



GunnedahShire

GUNNEDAH SHIRE COUNCIL

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

Wednesday 18 December 2019

Consisting of Pages 1 to 22

(Minute Nos 1.12/19 to 37.12/19)

are confirmed as a true and correct record of the meeting
as per Minute No 1.02/20 of the
Ordinary Meeting held on 19 February 2020.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 18 December 2019 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 Deputy Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Deputy Mayor read off the list of bereavements being Jean Margaret Smith, Polly Skrzytuski, Roger Grahame Percy, Korrie-Anna Rose Wortley-Adams, Lyn Brennan, Keith Neville Sharman, Terence Albert Parkes and Dorothy Marge Snape.

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		
Acting Director Corporate and Community Services (T Muldoon)	X		
Acting Director Planning and Environmental Services (W Hudson)	X		
Director Infrastructure Services (J Bartlett)	X		
Chief Engineer (D Noble)	X		
Chief Financial Officer (D Connor)		X	
Project Manager (C Formann)	X		
Director Planning and Environmental Services (A Johns)		X	

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

5. PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES – ORDINARY MEETING

MOTION Moved Councillor J CAMPBELL
Seconded Councillor C FULLER

1.12/19 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 20 November 2019 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

5.2 CONFIRMATION OF PREVIOUS MINUTES – EXTRAORDINARY MEETING

MOTION Moved Councillor D MOSES
Seconded Councillor C FULLER

2.12/19 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 4 December 2019 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
C FULLER	12.3	REQUEST FEE WAIVER – LIONS CLUB OF GUNNEDAH			X		Member of Lions Club of Gunnedah
C FULLER	12.4	LIONS PARK IRRIGATION			X		Member of Lions Club of Gunnedah
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

Nil.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 GOCO TAMWORTH GROWTH PROPOSAL

AUTHOR GoCo Growth and Marketing Leader

MOTION Moved Councillor OC HASLER
Seconded Councillor RG SWAIN

3.12/19 COUNCIL RESOLUTION:

That Council approve the proposal to grow GoCo in the Tamworth Region through a \$150,000.00 investment from Restricted Reserve funds.

9.2 **TEAM RUBICON – LITRES FOR THE LAND**

AUTHOR **General Manager**

MOTION *Moved Councillor RG SWAIN*
Secoded Councillor C FULLER

4.12/19 **COUNCIL RESOLUTIONS:**

That Council:

1. **Note and receive the information about Team Rubicon’s Litres for the Land initiative;**
2. **Provide in-principle support and promote the initiative within the Shire; and**
3. **Donate up to 50,000kl of water to the Litres for the Land Program, from Gunnedah Water Fund, to extend the duration of the program.**

9.3 **SISTER CITIES BUDGET**

AUTHOR **General Manager**

MOTION *Moved Councillor OC HASLER*
Secoded Councillor A LUKE

5.12/19 **COUNCIL RESOLUTIONS:**

That Council:

1. **Allocate \$20,000 to a budget in the 2019/20 financial year, and provide appropriately future year indexed allocations within the Delivery Program and Long Term Financial Plan, for Sister City initiatives, events and projects as may be determined by the Sister City Working Group; and**
2. **Require that a further report be brought to Council to consider guidelines to be developed in consultation with the Working Group which may guide the evaluation of applications by external groups.**

9.4 **GREAT ARTESIAN BASIN ADVISORY GROUP (GABAG)**

AUTHOR **General Manager**

MOTION *Moved Councillor D MOSES*
Secoded Councillor M O’KEEFE

6.12/19 **COUNCIL RESOLUTION:**

That Council endorse the nomination of Councillor Colleen Fuller to represent Local Government NSW on the Great Artesian Basin Advisory Group (GABAG).

9.5 **CULTURAL PRECINCT MASTER PLAN**

AUTHOR **Project Manager**

MOTION *Moved Councillor M O’KEEFE*
Secoded Councillor RG SWAIN

7.12/19 **COUNCIL RESOLUTION:**

That the draft Cultural Precinct Master Plan be placed on public exhibition with submissions to be invited from the public for consideration at the February 2020 meeting of Council.

