic and Parking

- F5. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

Reason: *To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.*

F6. Retaining walls and drainage

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a practicing Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: *To ensure site stability.*

F7. Support for neighbouring buildings

If an excavation associated with the construction of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building an approved manner, and

- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause, **allotment of land** includes a public road and any other public place.

Reason: To ensure site stability.

F8. Protection of public places

If the work involved in the construction of a building or undertaking of site works:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

F9. 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.

F10. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

Access - Urban

F11. All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading, being sealed with either asphaltic concrete, bitumen, concrete or interlocking pavers. The existing western most access to Mathias Road will require the construction of a minimum 12.5m wide concrete driveway across the footpath in accordance with Council's Standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

- 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 driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 289-2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's policy.

Water Servicing

F12. The developer is responsible to engage a hydraulic engineer to determine the fire fighting and commercial demands and determine an appropriate water service size for the development. If fire hydrants are required, they shall be above ground installations.

Reason: To ensure compliance with Council's requirements.

F13. All redundant water services are to be removed and disconnected from the main.

Reason: To ensure compliance with Council's requirements.

F14. Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments.

Reason: To ensure compliance with Council's requirements.

F15. Work on live water mains is to be undertaken by, or under the direct supervision of, Council at the full cost to the developer.

Reason: To ensure compliance with Council's requirements.

Sewer Servicing

- F16.** The existing Sewer Junction to the lot is to be utilised to service the proposed development. All internal sanitary drainage shall be directed to this sewer junction.

Reason: To ensure compliance with Council's requirements.

- F17.** The existing septic tank and pump out, as indicated on Proposed Retail Outlet & Warehouse Development Overall Site Plan, prepared by Stewart Surveys Pty Ltd, dated 3 February 2021, Drawing No. 1 Issue C ref: 5298, shall be decommissioned and removed.

Reason: To ensure compliance with Council's requirements.

- F18.** Works shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments.

Reason: To ensure compliance with Council's requirements.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- G1.** Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- G2.** Prior to issue of an Occupation Certificate all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

Reason: To ensure compliance and fire safety of building.

- G3.** All landscaping identified on the approved landscaping plan, prepared by Stewart Surveys Pty Ltd, dated 19 January 2021, Drawing No.: 4 Issue B ref: 5298, is to be conducted prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate landscaping is conducted for reduced visual impact of the development.

- G4.** Prior to the issue of an occupation certificate, Lot 459 DP 755503 and Lot 2 DP 700684 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee is applicable under Council's 2020/2021 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance and payment of application fee.

H. CONTINUED OPERATIONS

- H1.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building's completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

Reason: To ensure compliance and fire safety of the building.

- H2.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- H3.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- H4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

- H5.** The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Friday: 7:00am until 5:00pm
- Saturday: 8:00am until 1:00pm
- Sunday: Closed

Reason: To ensure compliance with application and plans.

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
JR Campbell	X			
J Chaffey				X
C Fuller	X			
OC Hasler	X			
R Hooke	X			
A Luke	X			
D Moses	X			
M O'Keefe	X			
RG Swain	X			

Mayor J Chaffey returned to the Chamber and assumed the Chair.

11.6 **DEVELOPMENT APPLICATION 2020/104 – CONSTRUCTION OF AN ALFRESCO AREA ON THE FOOTPATH AT THE PARKVIEW HOTEL – LOT 1 DP731391 – 131-141 CONADILLY STREET, GUNNEDAH**

AUTHOR Town Planner

MOTION Moved Councillor OC HASLER
Seconded Councillor A LUKE

17.02/21 **COUNCIL RESOLUTIONS:**

That the Development Application No. 2020/104, for the installation of physical barriers around outdoor dining within the footpath fronting the Parkview Hotel at 131-141 Conadilly Street, Lot 1 DP 731391 Gunnedah, be approved subject to the following conditions of consent:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

- Development Application form lodged 23.12.2020
- Statement of Environmental Effects, prepared by art+science, dated 10.2020; and
- Submitted plans:
 - Prepared by art+science; dated 16.12.2020; Reference Parkview_GB1114, Drawing 01 (Site/Floor Plan); Drawing 02 (Elevations/Section Plan)

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note: There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

C1. Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

C2. Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

C3. Prior to work commencing, the developer must ensure any ensure telecommunication and electrical infrastructure located on the footpath will not be impacted or disrupted as a result of the development.

Reason: To meet statutory requirements.

D. PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

D1. Prior to issuing a Construction Certificate, an Application to Carry Out Driveway Construction on Footway shall be lodged with Council.

Reason: To ensure compliance with the Roads Act 1993, S.138.

E. DURING CONSTRUCTION WORKS

E1. A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

E2. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

E3. 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 if it is audible on the residential premises.

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.

E4. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

F. GENERAL

- F1.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

F2. Protection of public places

If the work involved in the construction of the outdoor dining area:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

- F3.** The client engaged on the development of the outdoor dining area must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

- F4.** The outdoor dining area and physical barriers are to be maintained and adequately maintained in a thorough condition for the life of the development.

Reason: To ensure compliance.

- F5.** The licensed venue must ensure that they operate in accordance with the New South Wales Public Health Order (Gatherings and Restrictions) requirements at all times.

Reason: To ensure compliance with NSW Public Health Orders (Gatherings and Restrictions)

Security measures

- F6.** The developer is to provide CCTV cameras within the alfresco/outdoor dining area, in addition to the cameras already in operation within the site. The capacity of footage storage should be a minimum of 28 days with the hard drive/s secured in a solid receptacle or external facility to avoid being removed by offender/s.

Reason: To ensure adequate security measures are implemented.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- G1.** Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Note: Development Consent does not exclude the need for Street Trading approval under Section 125 of the Roads Act 1993.

Reason: To meet statutory requirements.

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke	X			
A Luke	X			
D Moses	X			
M O'Keefe	X			
RG Swain	X			

11.7 DEVELOPMENT APPLICATION 2020/106 – INSTALLATION OF PHYSICAL BARRIERS AROUND AND OUTDOOR DINING AREA ON THE FOOTPATH FRONTING COURTHOUSE HOTEL – LOT 4 DP188146 – 295 CONADILLY STREET, GUNNEDAH

AUTHOR Town Planner

MOTION Moved Councillor R HOOKE
Seconded Councillor C FULLER

18.02/21 COUNCIL RESOLUTIONS:

That the Development Application No. 2020/106, for the installation of physical barriers around outdoor dining within the footpath fronting the Courthouse Hotel at 295 Conadilly Street, Lot 4 DP188146 Gunnedah, be approved subject to the following conditions of consent:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

- Development Application form lodged 23.12.2020
- Statement of Environmental Effects, prepared by Stewart Surveys, dated 16.11.2020; and
- Submitted plans:
 - Prepared by art+science; dated 22.12.2020; Reference Courthouse1012, Drawing 01 (Site/Floor Plan); Drawing 02 (Elevations); Section Plans

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note: There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C2.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

- C3.** Prior to work commencing, the developer must ensure any ensure telecommunication and electrical infrastructure located on the footpath will not be impacted or disrupted as a result of the development.

Reason: To meet statutory requirements.

D. PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- D1.** Prior to issuing a Construction Certificate, an Application to Carry Out Driveway Construction on Footway shall be lodged with Council.

Reason: To ensure compliance with the Roads Act 1993, S.138.

E. DURING CONSTRUCTION WORKS

- E1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- E2.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- E3.** 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 if it is audible on the residential premises.

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.

E4. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

F. GENERAL

- F1.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

F2. Protection of public places

If the work involved in the construction of the outdoor dining area:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

- F3.** The client engaged on the development of the outdoor dining area must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

- F4.** The outdoor dining area and physical barriers are to be maintained and adequately maintained in a thorough condition for the life of the development.

Reason: To ensure compliance.

- F5.** The licensed venue must ensure that they operate in accordance with the New South Wales Public Health Order (Gatherings and Restrictions) requirements at all times.

Reason: To ensure compliance with NSW Public Health Orders (Gatherings and Restrictions)

Security measures

- F6.** The developer is to provide CCTV cameras within the alfresco/outdoor dining area, in addition to the cameras already in operation within the site. The capacity of footage storage should be a minimum of 28 days with the hard drive/s secured in a solid receptacle or external facility to avoid being removed by offender/s.

Reason: To ensure adequate security measures are implemented.

G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- G1.** Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Note: Development Consent does not exclude the need for Street Trading approval under Section 125 of the Roads Act 1993.

Reason: To meet statutory requirements.

