



GUNNEDAH SHIRE COUNCIL

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

Wednesday 17 October 2018

Consisting of Pages 1 to 30
(Minute No 1.10/18 to 23.10/18)

are confirmed as a true and correct record of the meeting
as per Minute No 1.11/18 of the
Ordinary Meeting held on 21 November 2018.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 17 October 2018 in the
Council Chambers, Elgin Street, Gunnedah commencing at 4:31pm

1. 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 Director Infrastructure Services (D Noble)	X		
Chief Financial Officer (D Connor)	X		

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor J CAMPBELL

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Elizabeth Meyer, John James Sellers and Margaret Katie Smyth.

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	REPORT	P	SNP	LSNP	RC	REASON
R HOOKE	11.3	Council Submission – Whitehaven Coal, Vickery Extension Project			X		Shire representative on the eIMEx event committee, Whitehaven Coal is the major sponsor of the event.
RG SWAIN	11.3	Council Submission – Whitehaven Coal, Vickery Extension Project		X			Son works at Maules Creek.
RG SWAIN	17	Question on Notice		X			Son-in-law works at Narrabri.
J CHAFFEY	10.4	Proposed Land Sale – 55-57 Borthistle Road		X			Related to potential purchaser.
J CHAFFEY	11.2	Chamber of Commerce Spirit of Christmas Fair	X				Owner of business that will sponsor and is a member.
J CHAFFEY	11.3	Council Submission – Whitehaven Coal, Vickery Extension Project	X				Owner of business which services Whitehaven Coal.
J CHAFFEY	17	Question on Notice	X				Owner of business which services Whitehaven Coal.

M O'KEEFE	10.4	Proposed Land Sale – 55-57 Borthistle Road			X	X	Member of Rugby Club and President is potential purchaser.
M O'KEEFE	11.3	Council Submission – Whitehaven Coal, Vickery Extension Project	X				Employed by Whitehaven Coal.
M O'KEEFE	17	Question on Notice	X				Employed by Whitehaven Coal.
A LUKE	11.2	Chamber of Commerce Spirit of Christmas Fair Chamber of Commerce Spirit of Christmas Fair	X				Member participant and sponsor.
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
C FORMANN	8.2	Drought Relief Mayoral Minute			X	X	Sister in law is signatory to the correspondence.

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

5. **COMMUNITY PRESENTATIONS/CONSULTATIONS**

Mayor J Chaffey, Councillors RG Swain and M O'Keefe declared an interest and left the Chamber during the presentation by Mr Darley.

Mr Errol Darley was in attendance to make a presentation in relation to Item 3 of the Director Planning Environment and Development Report (Agenda Item 11.3) concerning Council Submission – Whitehaven Coal, Vickery Extension Project (Development Application No SSD 7480).

Mayor J Chaffey, Councillors RG Swain and M O'Keefe returned to the Chamber.

6. **PREVIOUS MINUTES**

6.1 **CONFIRMATION OF PREVIOUS MINUTES**

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor D MOSES

1.10/18 **COUNCIL RESOLUTION:**

The Minutes of the Ordinary Meeting held on Wednesday 19 September 2018 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 **MEMORANDUM OF UNDERSTANDING BETWEEN TONGYU HEAVY INDUSTRY CO**

Council Resolution

Moved Councillor J CHAFFEY

Seconded Councillor A LUKE

2.10/18 COUNCIL RESOLUTION:

That Council approves the signing of the MOU as outlined in and attached to this report.

8.2 REQUEST TO WAIVE WATER FEES FOR AUSSIE HELPERS

Mayoral Minute

Moved Councillor J CHAFFEY

That Council:

1. Approve the donation of water to Aussie Helpers for the purpose of carting water to farmers as a drought relief measure for the period to 28 February 2019 within the confines of the Gunnedah Shire Local Government Area (LGA);
2. Request staff carry out investigations into further options for the support of all those residents within the LGA impacted by drought.

An Amendment was Moved Councillor R HOOKE, Seconded Councillor RG SWAIN:

That Council:

1. Approve the donation of water to Aussie Helpers for the purpose of carting water to farmers as a drought relief measure for domestic purposes only for the period to 28 February 2019 within the confines of the Gunnedah Shire Local Government Area (LGA);
2. Request staff carry out investigations into further options for the support of all those residents within the LGA impacted by drought.

The Amendment on being put to the meeting was Carried.

The Amendment now becomes the Motion.

The Motion on being put the meeting was Carried.

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor RG SWAIN

3.10/18 COUNCIL RESOLUTION:

That Council:

1. Approve the donation of water to Aussie Helpers for the purpose of carting water to farmers as a drought relief measure for domestic purposes only for the period to 28 February 2019 within the confines of the Gunnedah Shire Local Government Area (LGA);
2. Request staff carry out investigations into further options for the support of all those residents within the LGA impacted by drought.

SUSPENSION OF STANDING ORDERS

A Motion was Moved Councillor M O'KEEFE, seconded Councillor A LUKE to move Item 11.3 concerning the Council Submission – Whitehaven Coal, Vickery Extension Project (Development Application No SSD7480) in the Standing Orders of Business for consideration immediately prior to Questions on Notice.

9. GENERAL MANAGER'S OFFICE

9.1 NORTHERN INLAND ACADEMY OF SPORT – ASSOCIATE PARTNERSHIP

AUTHOR Acting General Manager

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

4.10/18 COUNCIL RESOLUTION:

That Council become an Associate Partner of the Northern Inland Academy of Sport for 2019.

10. CORPORATE AND COMMUNITY SERVICES

10.1 DISCLOSURES BY COUNCILLORS AND DESIGNATED STAFF

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

5.10/18 COUNCIL RESOLUTIONS:

That in relation to the report "Disclosures by Councillors and Designated Persons", Council:

1. Note that all Councillors and currently serving designated persons have completed and lodged Disclosure of Interest Returns in accordance with Section 449(3) of the Local Government Act 1993; and
2. Advise the Office of Local Government accordingly.

10.2 REQUEST FOR FINANCIAL ASSISTANCE FOR LEGAL COSTS

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor R HOOKE

6.10/18 COUNCIL RESOLUTION:

That Council support the request from Local Government NSW to provide legal assistance to the City of Sydney Council, North Sydney Council and Bayside City Council to appeal the Land and Environment Court's decision.

10.3 DROUGHT COMMUNITIES PROGRAM

AUTHOR Director Corporate and Community Services

Officer's Recommendation

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

OFFICER'S RECOMMENDATIONS:

1. That Council lodge an application for the installation of standpipes and associated self-service equipment at strategic locations across the Shire to the estimated project value of approximately \$200,000;
2. That Council form a Drought Communities Program Grant Assessment Panel to evaluate potential applications for funding consisting of all Councillors and supported by necessary Council staff representatives;
3. That the General Manager be authorised to lodge applications for funding in consultation with the Grant Assessment Panel;
4. That the Council call for expressions of interest from the community to put forward proposals for projects that may be able to be funded under the program;
5. That a minimum of \$200,000 of the total funding be set aside specifically to target projects in villages and remote localities with any residual amount to be returned to the general funding pool should there be a shortfall in suitable identified projects in those locations; and
6. That Council engage the services of local contract Grant Writer(s) and administrative support staff if necessary to assist with the development of applications, with the cost to be borne by the Grant Program.