10. CORPORATE AND COMMUNITY SERVICES

10.1 LOCAL GOVERNMENT REMUNERATIONAL TRIBUNAL

AUTHOR Acting Director Corporate and Community Services

MOTION Moved Councillor OC HASLER
Seconded Councillor A LUKE

8.12/19 COUNCIL RESOLUTIONS:

1. That Gunnedah Shire Council adopt the attached submission to the Local Government Remuneration Tribunal in relation to the “proposed classification model and criteria”.
2. That the Local Government Remuneration Tribunal removes the rural council category and combines it with Regional Rural Category and possibly renames that category.
3. That a flatter remuneration structure be adopted which would recognise the value of all Councillors.

10.2 CONDUCT OF COUNCIL MEETINGS IN VILLAGES

AUTHOR Manager Governance and Legal

MOTION Moved Councillor A LUKE
Seconded Councillor J CAMPBELL

9.12/19 COUNCIL RESOLUTIONS:

1. That the March Ordinary Meeting of Council scheduled for Wednesday 18 March 2020 be held in the Curlewis Hall hosted by the Curlewis Progress Association.
2. That the June Ordinary Meeting of Council scheduled for Wednesday 17 June 2020 be held in the Breeza Hall hosted by Breeza Progress Association.

10.3 AGL PURCHASE OF SOUTHERN PHONES

AUTHOR Manager Governance and Legal

MOTION Moved Councillor C FULLER
Seconded Councillor D MOSES

10.12/19 COUNCIL RESOLUTIONS:

1. That the information be received and noted.
2. That the funds be held in the Building Renovations/Additions Restricted Asset.

0.4 STATE GOVERNMENT FUNDING FOR NSW PUBLIC LIBRARIES

AUTHOR Librarian

MOTION Moved Councillor OC HASLER
Seconded Councillor A LUKE

11.12/19 COUNCIL RESOLUTION:

1. That Council make representation to the local State Member, Kevin Anderson MP, in relation to the need for a sustainable state funding model for the ongoing provision of public library services.

2. That Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for a minimum increase of Consumer Price Indexation (CPI) of state funding for NSW public libraries, as well as legislation of all elements of the 2019/20 to 2022/23 NSW state funding model.
3. That Council take a leading role in lobbying for sustainable state government funding for libraries.
4. That Council endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

10.5 REQUEST REDUCTION IN HALL HIRE – BLACK N BLUE BOXING CLUB

AUTHOR Acting Director Corporate and Community Services

*MOTION Moved Councillor OC HASLER
Seconded Councillor C FULLER*

12.12/19 COUNCIL RESOLUTIONS:

1. That Council approve the reversal of original November 2018 invoice and create a new invoice for Hall hire based on a not for profit organisation.
2. That upon receipt of not for profit status from Black N Blue, all future charges be based on community rate.

Councillor RG Swain left the meeting, the time being 5:02pm.

10.6 OUTSTANDING RESOLUTION REGISTER

AUTHOR Director Corporate and Community Services

*MOTION Moved Councillor A LUKE
Seconded Councillor J CAMPBELL*

13.12/19 COUNCIL RESOLUTION:

That the information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 NORTHERN INLAND ACADEMY OF SPORT (NIAS) – ASSOCIATE PARTNERSHIP

AUTHOR Director Planning and Environmental Services

*MOTION Moved Councillor C FULLER
Seconded Councillor A LUKE*

14.12/19 COUNCIL RESOLUTIONS:

That Council becomes an Associate Partner of the Northern Inland Academy of Sport for 2020.

11.2 TEMPORARY SUSPENSION OF ALCOHOL PROHIBITED AREA – KITCHENER PARK, GUNNEDAH

AUTHOR Director Planning and Environmental Services

*MOTION Moved Councillor M O'KEEFE
Seconded Councillor D MOSES*

15.12/19 COUNCIL RESOLUTION:

That the Alcohol Prohibited Area under Section 632A and Section 645 of the Local Government Act 1993 relative to Kitchener Park, Gunnedah be temporarily suspended for the following dates:

- 17 January 2020
- 24 January 2020
- 31 January 2020
- 07 February 2020
- 14 February 2020
- 21 February 2020
- 28 February 2020

Between the hours of 5:00pm and 11:00pm on each evening subject to compliance with licensing requirements associated with service of alcohol.