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke	X			
A Luke	X			
D Moses	X			
M O'Keefe	X			
RG Swain	X			

11.8 MODIFICATION TO DEVELOPMENT NO 2013/046.003 – MODIFICATION TO SITE SERVICING STRATEGY AMENDING DISCHARGE STORMWATER TO KING STREET – LOT 2 DP835252 AND LOT 133 DP236719 – 31 HIGH STREET AND 30 KING STREET, GUNNEDAH

AUTHOR Town Planner

**MOTION Moved Councillor OC HASLER
 Seconded Councillor D MOSES**

19.02/21 COUNCIL RESOLUTIONS:

That the Application to Modify Development Consent No. 2013/046.003, for the reconfiguration of the site servicing strategy to discharge stormwater to King Street, 31 High Street and 30 King Street, Lot 2 DP835252 and Lot 133 DP236719, be approved subject to the deletion of conditions A1a and D3 and insertion of conditions A1b and D3a as follows:

A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

A1. Deleted

A1a. Deleted

A1b. The proposed development shall be carried out strictly in accordance with the details set out in the following

- Development Application form lodged 09/05/2013;
- Statement of Environmental Effects, prepared by Kathryn Yigman, dated March 2013;
- Application to Modify a Development Consent, dated 18/02/2020; and
- Supporting Documentation:
 - Application to Modify Development Consent 2013/046. Prepared by Kathryn Yigman, dated 21.07.2020, ref: 5293; and
- Submitted plans:
 - Prepared by Stewart Surveys, dated 28 January 2020, ref: 5293, Sheet 1 of 3 (Stage 1), Sheet 2 of 3 (Stage 2), Sheet 3 of 3 (Stage 3);
 - Prepared by Stewart Surveys, dated 14 July 2020, ref: 5293, Drawing No. 1 of 2 (Site Services Plan), Drawing 2 of 2 (Stormwater and Sewer Sections).

except as otherwise provided by the conditions of consent.

Reason: Compliance with application and plans.

A2. To confirm and clarify the terms of this approval, consent is granted for the development to be undertaken as per the stages of development outlined as follows:

- Stage 1 – Lots 1 & 2 (Lot 2 being residual lot area) and required infrastructure works and service connections;
- Stage 2 – Lots 2 & 3 (Lot 3 being residual lot area) and required infrastructure works and service connections;
- Stage 3 – Lots 3 & 4 and service connections;

Reason: To ensure compliance with proposed staging plan.

B. PRIOR TO WORK COMMENCING

- B1.** A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 1998, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- B2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

C. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- C1.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's relative standards.

Reason: To ensure compliance with application and plans.

- C2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council specifications and requirements. The inspection fee is applicable for all sections of the work carried out by the contractors and shall be paid prior to the issue of a Construction Certificate.

Reason: To ensure compliance.

- C3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance.

- C4.** A compliance certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority). Council requires the following payments to be completed prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

Sewer headworks contribution is \$8,200 per additional lot

Water headworks contribution is \$6,810 per additional lot

The required payment is to be undertaken must be completed and the applicable developer contributions paid prior to the issue of a Construction Certificate.

Note: The contributions required by this condition are allowed by and determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2013/2014 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

- C5.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

- Stormwater Drainage

Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 Council requires the payment of a monetary contribution of:

- \$2,198 per additional lot

The contributions shall be paid prior to issue of the Construction Certificate.

The contributions required by this condition are allowed by and determined in accordance with the Gunnedah Shire Council Section 64 Developer Services Plan – Stormwater commencing on 17 January 2013, a copy of which may be inspected at the office of the Council.

Note: The above contributions have been adopted under the 2013/2014 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Contributions and Development Services Plan.

D. GENERAL

Allotment Filling

- D1.** All allotment filling will require a submission from the applicant's Consulting Engineer. The submission shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the submission shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

- D2.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

- D3.** Deleted

Stormwater Drainage

- D3.** Runoff from all hard surfaces areas is to be collected and piped via a storm water main into the existing main located on King Street, in accordance with Council's specifications. A stormwater main shall be constructed within an easement, located through Lot 133 DP 236719 (30 King Street).

Reason: To ensure compliance with Council's requirements.

Water Supply

- D4.** A single water supply service shall be provided to each lot. The water service shall be provided by connecting to Council's existing water main located in High Street, in accordance with the Council's specifications and requirements.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs adopted in the Council's 2013/2014 Management Plan are \$1,640 per lot. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's requirements.

Sewer

- D5.** A single sewer service shall be provided to each lot. The sewer service shall be provided by connecting to Council's existing sewer main located in the north-western corner of the development site. All works are to be undertaken and inspected in accordance with Council's standards and specifications.