An Amendment was Moved Councillor R HOOKE, Seconded Councillor D MOSES:

1. That Council lodge an application for the installation of standpipes and associated self-service equipment at strategic locations across the Shire to the estimated project value of approximately \$200,000;
2. That Council investigate the feasibility of providing standpipes and associated equipment in Villages not covered by the proposal in Item 1;
3. That Council form a Drought Communities Program Grant Assessment Panel to evaluate potential applications for funding consisting of all Councillors and supported by necessary Council staff representatives;
4. That the General Manager be authorised to lodge applications for funding in consultation with the Grant Assessment Panel;
5. That the Council call for expressions of interest from the community to put forward proposals for projects that may be able to be funded under the program;
6. That a minimum of \$200,000 of the total funding be set aside specifically to target projects in villages and remote localities with any residual amount to be returned to the general funding pool should there be a shortfall in suitable identified projects in those locations; and
7. That Council engage the services of local contract Grant Writer(s) and administrative support staff if necessary to assist with the development of applications, with the cost to be borne by the Grant Program.

The Amendment being put to the meeting and Carried.

The Amendment now becomes the Motion.

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

7.10/18 COUNCIL RESOLUTIONS:

1. That Council lodge an application for the installation of standpipes and associated self-service equipment at strategic locations across the Shire to the estimated project value of approximately \$200,000;
2. That Council investigate the feasibility of providing standpipes and associated equipment in Villages not covered by the proposal in Item 1;
3. That Council form a Drought Communities Program Grant Assessment Panel to evaluate potential applications for funding consisting of all Councillors and supported by necessary Council staff representatives;
4. That the General Manager be authorised to lodge applications for funding in consultation with the Grant Assessment Panel;
5. That the Council call for expressions of interest from the community to put forward proposals for projects that may be able to be funded under the program;
6. That a minimum of \$200,000 of the total funding be set aside specifically to target projects in villages and remote localities with any residual amount to be returned to the general funding pool should there be a shortfall in suitable identified projects in those locations; and
7. That Council engage the services of local contract Grant Writer(s) and administrative support staff if necessary to assist with the development of applications, with the cost to be borne by the Grant Program.

10.4 PROPOSED LAND SALE – 55-57 BORTHISTLE ROAD

Mayor J Chaffey and the Director Planning and Environmental Planning Services declared an interest in this item, left the Chamber and took no part in discussion or consideration of this item.

Councillor M O'Keefe declared an interest in this item, however remained in the Chamber.

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

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

8.10/18 COUNCIL RESOLUTION:

That a further report detailing a plan to progress the sale of Council owned land at 55-57 Borthistle Road (Lot 23 DP859880) be brought to the next Ordinary Meeting and Council determine that retaining the land serves no long term strategic purpose.

Mayor J Chaffey and the Director Planning and Environmental Planning Services returned to the Chamber.

SUSPENSION OF STANDING ORDERS

A Motion was Moved Councillor OC HASLER, seconded Councillor A LUKE to move Item 10.5 concerning the Memorial Pool Opening Celebrations in the Standing Orders of Business for consideration at the conclusion of Item 12.4 concerning Contract T1617-03 – Construction of Memorial Pool Complex Upgrade – Finalisation.

10.6 AUSTRALIA DAY WORKING GROUP

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

9.10/18 COUNCIL RESOLUTION:

That a further \$3,000 be added to the events budget to provide grant funding to organisations within the Shire that wish to hold suitable Australia Day Celebrations in Shire Villages and Village Halls.

10.7 HAY MATE CONCERT – LIVE STREAM AT KITCHENER PARK

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor J CAMPBELL

10.10/18 COUNCIL RESOLUTION:

That Council endorse the actions of the Acting General Manager in waiving the fee for the use of Kitchener Park to live stream the Hay Mate concert on Saturday 27 October 2018.

10.8 OUTSTANDING RESOLUTION REGISTER

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

11.10/18 COUNCIL RESOLUTION:

That the information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 MODIFICATION OF DEVELOPMENT CONSENT 234396.006 – REMOVAL OF CONDITION 7 – CONSTRUCTION OF VEHICLE ACCESS TO EACH LOT – LOT 900 DP1214255 – 109 LINKS ROAD, GUNNEDAH

12.10/18 COUNCIL RESOLUTIONS:

That Modification of Consent No. 234396.006, for the removal of Condition No. 7 – construction of vehicle access to each lot, at Lot 900 DP1214255, 109 Links Road, be approved subject to the deletion of Condition No. 7. - amendment underlined as follows:

1. Deleted.

1A. Deleted.

1B. Deleted.

1C. Deleted

1D. General Conditions

The proposed development be carried out strictly in accordance with the details set out in the following documentation, except as otherwise provided by the conditions of consent.

- Development Application form, dated 16 November 2006 and associated Letter of Authorisation detailing Mr Mark Griffin as Project Manager
- Statement of Environmental Effects, prepared by Monteath & Powys Pty Ltd, dated November 2006, which included the following reports and supporting information:
 - a. Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006.
 - b. Archaeological Investigation for sites of Indigenous Cultural Significance on the Site of the Proposed Subdivision of “Morningside Heights”, prepared by John Appleton Archaeological Surveys & Reports Pty Ltd, dated September 2006.
 - c. Flora and Fauna Survey and Ecological Impacts Assessment Report, prepared by Ecotone Ecological Consultants, dated November 2006
 - d. Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated October 2006
 - e. LPI NSW Land & Property Information (Title Searches), prepared by Dutton & Tanko Pty Ltd.
 - f. Landscape Design Report, prepared by Judy Jones Landscape Designer, dated 13 November 2006
 - g. Geotechnical Investigation Report, prepared by RCA Australia Pty Ltd, dated September 2006
 - h. Letter from the Department of Natural Resources, dated 10 November 2006.
 - i. NSW Department of Lands Cadastral Records Inquiry Report.

- j. Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.
- k. Proposed Water Reticulation Plan, Prepared by Monteath & Powys dated August 2006.
- l. Preliminary Engineering Design Details (Wandobah Road shoulder & intersection treatments, Intersection Threshold Treatments, Cycle-ways and Cross-sectional details prepared by Cardno Stanwill dated 8 March 2007.
- m. Aerial photograph of subject land.
- n. The amended Subdivision Staging Plan prepared by Monteath and Powys Pty Ltd dated April 2007 (Rev 10).
- o. The amended Bushfire Protection Measures Plan prepared by Monteath and Powys Pty Ltd dated February 2012.
- p. Plan Showing Proposed Trunk Water Main Mornington Heights Estate, prepared by Monteath and Powys Pty Ltd, dated 10 May 2012 (CAD File No. 06095AJ-02).