11.3 POLICY – WASTE MANAGEMENT – EXEMPTION FROM CHARGES FOR NOT-FOR-PROFIT CHARITIES (ORPHANED WASTE)

AUTHOR **Manager Waste**

MOTION *Moved Councillor C FULLER*
Seconded Councillor A LUKE

16.12/19 COUNCIL RESOLUTION:

That Council adopts the draft Policy – Waste Management – Exemption from Charges for Not-for-Profit Charities (Orphaned Waste).

11.4 DEVELOPMENT APPLICATION 2019/081 – INSTALLATION OF NEW IN- GROUND SWIMMING POOL AND CONSTRUCTION OF NEW BOUNDARY FENCE – LOT 192 DP248252 – 37 PALMER CRESCENT, GUNNEDAH

AUTHOR **Acting Manager Development and Planning**

MOTION *Moved Councillor D MOSES*
Seconded Councillor C FULLER

17.12/19 COUNCIL RESOLUTIONS:

That the Development Application No. 2019/081, for the installation of in ground swimming pool and construction of new boundary fence, at Lot 192 DP248252 – 37 Palmer Crescent, 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 01/11/2019;
 - Statement of Environmental Effects, prepared by Jon Renton, dated 14/10/2019; and
 - Submitted plans:
 - Prepared by Applicant, Amended Site Plan; Fence Elevation Tweedie Avenue; Fence Elevation Palmer Crescent; Swimming Pool Cross Section; Swimming Pool Floor Plan & Dimensions;

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 187 or 188, subject to the terms of any condition or requirement referred to in clause 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 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.
- (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 certifying authorities 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. Notification of Home Building Act 1989 requirements

(1) For the purposes of section 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) 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.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO WORKS COMMENCING

C1. Prior to the commencement of building works a "Peg Survey Report" indicating the location of the corners of the shell and excavation of the swimming, is to be submitted to Council confirming the positioning of the swimming pool relative to the position of Council's sewer main and allotments boundaries.

Reason: To ensure compliance.

C2. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Reason: To ensure compliance with Essential Energy Recommendations.

- C3. 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. GENERAL

- D1. The swimming pool pump is to be housed within a sound proof enclosure.

Reason: To ensure no impact on neighbouring properties from noise.

- D2. The base of the swimming pool shell is to be located a minimum of 1.7 metres from the centre line of Council's sewer main where located within the development site.

Reason: To ensure no impact on neighbouring properties from noise.

- D3. All pool fencing is to comply with the Swimming Pools Act 1992 and Regulations. The fencing is to provide an effective barrier to young children to prevent them entering the pool area unsupervised.

Reason: To meet statutory requirements.

- D4. Pool fence is to be located so as to isolate the pool from any dwellings and structures not directly associated with the pool.

Reason: To meet statutory requirements.

- D5. The gates shall meet the requirements of AS 1926 - 2007 to open outwards from the pool and be fitted with a self-closing and self-locking mechanism.

Reason: To meet statutory requirements.

- D6. An approved resuscitation sign in accordance with the Regulations is to be provided in a prominent position within close proximity of the pool.

Reason: To meet statutory requirements.

- D7. Backwash water must be directed to Council's sewer via an approved yard sink.

Reason: To meet statutory requirements.

- D8. The occupier of the premises is to maintain the pool and pool fencing in a good state of repair at all times.

Reason: To meet statutory requirements.

- D9. The openable portion of the windows forming part of the child resistant fencing shall be fitted with bars or a mesh screen which complies with the requirements of AS1926.1 - 2007.

Reason: To meet statutory requirements.

E. DURING CONSTRUCTION

- E1. Forty eight hours' notice is to be given to enable inspection of:

- (a) Steel reinforcing before pouring of concrete.
- (b) Drains before backfilling of the pool.
- (c) Pool fence upon completion and before pool is used.

Reason: To meet statutory requirements.