Reason: To ensure compliance with Council's requirements.

- D6.** A three (3) metre wide easement shall be created over all Council water, sewer and stormwater mains.

Reason: To ensure compliance with Council's requirements.

Access

- D7.** Vehicular access to each lot shall be from High Street and will require the construction of a concrete driveway across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at:

<http://www.gunnedah.nsw.gov.au>

- 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 driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's policy.

- D8.** The internal driveway of Lots 3 and 4 (from the kerb and gutter to the end of the access handle) shall be constructed with a base course of adequate depth to suit design traffic, being sealed with either asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access. Full details of compliance are to be included on the plans accompanying the Construction Certificate Application.

Reason: To minimise any associated noise and dust nuisance.

- D9.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Driveway crossing standards and specifications.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

E. DURING WORKS

E1. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- E2.** 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.

- E3.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved prior to the issue of a construction certificate, (a requirement prior to the commencement of work on the site). The approved erosion and sediment control measures are to be maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

F. DEMOLITION

- F1.** Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

Reason: To meet statutory requirements.

- F2.** Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.

Reason: To ensure compliance and safety of workers and general public.

- F3.** Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of structures.

Reason: To meet statutory requirements.

- F4.** The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.

Reason: To meet statutory requirements.

- F5.** Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.

Reason: To meet statutory requirements.

- F6.** Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

Reason: To ensure compliance and safety of workers and general public.

- F7.** During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles

Reason: To ensure compliance and safety of workers and general public.

- F8.** All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

Reason: To ensure compliance and safety of workers and general public.

- F9.** The burning of any demolished material on site is not permitted and offenders will be prosecuted.

Reason: To meet statutory requirements.

- F10.** Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.

Reason: To ensure the integrity of public infrastructure.

- F11.** Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.

Reason: To meet statutory requirements.

G. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

- G1.** Deleted

- G1a.** One set of approved construction drawings shall be amended to show the "work-as-executed". These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate for each stage of development works listed within condition A2.

Reason: To ensure compliance with Council's requirements.

- G2.** Written notification being provided that an electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- G3.** Written notification being provided that telecommunication cables have been provided to each lot in accordance with community expectations.

Reason: To ensure that telecommunication services are provided.

- G4.** Deleted

- G4a.** The subdivision certificate release fee of \$143 shall be paid prior to the issue of the subdivision certificate for each stage of development works.

Note: The above fee has been adopted under the Council's 2019/2020 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.

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
JR Campbell	X			
J Chaffey	X			
C Fuller	X			
OC Hasler	X			
R Hooke	X			
A Luke	X			
D Moses	X			
M O'Keefe	X			
RG Swain	X			

11.9 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL TO REZONE PRIVATE OWNED E3 ENVIRONMENTAL MANAGEMENT ZONED LAND TO RU1 PRIMARY PRODUCTION

AUTHOR Team Leader Building and Strategic Projects

MOTION Moved Councillor M O'KEEFE
Seconded Councillor OC HASLER

20.02/21 COUNCIL RESOLUTIONS:

That Council resolve to:

1. Endorse the draft planning proposal, prepared pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Gunnedah Local Environmental Plan 2012 so that all privately owned agricultural land currently zoned E3 Environmental Management and located more than 5 kilometres from Gunnedah, is zoned RU1 Primary Production, consistent with the historical 1(a) Rural (Agricultural Protection) zone of the Gunnedah Local Environmental Plan, 1998.
2. Forward the draft planning proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and
3. Request that the Secretary of the Department of Planning, Industry and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

12. INFRASTRUCTURE SERVICES

12.1 GUNNEDAH BASKETBALL ASSOCIATION LEASE

AUTHOR Manager Public Facilities

MOTION Moved Councillor
Seconded Councillor

OFFICER'S RECOMMENDATIONS:

1. That Council negotiates a five year licence agreement with the Gunnedah Basketball Association at \$542.00 per annum plus Consumer Price Index.
2. That Council seek Ministerial consent for the negotiated licence agreement as required by the Crown Land Management Act 2016.

A Motion was Moved Councillor OC HASLER, Seconded Councillor A LUKE:

1. That Council negotiates a 20 year licence agreement with the Gunnedah Basketball Association at \$542.00 per annum plus Consumer Price Index increased annually without going out for Expression of Interest.
2. That Council seek Ministerial consent for the negotiated licence agreement as required by the Crown Land Management Act 2016.