Reason: Compliance with application and plans.

2. Deleted.

2A. Deleted

2B. Deleted

2C. This determination grants consent to the subdivision of 3 lots into 309 lots, comprising of the following stages:

- Stage 1 (Lots 101-148)
- Stage 2A (Lots 201-226)
- Stage 2D (Lot 24)
- Stage 2E (Lot 227-244)
- **Stage 2F (Lot 245-260)**
- Stage 3A (Lots 301-317)
- Stage 3B (Lots 318-333)
- Stage 3C (Lots 335-348)
- Stage 3D (Lots 351-261)
- Stage 4A (Lots 401-413)
- Stage 4B (Lots 414-447)
- Stage 5A (Lots 501-508)
- Stage 5B (Lots 509-532)
- Stage 6A (Lots 601-622)
- Stage 6B (Lots 623-635)
- Stage 7A (Lots 701-727)
- Stage 7B (Lots 726-735)

Reason: Compliance with application and plan.

3. The developer shall meet all costs relative to the supply of underground electrical services and telecommunication cables and services. The developer shall provide documentary evidence that electricity and telecommunications can be supplied to the boundary of each individual allotment for each respective stage of the development.

Reason: To ensure that electrical and telecommunication services are provided.

4. The Developer is responsible for the supply of street lighting within each stage of the development including street lighting in Wandobah Road and Links Road with particular attention to the intersections of Wandobah Road and Road 1 and Links Road and Wattle Street, in accordance with Council's standards and Country Energy's development standards for residential areas.

Reason: To ensure public street lighting is provided and traffic safety is maintained at major intersections.

5. The Developer shall meet all survey and registration costs associated with the subdivision and dedicate all roads to the public, establishment all required easements for each respective stage of the development.

Reason: To ensure compliance.

6. The Developer shall ensure that all statutory requirements including but not limited to those set down in the Local Government Act 1993, Protection of the Environment Operations Act 1997, Environmental Planning and Assessment Act 1979 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices and the requirements of the Environmental Protection Authority and Work Cover are fully met.

Reason: To ensure compliance.

7. Deleted

8. The Developer shall prepare a Water Supply Assessment Report for the development to identify the appropriate water main design standards having particular regard to volume and pressure for each stage of the development, in order to ensure that each lot within the development can be adequately serviced by the augmented public water supply system.

Note: The Developer shall engage a qualified Water Engineer to undertake the Water Supply Assessment Report and forward a copy of the Report and the conclusive findings to Council for its consideration prior to issue of the Subdivision Construction Certificate for Stage One of the development.

Reason: To ensure adequate water supply can be provided to all stages of the development.

9. Deleted.

9A. Deleted

9B. Deleted

- 9C. The developer shall submit to Council for approval an amended Water Supply Strategy for the whole development prior to the issue of the Subdivision Construction Certificate for Stage 2. The developer shall also submit detailed design plans to Council for approval of the water reticulation system for each stage prior to progressing with that stage of the development. The developer is responsible for augmenting Council's existing water main to service all lots created in each respective stage of the subdivision.

The water reticulation system is subject to final design, in accordance with Council's residential water supply standards. The augmentation of the water service shall adhere to the following conditions or as determined as a consequence of the outcomes of the Water Supply Assessment Report:

- Extension of water mains to service each respective stage of the development that extends to the next stage of development
- Installation of a new water main from the existing 200mm water main in Wandobah Road to service Stages 1, 2A, 2D, 2E and 2F.

- Stages 1, 2A, 2D, 2E 2F, and part of 3A (Lots 301,302,311,312), part of 3B (Lots 318-325) and part of 3C (Lots 335-344) shall be connected to the Zone 2 reticulated water supply network at the intersection of Wandobah Road and Tallowwood Drive. This water main shall be extended along Kurrajong Road to the southern boundary of proposed Lot 233.
- Stages 3A (Lots 303-310, 313-317), 3B (326-333), 3C(Lots 345-347), 3D, 4A, 4B, 5B,6A,6B, 7A and 7B shall be connected to the Zone 3 water supply network by extending the water main in Links Road in accordance with the submitted 'Plan showing Proposed Trunk water Main', prepared by Monteath and Powys Pty Ltd. The water main shall be extended to the Wattle Street and Links Road Intersection and then along the proposed alignment of Wattle Street to the proposed Public Reserve between Wattle Street and Kurrajong Road. The water main shall be continued through the public reserve and along Kurrajong Road, Elm Street, Redgum Road and Bottle Brush Avenue to service Stages 3A, 3B, 3C and Stages 3D, 4A and 4B.
- Upon the commencement of Stages 3A or 4B (Whichever occurs first), the water supply to the lots on the southern side of Elm Street shall be isolated from Zone 2 and augmented into works associated with Stages 3A (Lots 303-310, 313-317), 3B (Lots 326-333), 3C (Lots 345-347), and 4A by the disconnection of the interconnects to the parallel water main in Elm Street at the intersection of Kurrajong Road and Elm Street and Bottle Bruch Avenue.
- Stage 5A shall include the extension of the Zone 2 water main located at the southern boundary of proposed Lot 233 in Kurrajong Road, through the proposed Public Reserve and along the proposed alignment of Wattle Street, connecting to the existing water supply main located at the boundary of Wattle Street and the northern boundary of Stage 5A of the development. This Zone 2 water main shall service proposed Lots 501-507.
- The Developer shall connect each respective lot to the reticulated water supply, including installation of individual water meters.
- The Developer shall at each respective stage engage Council to make the final connection to the water supply network. The cost of this connection work is subject to annual indexation in accordance with Council's Management Plan at the time of payment.

Note 1: Upon the commencement of Stage 4 of the development, Council will disconnect the Zone 2 water supply from the booster pump station located in Wandobah Road.

Note 2: Subject to the outcomes of the Water Supply Assessment Report, Council may require the upgrade of certain water supply mains, at its cost, to service assessed future development demands in the locality.

Reason: To ensure that an adequate public water supply is provided to all lots in the development in accordance with the staging process.

10. The developer shall extend Council's existing sewer main to service each respective stage of the development, in accordance with Council's engineering requirements and specifications.

Reason: To ensure that each respective lot within the development is connected to Council's sewer system.

11. The developer shall establish a 3 metre wide easement to drain sewer in favour of Council over all sewer mains installed in the development.

Reason: To ensure protection and access to the sewer drainage system.