E2. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (a) **Piers (if any) prior to pouring of concrete**
- (b) **Footing trenches with reinforcement prior to pouring of concrete**
- (c) Retaining walls and reinforcement (if any) prior to pouring of concrete
- (d) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (e) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (f) **Wet area, damp proofing and flashing before lining**
- (g) Swimming pool safety fence prior to filling the pool with water
- (h) Foundation material before installation of the swimming pool or laying of any bedding material
- (i) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves
- (j) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor**
- (k) Insitu concrete formwork (excluding paving) with reinforcement prior to pouring of concrete
- (l) **Final inspection prior to use of the building**

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

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

- E3.** 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.

- E4.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- E5.** Temporary fencing is to be provided during the installation of the pool and prior to filling the pool with water.

Reason: To meet statutory requirements.

- E6.** Approved fencing is to be erected immediately once the pool is filled with water.

Reason: To meet statutory requirements.

- E7.** Any construction works are to be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Reason: To ensure compliance with Essential Energy Recommendations.

- E8. Excavations and backfilling**

All excavations and backfilling associated with the erection or demolition of a building 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: To ensure compliance.

E9. 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.

E10. Protection of public places

If the work involved in the installation of a swimming pool or construction of a fence:

- (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.

E11. 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.

F. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

F1. Occupation of the swimming pool 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.

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	

11.5 **DEVELOPMENT APPLICATION 2019/084 – DEMOLITION OF CARPORT AND CONSTRUCTION OF GARAGE – LOT 1 DP431705 – 159 BARBER STREET, GUNNEDAH**

AUTHOR **Acting Manager Development and Planning**

MOTION *Moved Councillor A LUKE
Seconded Councillor J CAMPBELL*

18.12/19 **COUNCIL RESOLUTIONS:**

That the Development Application No. 2019/084, for the demolition of a Carport and construction of a detached garage, at Lot 1 DP431705 – 159 Barber Street, 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 06/11/2019;
 - Statement of Environmental Effects, prepared by Geoffrey Rose, dated 06/11/2019; and
 - Submitted plans:
 - Prepared by Applicant, Site Plan;
 - Prepared by Best Sheds, dated 21/08/2019, ref: 908112, Page 1 of 9 (End Elevations), Page 2 of 9 (Side Elevations), Page 3 of 9 (Floor Plan), Page 4 of 9 (End Frame Elevations), Page 5 of 9 (Side Frame Elevations), Page 6 of 9 (Cross Section), Page 7 of 9 (Floor 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 187 or 188, subject to the terms of any condition or requirement referred to in clause 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 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.
- (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 certifying authorities 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. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and

- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) 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.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO WORKS COMMENCING

- 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. GENERAL

- D1.** Construction materials are to be consistent in appearance and colour to those used in the construction of the existing dwelling house.

Reason: To ensure environmental health standards are met.

- D2.** Roof water to be discharged to the street gutters in sealed stormwater pipes. If these works necessitates the cutting of the kerb and guttering the works shall be carried out in accordance with Council's footpath, kerb and gutter construction standards.

Reason: To ensure efficient dispersal of storm water.

E. DURING DEMOLITION WORKS

- E1.** The carport shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (a) Protection of site works and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

Reason: To ensure compliance and safety of workers.

- E2.** All work on the demolition is to be carried out strictly in accordance with current Workcover requirements and only between the hours of 7.00am and 5.00pm on weekdays and 8.00am and 4.00pm on Saturdays. No demolition work shall occur on Sundays or Public Holidays.

Reason: To ensure compliance and protect amenity of area.

- E3. The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

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

- E4. The deliberate burning of the building and/or demolition material shall not be permitted.

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

- E5. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and they must be properly guarded and protected to prevent them from being dangerous to life or property.

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

F. DURING CONSTRUCTION

F1. Inspections by the Principal Certifying Authority – Mandatory Critical Stage Inspections

48 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 4.18(2) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspection in **bold type** are mandatory critical stage inspections under the Act and **MUST** be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued).

- (m) **Piers (if any) prior to pouring of concrete**
- (n) **Footing trenches with reinforcement prior to pouring of concrete**
- (o) **Concrete slab formwork with reinforcement prior to pouring of concrete**
- (p) **Structural framework including roof members. When completed prior to the fixing of any internal sheeting**
- (q) **Final inspection prior to use of the building**

The above listed works may not be covered until approval is obtained from the Principal Certifying Authority or his/her duly appointed delegate.