The Motion on being put to the meeting was Lost.

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor RG SWAIN:

1. That Council negotiates a five year licence agreement with the Gunnedah Basketball Association at \$542.00 per annum plus Consumer Price Index.
2. That Council seek Ministerial consent for the negotiated licence agreement as required by the Crown Land Management Act 2016.

The Motion on being put to the meeting was Carried.

Councillor OC Hasler requested his vote be recorded as being against the Motion.

*MOVED Councillor M O'KEEFE
Seconded Councillor RG SWAIN*

21.02/21 COUNCIL RESOLUTIONS:

1. That Council negotiates a five year licence agreement with the Gunnedah Basketball Association at \$542.00 per annum plus Consumer Price Index.
2. That Council seek Ministerial consent for the negotiated licence agreement as required by the Crown Land Management Act 2016.

12.2 REALLOCATION OF FUNDS – POOL CHEMICAL

AUTHOR Acting Manager Public Facilities

*MOTION Moved Councillor RG SWAIN
Seconded Councillor C FULLER*

22.02/21 COUNCIL RESOLUTION:

That Council authorise the redistribution of \$30,828 fro the Sporting Amenities Maintenance budget to the Pool Chemical budget.

12.3 REQUEST FEE WAIVER – RIDING FOR DISABLED ASOCIATION

Councillor R Hooke declared an interest; left the Chamber and took no part in discussion or consideration of this item.

AUTHOR Manager Public Facilities

*MOTION Moved Councillor RG SWAIN
Seconded Councillor D MOSES*

23.02/21 COUNCIL RESOLUTION:

That Council waive the Showground booking fees for Riding for Disabled Association Gunnedah Centre for 2021.

Councillor R Hooke returned to the Chamber.

12.4 **KELVIN ROAD RE-SHEETING**

AUTHOR **Manager Works**

MOTION *Moved Councillor RG SWAIN
Seconded Councillor C FULLER*

24.02/21 **COUNCIL RESOLUTIONS:**

That Council reallocate Kelvin Road Re-sheeting budget of \$123,021 to Bulunbulun Road Re-sheeting.

12.5 **FIXING LOCAL ROADS – STOCK ROAD**

AUTHOR **Chief Engineer**

MOTION *Moved Councillor R HOOKE
Seconded Councillor C FULLER*

25.02/21 **COUNCIL RESOLUTION:**

That Council endorse the submission to the Fixing Local Roads Program to renew Stock Road.

12.6 **TRACTOR TREK AND VEHICLE DISPLAY 2021**

Councillor RG Swain declared an interest; left the Chamber and took no part in discussion or consideration of this item.

AUTHOR **Manager Works**

MOTION *Moved Councillor C FULLER
Seconded Councillor D MOSES*

26.02/21 **COUNCIL RESOLUTIONS:**

That Council approve the Tractor Trek Parade between 9:45am and 2:00pm on 6 March 2021 from Elgin Street to Woolworths Carpark via Conadilly Street as part of the Weeds of Speed activities.

Councillor RG Swain returned to the Chamber.

13. BUSINESS AND FINANCE

13.1 **SECOND QUARTER BUDGET REVIEW AS AT 31 DECEMBER 2020**

AUTHOR **Manager Finance**

MOTION *Moved Councillor A LUKE
Seconded Councillor C FULLER*

27.02/21 **COUNCIL RESOLUTIONS:**

- 1. That the second quarter budget review summary for the 2020/21 financial year be received and noted;**
- 2. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted.**

13.2 **SECOND QUARTER PROJECT PROGRESS REPORT AS AT 31 DECEMBER 2020**

AUTHOR **Manager Finance**

MOTION *Moved Councillor A LUKE*
 Seconded Councillor J CAMPBELL

28.02/21 **COUNCIL RESOLUTION:**

That the Second Quarter Project Progress report 2020/21 be received and noted.

13.3 **RECOMMENCEMENT OF DEBT RECOVERY ACTIONS AND APPLICATION OF INTEREST CHARGES ON OVERDUE RATES, CHARGES AND SUNDRY DEBTS**

AUTHOR **Manager Finance**

MOTION *Moved Councillor R HOOKE*
 Seconded Councillor M O'KEEFE

29.02/21 **COUNCIL RESOLUTIONS:**

1. That Council recommence debt recovery action in accordance with Council's Debt Recovery Policy and amendment to section 747AB of the Local Government Act 1993 not prior to 1 March 2021.
2. That Council recommence the calculation of interest on overdue rates, charges and sundry debts per the Office of Local Government Circular 20-19 at the rate of 7.0% per annum not prior to 1 March 2021.
3. That Council staff schedule a workshop prior to the end of 30 June 2021 to investigate our current debt recovery practices and performance as a Shire with a focus on facilitating compassionate debt recovery.