12. The developer shall submit to Council for approval a sewer drainage layout for the whole development prior to the issue of the Subdivision Construction Certificate for Stage One. The developer shall also submit detailed design plans to Council for approval of the sewer drainage system for each stage prior to progressing with that stage of the development. The sewerage system is subject to final design in accordance with Council's sewer drainage standards.

Reason: To ensure adequate access to each lot within the development.

13. The developer is to obtain a Section 90 consent under the National Park and Wildlife Act 1974 to destroy, with salvage, the identified single stone artefact as outlined in the Archaeological Investigation for sites of Indigenous Cultural Significance on the Site of the Proposed Subdivision of "Mornington Heights", prepared by Archaeological Surveys & Reports Pty Ltd, dated September 2006.

Note1: The Section 90 consent is required before Council will consider issue a Subdivision Construction Certificate for Stage One.

Note 2: The single site recording of a stone artefact has been identified as GL ISO1. A requirement in applying for a Section 90 consent is Aboriginal consultation with reference to the DEC Interim Consultation Guidelines.

Reason: To meet the legislative requirements relative to Aboriginal artefacts of the National Parks and Wildlife Act 1974.

14. The developer shall construct all internal roadworks within the development to service each respective stage of the development, in accordance with Council's subdivision and road construction standards. The developer shall submit detailed design plans to Council for approval of the road works for each stage prior to progressing with that stage of the development.

Reason: To ensure appropriate levels of access to the allotments within the subdivision.

15. The Developer shall construct the road corridor that services all lots contained within the respective stage of the development, to the following specifications:

- a) Boronia Avenue - 20 m wide road reserve consisting of (2) 4.5 m footpaths and 11 metre sealed carriageway.
- b) Road 1 – 18 m wide road reserve consisting of (2) 4.5 m and 9 metre sealed carriageway.
- c) Road 2 - 22 m wide road reserve consisting of (2) 4.5 m footpaths and 13 metre seal carriageway converging into an 18-metre wide road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.
- d) Road 3 - 18 metre road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.
- e) Road 4 - 22 m wide road reserve consisting of (2) 4.5 m footpaths and 13 metre sealed carriageway.
- f) Road 5 –18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 metre sealed carriageway.
- g) Road 6 –18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 m seal carriageway
- h) Road 7 - 18 m wide road reserve consisting of (2) 4.5 m footpaths and 9 m sealed carriageway
- i) Hinton Drive –20 m wide road reserve consisting of (2) 4.5 m footpaths and 11 m sealed carriageway.
- j) Wattle Street – 22 m wide carriageway consisting of (2) 5.0 m footpaths and a 12 m sealed carriageway.
- k) Links Road - 20 m wide carriageway consisting of (2) 3.5m footpaths and a 13 m sealed carriageway. The developer is required to construct the road shoulder of the portion of Links Road fronting the subject site and the totality of the proposed intersection with Wattle Street.

- I) Wandobah Road – Extend the existing kerb and gutter to the north to create a 10 metre wide footpath to full extent of Stage One and construct and seal road shoulder 3 metres wide and the totality of the proposed intersection with Road 2.

Council is to contribute \$37,384.75 (excl GST) for the proposed road works.

Reason: To ensure a consistent road hierarchy and suitable public road access within the development.

16. The Developer shall incorporate traffic calming devices within the road carriageway where 18 metre road reserves intersect with either 20 or 22 metre road reserves for each respective stage of the development.

Note: The traffic calming devices shall be determined in conjunction with the preparation of the road design for the development having regard to the proposed threshold treatments.

Reason: To manage speed and to protect other road users.

- 16A. The developer is to contribute to the cost of construction of the treatment of the intersection of Wandobah Road and View Street to include a mountable low profile roundabout, low profile blisters on approaches and splitter islands and additional line marking. The contribution is \$52,800.00 and shall be paid prior to the issue of the Subdivision Certificate for Stage 1.

Reason: To ensure traffic safety and efficiency is maintained at the intersection of Wandobah Road and View Street as a consequence of the traffic generation from the development.

- 16B. The developer shall contribute 40% of the cost of construction for the treatment of the intersection at Links Road and Lincoln Street for a low profile roundabout and blisters, raised concrete and painted surface on approaches in accordance with Council's urban road construction specifications. The contribution shall be paid to Council prior to the release of the Subdivision Construction Certificate for Stage 6.

Reason: To ensure traffic safety and efficiency is maintained at the intersection of Links Road and Lincoln Street as a consequence of the traffic generation from the development.

- 16C. The developer shall line mark the following intersections prior to the issue of the Subdivision Certificate for Stage 6:

- Hinton Drive and Lincoln Street
- Lincoln Street and View Street

Reason: To ensure traffic safety and efficiency at the nominated intersections.

17. The developer shall dedicate all internal roads as Public Roads in accordance with the Roads Act, 1993.

Reason: To ensure public access to roads and compliance with legislative provisions.

18. The developer shall landscape each stage of the development site, as outlined in the Landscape Master Plan, dated November 2006.

Note: All streetscape trees and shrubs shall be mature specimens with trees having a minimum height of 2 metres.

Reason: To ensure an appropriate level of landscaping is maintained and that the streetscape has an advanced aesthetic value.

19. The Developer shall implement a watering regime to ensure the satisfactory establishment and ongoing maintenance of all landscaped areas, as identified in the Landscape Master Plan, dated November 2006.

Note: The developer is responsible for replacing any trees and shrubs that fail to survive within the first 12 months of the issue of the Subdivision Construction Certificate for that respective stage of development, upon the request of Council.

Reason: To ensure that landscaping elements within the development are maintained.

20. The Developer is to construct a 2.4 metre wide cycleway and cycleway road crossings as detailed on the approved plans, prepared by Cardo Stanwill (Ref Rev C – 8.3.07 being Plan 6280-SK101, Plan 6280-SK102, Plan 6280-SK138-151), for each respective stage in the development in accordance with Council's engineering requirements and specifications.

Reason: To ensure cycleway provision and connectivity within the development.

21. Deleted.

- 21a. Deleted

- 21b. The following designated bus routes shall apply for each stage of the development.

- a. Stage 1: Boronia Avenue and Tallowwood Road to Wandobah Road
- b. Stages 5A, 5B, 6A, 6B, 7A and 7B: Links Road to Wattle Street (west).

and the developer shall install in association with the respective stage bus shelters at the following locations:

- Southern side of Tallowwood Drive opposite the intersection of Boronia Avenue and Tallowwood Drive.
- Western side of Wattle Street adjacent to the Public Reserve linking Kurrajong Road with Wattle Street.

Note: When further urban development occurs to the south of the subject land, Tallowwood Drive and Bottle Brush Avenue will form part of a designated bus route.

Reason: To ensure that adequate provision is made for the development to be serviced by public transport.

22. The developer shall submit to Council for approval detailed design plans of stormwater drainage for each stage prior to progressing with that stage of the development. The stormwater drainage system is subject to final design in accordance with Stormwater Drainage and Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications.

Note: The developer shall ensure that no stormwater runoff is diverted onto adjoining lots outside the development area. All natural flow paths are to be retained.

Reason: To ensure appropriate stormwater design.

23. The Developer shall ensure that stormwater is managed in accordance with a peak discharge and flood inundation levels for an ARI of 100 years during both predevelopment and post development phases of the development, as outlined in Stormwater Drainage and Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications having regard to each respective stage of the development

Reason: To ensure an appropriate level of stormwater management is provided within the development.

24. **The developer shall install inter-allotment stormwater drainage to service each identified lot within the development, as outline in the Stormwater Drainage and Engineering Assessment, dated November 2006 and Council's engineering requirements and specifications.**

Reason: To ensure provision is made for inter-allotment stormwater drainage within the development.

25. **The developer shall install all minor stormwater drainage to service each respective stage of the development, as outline in the Stormwater Drainage and Engineering Assessment report, dated November 2006 and Council's Engineering requirements and specifications.**

Note 1: The pipe work from the eastern portion of the site is to be directed to the gully or flow path, which runs through the site and discharges into the proposed stormwater detention basin, located within the Public Reserve.

Note 2: The western part of the site shall discharge to Wandobah Road and shall be conveyed by culvert under the road system then by open channel to Blackjack Creek. The culvert and open channel shall be constructed by Council.

Reason: To ensure integrated stormwater management.

26. **The developer shall ensure that no part of any residential lot within the development will be lower than 100 year ARI flood inundation levels, as outlined in the Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006.**

Reason: To ensure adequate stormwater protection.

27. **The developer shall establish a 2 metre wide easement to drain water in favour of Council over all inter-allotment stormwater mains installed in the development.**

Reason: To ensure protection and access to the inter-allotment stormwater drainage system.

PLANNING CONDITIONS

28. **The Developer is responsible for the payment of water headwork charges, in accordance with the Gunnedah Contributions and Development Services Plan, 2001. The charge is subject to annual indexation in accordance with Council's Management Plan and shall be calculated at the rate applicable at the time of payment for each stage of the development. The current charge is \$3882 per additional lot.**

Note: Payment shall be made prior to the release of the Subdivision Certificate for each respective stage of the development.

Reason: The proposed development is likely to increase the demand on the water supply Infrastructure in the area.

29. **Deleted.**

- 29A. **All detention basin and associated stormwater drainage headworks contained within Lot 34 DP 811334 and associated with Lot 21 DP 786807 shall be completed by the developer in association with Stage 1 of the subdivision with Gunnedah Shire Council to make a contribution of \$30,000 towards these works. Construction will proceed in accordance with the Council approval design by Stewart Surveys titled "Lincoln Street Drainage Open Channel Drainage Design" dated June 1999.**

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29B.** All watercourse headworks contained within Lot 21 DP 786807 shall be completed by the developer prior to the completion of Stage 5 of the subdivision. The design shall be undertaken by the Developer and submitted to and approved by Council.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29C.** All stormwater headworks in Area 4, exclusive of a gross pollutant trap relative to discharge of stormwater to Blackjack Creek shall be completed by the developer in association with Stage 1 of the subdivision. The design shall be undertaken by the developer and submitted to and approved by Council.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 29D.** The developer is responsible for the payment of stormwater headwork charges in respect of Area 4 in accordance with Gunnedah Contributions and Development Services Plan 2001 and having regard to works outlined in Condition 29C of this consent.

The charge for Area 4 is \$420.50 per additional lot.

The charge is subject to annual indexation in accordance with Environmental Planning and Assessment Regulation 2000 and shall be calculated at the rate as detailed in Council's Management Plan applicable at the time of payment for each stage of the development.

Reason: The proposed development is likely to increase the demand on the stormwater infrastructure in the area.

- 30.** The Developer is responsible for payment of sewer headwork charges, in accordance with the Gunnedah Contributions and Development Services Plan, 2001. The charge is subject to annual indexation in accordance with Council's Management Plan and shall be calculated at the rate applicable at the time of payment, for each stage of the development. The current charge is \$1820.

Note: Payment shall be made prior to the release of the Subdivision Certificate for each stage of the development

Reason: the proposed development is likely to increase the demand on the sewer infrastructure in the area.

- 31.** Deleted

- 31A.** The Developer is to establish Asset Protection Zones to a width of 10 metres along the southern boundary of the development are in accordance with the Bushfire Protection Measures Plan, prepared by Monteath & Powys Pty Ltd, dated 17 February 2012.

Reason: To ensure bushfire protection and met legislative requirements.

- 32.** The Developer is responsible for constructing a 6 metre wide temporary fire trail (4 metre gravelled trail with one metre on each side cleared) within the residual lot of each stage of development in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006. The fire trail shall be constructed to Council's specifications and accessible to meet the requirements of the Rural Fire Service.

Reason: To ensure access for bushfire protection throughout each stage of the development.

33. The Developer shall create a right of way over the 6 metre wide temporary fire trail within the residual lot of each stage of development in favour of the NSW Rural Fire Service and Gunnedah Shire Council in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.

Reason: To ensure legal access for bushfire protection.

34. The Developer shall place a legal instrument on the title of the residual lot of each stage of development to ensure that the Asset Protection Zone is established and maintained to the standards specified in Planning for Bushfire Protection Guidelines 2001 and as outlined in the Bushfire Protection Assessment, prepared by Australian Bushfire Protection planners Pty Ltd, dated 15 November 2006.

Reason: To ensure maintenance of Asset Protection Zones throughout each stage of the development.

35. Deleted.

- 35A. Deleted.

- 35B. Notwithstanding the requirements of Condition 32, the Developer shall be required to construct a permanent fire trail in accordance with Planning for Bushfire Protection Policy 2006 in the location shown in the Bushfire Protection Measures plan prepared by Monteath and Powys Pty Ltd dated February 2012. The permanent fire trail shall have a carriage way of 4m wide with the provision of a 1m wide verge on each side of the fire trail to be clear of bushes and long grass. The fire trail is to be constructed during stages four five and six as a part of the bushfire protection of the site. The fire trail is not to exceed a grade of 10 degrees and shall be a formed gravel road. The cul-de-sac turning head shall have a minimum inner radius of 6 metres and an outer minimum radius of 12 metres.

Reason: To ensure access for bushfire protection to Stages Four, Five and Six.

36. Deleted.

- 36A. Deleted.

- 36B. Notwithstanding the requirements of Condition 33, the developer shall create a right of way over the 6 metre wide permanent fire trail and turning head, located to the east of Lot 631 as indicated on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012. The right of way shall be to the NSW Rural Fire Service and Gunnedah Shire Council in accordance with the Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 15 November 2006.

Reason: To ensure legal access for bushfire protection.