13.4 **INVESTMENTS**

AUTHOR **Coordinator – Accounting and Treasury**

MOTION *Moved Councillor A LUKE*
 Seconded Councillor D MOSES

30.02/21 **COUNCIL RESOLUTION:**

That the principal investment of \$67.9 million (December) and \$67.9 million (January) for all funds to date be received and noted.

14. **REPORTS OF COMMITTEES**

14.1 **AUDIT COMMITTEE MEETING**

AUTHOR **Director Corporate and Community Services**

MOTION *Moved Councillor J CAMPBELL*
 Seconded Councillor R HOOKE

31.02/21 **COUNCIL RESOLUTION:**

That the Minutes of the Audit Committee Meeting held on Wednesday 16 December 2020 be received and noted.

15. **DELEGATES REPORTS**

15.1 **MURRAY DARLING ASSOCIATION BOARD MEETING – 21 DECEMBER 2020**

AUTHOR **Councillor J Campbell**

MOTION *Moved Councillor J CAMPBELL*
Seconded Councillor OC HASLER

32.02/21 **COUNCIL RESOLUTION:**

That Council receives and notes the Delegates Report for 21 December 2020 Board Meeting of the Murray Darling Association.

16. NOTICES OF MOTION/QUESTIONS ON NOTICE

16.1 **NOTICE OF MOTION – LIVVI’S PLACE PLAYGROUND**

AUTHOR **Councillor OC Hasler**
Councillor A Luke

MOTION *Moved Councillor OC HASLER*
Seconded Councillor A LUKE

33.02/21 **COUNCIL RESOLUTION:**

That Council install three additional pool style gates (with child proof latches) at the three entrances to the Livvi’s Place Playground in order to improve child security during opening hours, funding to be provided from the 2020/21 Park Furniture Replacement Fund and/or the General Fund.

CLOSED COUNCIL

MOTION *Moved Councillor J CAMPBELL*
Seconded Councillor D MOSES

34.02/21 A Motion was Moved into Closed Council for consideration of the following matters and that members of the press and public be excluded from the meeting, the reason being that the matters to be discussed concerned personnel and contractual matters, as detailed below:

a) Director Planning and Environmental Services Report to Closed Council.

17. PLANNING AND ENVIRONMENTAL SERVICES

17.1 **TENDER T1920-34 – WASTE, RECYCLING AND GARDEN ORGANICS COLLECTION SERVICES AND CONTRACT T2021-02 – MATERIALS RECOVERY FACILITY (MRF) RECYCLABLES PROCESSING SERVICES**

AUTHOR **Manager Waste**

MOTION *Moved Councillor C FULLER*
Seconded Councillor R HOOKE

35.02/21 **COUNCIL RESOLUTIONS:**

That Council resolve:

1. To accept the tender submitted by JR Richards and EG Richards (NSW) Pty Ltd in response to Tender T1920-34 Waste, Recyclables and Garden Organics Collection Services.
2. To appoint Gunnedah Workshop Enterprise Ltd trading as Recyclit (Recyclit) for T2021-02 Materials Recovery Facility (MRF) Recyclables Processing Services, relying on the exemption set out in s 55(3)(q) of the Local Government Act 1993 (NSW) from being required to invite tenders under Section 55 of that Act.
3. To enter into two (2) separate contracts for the abovementioned services, each contract to commence on 1 July 2021 and continue for a period of 10 years until 30 June 2031, based on satisfactory supplier performance (which may extend these contracts through to 30 June 2032).

4. That the General Manager be authorised to execute the contract documents and heads of agreement on behalf of Council.

RESOLUTION OUT OF CLOSED COUNCIL

*MOTION Moved Councillor C FULLER
Seconded Councillor D MOSES*

36.02/21 COUNCIL RESOLUTION:

On the resumption of the Ordinary business of the meeting, the Chairperson reported that the previous resolutions were adopted in Closed Council.

There being no further business, the meeting concluded at 8:40pm.

Councillor J Chaffey
MAYOR