37. Deleted

- 37A. Deleted

- 37b. Notwithstanding the requirements of Condition 34 the Developer shall place a legal instrument on the title of the lots to the southern boundary of Stages 3A, 4A 4B, 5B, 6A and 6B to ensure that the Asset Protection Zone is maintained to the standards specified in Planning for Bushfire Protection Guidelines 2001 and as outlined in the Bushfire Protection Assessment, prepared by Australian Bushfire Protection planners Pty Ltd, dated 15 November 2006.

Reason: To ensure maintenance of Asset Protection Zone.

38. A reticulated hydrant supply shall be installed within the proposed subdivision in accordance with A.S. 2419.2. Blue pavement markers shall be installed to identify the location of street hydrants with the markers located on the side of the centreline of the road indicating the location of the hydrant within each respective stage of the development, as outlined in the Bushfire Protection Assessment report, dated November 2006.

Reason: To ensure provision of water supply for fire fighting purposes.

B. PRESCRIBED CONDITIONS

39. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

Reason: To ensure statutory compliance with the Building Code of Australia.

40. Prior to the commencement of any construction works associated with the subdivision, the developer is to apply to a Principal Certifying Authority or Council for a Subdivision Construction Certificate at each respective stage of the development. All design drawings and specifications are to be in accordance with Council's relevant standards and be lodged with Council before any work is undertaken on the site.

Reason: Meet statutory requirements.

41. Excavations and backfilling

All excavations and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: Ensure site safety.

42. Retaining walls and drainage

If the soil conditions require it:

- i. Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
- ii. 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: Ensure site stability.

43. Support for neighboring buildings

If an excavation associated with the development 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 in 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: Ensure site stability.

44. Protection of public places

If the work involved in the erection or demolition of a building:

- (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: Ensure site safety.

45. Signs to be erected on building, subdivision and demolition work sites:

A sign must be erected in a prominent position on any site on subdivision work is being carried out:

- (a) Showing the name, address and telephone number of the principal certifying authority 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.

Any such sign is to be maintained while the subdivision work is being carried out, but must be removed when the work has been completed

Reason: To meet statutory requirements.

46. Inspections:

Forty Eight (48) hours notice is to be given to enable Council as the Principal Certifying Authority to inspect the following:

- a) at the commencement of subdivision works for each stage of the development.
- b) prior to back filling of trenches after installation of water, sewer and stormwater services.
- c) at connection of services to Council's infrastructure.
- d) after excavation for road works.
- e) after installation and compaction of road base.
- f) after completion of all subdivision works.

Reason: To ensure compliance before, during and after construction.

47. Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the subdivision development, 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 subdivision work can commence.

Reason: Ensure environmental health standards are met.

48. The Developer is to make application to Council and pay the relevant fee for the release of the Subdivision Certificate at each respective development stage, in accordance with Council's Management Plan applicable at the time.

Note: Written documentation must be supplied by the developer stating that all conditions of consent relating to each stage have been satisfied.

Reason: To ensure all conditions of consent are satisfied prior to release of the Plan of Subdivision.

49. The developer shall develop an Erosion and Sedimentation Control Plan prior to the initiation of construction works for each stage of the development, with the proposed controls designed in accordance with the Landcom Managing Urban stormwater: Soils and Construction, Volume 1, Fourth Edition, March 2004 guidelines, widely known as the 'The Blue Book'. The erosion and sediment control plan for each development stage shall be submitted to Council before a Subdivision Construction Certificate is issued.

Note: Council shall routinely inspect the erosion and sedimentation controls throughout the construction and stabilisation phase of the development.

Reason: To adhere to the Department of Environment & Conservation requirements and ensure protection of natural watercourses and Council's drainage system.

50. The developer shall fence each stage or portion of the construction site in accordance with relevant occupational health and safety legislation.

Reason: To ensure the maintenance public safety.

51. The applicant is to ensure that no dust nuisance is generated on adjoining premises during the subdivision stage. To this end the applicant shall maintain sufficient equipment with the capacity to apply water to all trafficable areas within the site at a rate sufficient to eliminate the dust nuisance.

Reason: To ensure compliance.

52. The developer shall ensure that all construction works associated with the subdivision operate during the following hours:
- Monday to Friday – 7.30 am to 5.00 pm
 - Saturdays – 7.30 am to 4.00 pm

No construction works shall occur on Sundays or public holidays.

Note: The developer shall be responsible to instruct and control his sub contractors regarding hours of work and mitigation of nuisances particularly dust control.

Reason: To maintain the amenity of the surrounding area.

53. Noise emission from the construction works associated with the subdivision shall not exceed 5dB(A) above background noise level measured at the closest premises not associated within the development site.

Reason: To ensure unreasonable disturbance and ensure amenity of the neighbourhood.

54. Any lighting associated with the subdivision construction works shall be so hooded so as to prevent glare nuisance to any premises not associated with the development or to any vehicles travelling on public roads.

Reason: To ensure amenity of area and public safety.

55. The Developer is to ensure that all earthworks involving excavation, filling or the construction of retaining walls is undertaken in accordance with the Geotechnical Investigation report, dated September 2006.

Reason: To ensure that the soil type of the subject land is suitably considered during the subdivision stage.

SPECIFIC STAGE CONDITIONS

Stage 1

56. The developer shall construct the intersection of Wandobah Road and Road 2 to a Modified Type B geometric standard for right turning and an AUSTROADS AUL for left turning traffic to a 50kph design standard, in accordance with Austroad Requirements and Council's engineering requirements and specifications.

Note: The existing bus turn area located at the intersection of Wandobah and Wattle Street will no longer be required as Boronia Avenue will serve as the designated bus route in stage One of the development. Council will render the bus turn area redundant at its cost.

Reason: To provide appropriate and safe access to the development.

57. The developer shall ensure that driveway access to proposed lots 106 and 114 is via proposed Road 2.

Reason: To ensure safety of access.

Stage 2A

58. The developer shall dedicate the open space park as public reserve to be vested in Council, as identified on the Amended Staging Plan prepared by Monteath and Powys dated April 2007.

Reason: To ensure the reservation is made available for public use.

C. Stage 3B

59. Deleted

60. Deleted

61. Deleted

62. Deleted

63. Deleted

64. Deleted

65. Deleted

66. Deleted

Stage 4B

67. The developer shall dedicate the open space park as public reserve to be vested in Council.

Reason: To ensure the reservation is made available for public use.

Stage 5

67. Deleted

67a. The developer shall dedicate the pedestrian way linkage off Wattle Street to the pedestrian way linkage off Road 1 as public reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

D. Stage 5B

67b. The Developer is responsible for constructing a stormwater detention basin within the public reserve that is capable of meeting a 100 year ARI event, as outlined in the Stormwater Drainage and Engineering Assessment, prepared by Cardno Stanwill, dated November 2006 and to Council's engineering requirements and specifications.

Reason: to ensure appropriate stormwater management.

67c. The Developer is responsible for constructing the public reserve in accordance with the approved plans, with the exemption of the southeastern corner of public road that is separated by the proposed extension of Wattle Street.

Reason: To make provision for public open space and stormwater management.

67d. The developer shall prepare a Flora & Fauna Management Plan that addresses the methods of protecting the biodiversity values of the woodland habitat to be retained within the public reserve. The Management Plan is to specifically address measures to protect Koalas and other identified Endangered Ecological Communities as identified within the Ecological Impacts Assessment Report, dated November 2006 and to the satisfaction of Council's Manager Environment & Development.

Reason: To meet the requirements of the DEC and protect the existing biodiversity values on the subject site.

- 67e.** The Developer shall retain all remnant vegetation and habitat trees located within the public reserve where possible and plant additional groupings of trees, scrubs and grasses within the public reserve, in accordance with the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01) and Ecological Impacts Assessment Report dated November 2006.

Note: Should any habitat trees be removal from the Public Reserve, an experienced wildlife handler should be in attendance in order to rescue injured or displaced wildlife, as outlined in Ecological Impacts Assessment Report dated November 2006.

Note: Native vegetation along the creek line area should be allowed to regenerate. Mass planting in this area should be restricted to areas currently devoid of a natural canopy, as the existing woodland remnants retain a reasonably diversity of native vegetation.

Note: Tree removal should not take place in winter as hollow-roosting bats enter torpor at this time of year, as outlined in the Ecological Impacts Assessment report dated November 2006.

Reason: Compliance with approved plans and maintain biodiversity values within the catchment.

- 67f.** The Developer shall only plant native species currently occurring on the subject site, as identified in the Ecological Impacts Assessment Report dated November 2006 or local species listed as occurring within the 'Endangered Ecological Communities, (EEC)' according to the Final Determination (NSW Scientific Committee 2002).

Reason: To ensure that remnant vegetation is retained and protected.

- 67g.** The developer shall dedicate the detention basin and stormwater channel as public reserve to be vested in Council.

Note: This condition only relates to the section of public reserve north of the proposed extension of Wattle Street.

Reason: To ensure reservation is made available for public use.

- 67h.** The developer shall dedicate the pedestrian way linkage off Road 1 as public reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

- 67i.** The developer is responsible for establishing passive recreational facilities and cycleways within the public reserve area detailed in Condition 67b as identified on the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01).

Reason: To ensure adequate recreational facilities are established in the public reserve.

Stage 6

- 68.** The Developer shall construct the intersection of Links Road and Wattle Street to safely manage left and right turning traffic, in accordance with AUSTROAD requirements and Council's engineering requirements and specifications.

Note: Traffic management devices shall be incorporated into the intersection to alleviate potential short-cutting" by traffic turning right from Links Road into Wattle Street.

Reason: To ensure traffic management and safety in the locality.

- 69.** The developer shall construct the 3 metre wide road shoulder and install kerb and gutter in the section of Links Road that fronts Stage Seven of the development and the portion that adjoins the

public reserve in the south eastern corner of the development site accordance with Council's engineering requirements and specifications.

Note: The cycleway at the intersection of Links Road and Wattle Street shall discharge onto Links Road and the developer shall install cycleway line marking on the bitumen seal in Links Road for the extent of Stage Seven in accordance with the relevant Australian Standards.

Reason: To enable future development south of the proposed site.

70. The developer shall construct the remaining portion of the waterway located in the south-eastern corner of the development and dedicate the area as Public Reserve to be vested in Council.

Reason: To ensure reservation is made available for public use.

71. The Developer shall retain all remnant vegetation and habitat trees located within the public reserve where possible and plant additional groupings of trees, scrubs and grasses within the public reserve, in accordance with the Landscaping Master Plan and Report, dated 13 November 2006 (Ref 4200-76-01) and Ecological Impacts Assessment Report dated November 2006.

Note: Should any habitat trees be removal from the Public Reserve, an experienced wildlife handler should be in attendance in order to rescue injured or displaced wildlife, as outlined in Ecological Impacts Assessment Report dated November 2006.

Note: Native vegetation along the creek line area should be allowed to regenerate. Mass planting in this area should be restricted to areas currently devoid of a natural canopy, as the existing woodland remnants retain a reasonably diversity of native vegetation.

Reason: To ensure that the biodiversity values of the entire nature catchment is retained.

C. General Terms of Approval – NSW Rural Fire Service

1. At the issue of subdivision certificate and in perpetuity all lots within the relevant stage of release shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire 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 as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

2. A Restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lots 415, 438-453, 520-523 and 620-630 (as identified on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012) requiring the provision of an asset protection zone (APZ) of not less than 14 metres wide along the southern boundary of the subject lots and restricting building within the APZ. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire 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 as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

3. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over proposed Lot 631 and/or the Public Reserve to the south and east of Lot 631 (as identified on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012) requiring the provision of an asset protection zone (APZ) of not less than 14 metres wide along the southern and eastern boundary of lot 631 and restricting building within the APZ. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire 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 as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

4. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over proposed Lots 409-414 (as identified on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012) requiring the provision of an asset protection zone (APZ) of not less than 10 metres wide along the southern boundary of the subject lots and restricting building within the APZ. The APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standard for asset protection zones'.

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

5. Access within the subdivision is to comply with section 4.3.1. Planning for Bushfire Protection 2001. Access throughout the staging process is to comply with section 5 of the submitted bush fire report by Australian Bushfire Protection Planners, Assessment Number B06351- 1, dated 15/11/2006, except that the proposed fire trail in Stage 4 along the southern boundary shall be replaced by a fire trail to the east of Lot 631 as indicated on the plan prepared by Monteath & Powys Pty Ltd, reference 06/095 (revision 3), dated 17 February 2012.

Reason: To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from the area.

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

COUNCIL RESOLUTION				
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			

11.2 **GUNNEDAH AND DISTRICT CHAMBER OF COMMERCE AND INDUSTRY – SPIRIT OF CHRISTMAS FAIR SPONSORSHIP**

Mayor J Chaffey and Councillor A Luke declared an interest in this item, 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 **Manager Economic Development**

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor D MOSES

13.10/18 **COUNCIL RESOLUTIONS:**

1. **That Council support the Gunnedah Chamber of Commerce and Industry’s Spirit of Christmas Fair by acceding to request for:**
 - a. **The reimbursement of Street Trading application fees (\$163);**
 - b. **The closure of streets from 3:30pm (\$2,000 labour costs plus the costs of publishing necessary public notices at a cost of \$480 for two newspaper advertisements).**
2. **That Council accede to the request to be the Gold Sponsor requiring a cash contribution of \$5,000.**
3. **That the Gunnedah Chamber of Commerce and Industry be informed that all future request for cash contributions support will be dealt with under the Section 356 Small Grants Program.**

Mayor J Chaffey and Councillor A Luke returned to the Chamber.

12. *INFRASTRUCTURE SERVICES*

12.1 **WANDOBAH/BOOLOOCOOROO WATER SUPPLY AREA SERVICING**

AUTHOR **Manager Water Services**

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor RG SWAIN

14.10/18 **COUNCIL RESOLUTIONS:**

1. **That Council provide approval for the General Manager to sign off on the agreement between Gunnedah Shire Council and Mornington Estates Pty Ltd ATF Mornington Estate Trust for the design and construction of trunk water mains through the Mornington Heights subdivision; and**
2. **That the project funds allocated to Wandobah Road Survey Investigation and Design be transferred to design and construction of trunk water mains through the Mornington Heights subdivision.**

12.2 RESOURCES FOR REGIONS CO-CONTRIBUTIONS

AUTHOR Chief Engineer

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor RG SWAIN

15.10/18 COUNCIL RESOLUTIONS:

1. That the information be received and noted;
2. That the proposal to apply for three (3) Resource for Regions infrastructure grants due 2 November 2018, and as detailed in the report be endorsed;
3. That Council allocates \$1,103,750 as co-contribution for the Borthistle Reservoir Construction, if the grant application is successful;
4. That Council allocates \$2,512,500 as co-contribution for the Rangari Road Upgrade, if the grant application is successful; and
5. That Council allocates \$515,000 as co-contribution for the Mystery Road upgrade, if the grant application is successful.

12.3 CONTRACT T1617-03 – CONSTRUCTION OF GUNNEDAH MEMORIAL POOL COMPLEX UPGRADE – CONTRACT VARIATIONS

AUTHOR Chief Engineer

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R HOOKE

16.10/18 COUNCIL RESOLUTION:

That an additional \$130,000 be transferred from the Contracts Contingency Restricted Asset to fund the outstanding variations for the Memorial Pool Complex Construction Contract.

SUSPENSION OF STANDING ORDERS IN COMMITTEE OF THE WOLE

A Motion was Moved Councillor OC HASLER, Seconded Councillor M O'KEEFE to move into Committee of the Whole.

RESOLUTION OUT OF COMMITTEE OF THE WHOLE

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor A LUKE to move back into Ordinary Meeting.

12.4 **CONTRACT T1617-03 – CONSTRUCTION OF GUNNEDAH MEMORIAL POOL COMPLEX UPGRADE – PROJECT FINALISATION**

AUTHOR Chief Engineer

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor RG SWAIN

17.10/18 **COUNCIL RESOLUTIONS:**

1. That the information be received and noted;
2. That \$29,531.82 be transferred from the Section 94A Contributions Reserve – Gunnedah Pool Project, for the fitout of the pool kiosk;
3. That Councillors endorse the leasing of the kiosk operations to Kinfolk Student Cafe's for the 2018/19 season with an option to extend for additional summer season; and
4. That an additional \$304,118.15 be transferred from the Section 94A Contributions Reserve – Gunnedah Pool Project to fund the strategic additions for the Memorial Pool Complex.
5. That a legal contingency fund of \$10,000 be made available out of general revenue should it be required to cover the foreshadowed contract extension request.

10.5 **MEMORIAL POOL OPENING CELEBRATION**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

18.10/18 **COUNCIL RESOLUTIONS:**

1. That a budget of up to \$17,000 be allocated to fund a community celebration coinciding with the opening of the new Gunnedah Memorial Swimming Pool with the funds to be drawn from Unrestricted Revenue.
2. That fees and charges associated with the use of the pool be waived for the day of opening and subsequent day (2 days free entry).

SUSPENSION OF STANDING ORDERS

A Motion was Moved Councillor R HOOKE, Seconded Councillor A LUKE that Council consider the Late Report of the Acting Director Infrastructure Services in relation to the 2018 National Local Roads and Transport Congress.

12.5 **2018 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

AUTHOR Chief Engineer

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R HOOKE

19.10/18 COUNCIL RESOLUTION:

That Council resolve for Mayor J CHAFFEY to attend the 2018 National Local Roads and Transport Congress to be held in Alice Springs from 20-22 November 2018.

13. *BUSINESS AND FINANCE*

13.1 INVESTMENTS

AUTHOR Financial Accountant

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

20.10/18 COUNCIL RESOLUTION:

That the principal investment of \$62 million for all funds to date be received and noted.

14. *PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE*

14.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor D MOSES

21.10/18 COUNCIL RESOLUTION:

That Council note that all items of the Planning Environment and Development Committee Meeting held on 3 October 2018 were dealt with by the Committee within its delegated powers.

15. *DELEGATES REPORT*

15.1 DELEGATES REPORT – 2018 BANGAMALANHA CONFERENCE HELD IN DUBBO – 10-12 SEPTEMBER 2018

AUTHOR Councillor R Hooke

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor RG SWAIN

22.10/18 COUNCIL RESOLUTION:

That information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES REPORT

11.3 COUNCIL SUBMISSION – WHITEHAVEN COAL, VICKERY EXTENSION PROJECT (DEVELOPMENT APPLICATION SSD 7480)

Mayor J Chaffey, Councillors RG Swain, M O'Keefe declared an interest, left the Chamber and took no part in discussion or consideration of this item.

Councillor R Hooke declared an interest in this item, however remained in the Chamber during consideration of this item.

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

AUTHOR Town Planner

Council Resolution

Moved Councillor A LUKE

Seconded Councillor J CAMPBELL

23.10/18 COUNCIL RESOLUTION:

That Council delegate to the General Manager the authority to endorse and provide a submission to the Vickery Extension Project (Development Application No. SSD 7480) based on the advice of professional staff.

16. QUESTION ON NOTICE

Mayor J Chaffey, Councillors RG Swain, M O'Keefe declared an interest, left the Chamber and took no part in discussion or consideration of this item.

Deputy Mayor R Hooke assumed the Chair during discussion on this item.

Councillor OC Hasler:

Given that the EIS for the Vickery Extension Project has been submitted to the DPE should council consider the letter received from Whitehaven Coal dated 5 September 2017, from Managing Director and CEO, Paul Flynn (entitled Vickery Extension Project, Voluntary Planning Agreement) as the initiation of VPA negotiations? If so, when can council anticipate a meeting being arranged in order for councils negotiating officers "to ascertain a clear understanding of the expectations of the elected council in respect to the process" as per Clause 6.3 of Council's Planning Agreements Policy as adopted in August.

The Director Planning and Environmental Services provided a response to in relation to the Question on Notice from Councillor Hasler concerning the EIS Vickery Extension Project.

Mayor J Chaffey returned to the Chamber.

There being no further business, the meeting closed at 7:28pm.

**Mayor J Chaffey
CHAIRPERSON**