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

- F3. 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.

- F4. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F5. 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.

- F6. Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

Access - Urban

F7. The existing vehicle access to Barber Street is to be upgraded requiring 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 2-3%. 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.

F8. The internal driveways, from the property boundary to the detached garage is 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.

Reason: To ensure suitable all weather hard seal access is provided from the property boundary to the garage.

F9. Excavations and backfilling

All excavations and backfilling associated with the erection or demolition of a building 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: To ensure compliance.

F10. Protection of public places

If the work involved in the construction of a building:

- (c) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (d) 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.

F11. 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.

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.

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	

11.6 PLANNING PROPOSAL – E3 ENVIRONMENTAL MANAGEMENT ZONE – GUNNEDAH SHIRE

AUTHOR Senior Strategic Planner

MOTION Moved Councillor OC HASLER
Seconded Councillor M O'KEEFE

19.12/19 COUNCIL RESOLUTIONS:

1. That Council complete a Desktop Analysis of E3 Zone in the Gunnedah Shire.
2. That \$6,300 (ex GST) be transferred from the LEP Land Use Strategy for this purpose.

12. INFRASTRUCTURE SERVICES

12.1 REQUEST – WATER CONSUMPTION CHARGE REDUCTION

AUTHOR Manager Water Services

MOTION Moved Councillor C FULLER
Seconded Councillor D MOSES

20.12/19 COUNCIL RESOLUTION:

That Council write off the water supply and sewage usage charges of \$351.12 on Assessment Number 13330358.

10.2 DRAFT POLICY – WATER USAGE CHARGE REDUCTION REQUESTS

AUTHOR Manager Waster Services

MOTION Moved Councillor OC HASLER
Seconded Councillor M O'KEEFE

21.12/19 COUNCIL RESOLUTION:

That the proposed Water Usage Charge Reduction Request Policy be placed on public exhibition for a period of 28 days.

10.3 **REQUEST FEE WAIVER – LIONS CLUB OF GUNNEDAH**

Councillor C Fuller declared an interest, left the Chamber and took no part in discussion or consideration of this item.

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor A LUKE*
Secoded Councillor D MOSES

22.12/19 **COUNCIL RESOLUTION:**

That Council waive the Griffiths Pavilion (Showground) hire fee for the Lions Club of Gunnedah for its booking on 21 December 2019.

10.4 **LIONS PARK IRRIGATION SYSTEM**

Councillor C Fuller declared an interest, left the Chamber and took no part in discussion or consideration of this item.

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor A LUKE*
Secoded Councillor OC HASLER

23.12/19 **COUNCIL RESOLUTION:**

That Council decline the request by the Lions Club of Gunnedah for Council to maintain the irrigation system at Lions Park.

Councillor C Fuller returned to the Chamber.

Councillor RG Swain returned to the Chamber.

12.5 **REQUEST FEE WAIVER – RIDING FOR DISABLED ASSOCIATION**

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

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor C FULLER*
Secoded Councillor RG SWAIN

24.12/19 **COUNCIL RESOLUTION:**

That Council waive the Showground booking fees for Riding for Disabled Association Gunnedah Centre for 2020.

12.6 **2019/20 CAPITAL ROLLOVER – DIRECTIONAL SIGNAGE**

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor C FULLER*
Secoded Councillor RG SWAIN

25.12/19 **COUNCIL RESOLUTION:**

That Council endorses to rollover the 2019/20 capital works allocation for directional signage, being \$3,500.00 to the 2021/22 financial year.

12.7 **PROPOSED NSW RURAL FIRE SERVICE FIRE STATION AT GUNNEDAH AIRPORT**

AUTHOR **Technical Officer Infrastructure Services**

MOTION *Moved Councillor A LUKE*
Seconded Councillor RG SWAIN

26.12/19 **COUNCIL RESOLUTION:**

1. That Council endorse the allocation of land, located within the Wean Road Reserve adjacent to the Airport for the purposes of a Rural Fire Service Station for the Gunnible RFS Brigade
2. That Council recommend that should there be trees removed as part of the development that it be a requirement that appropriate replacement trees/shrubs be part of that approval.

12.8 **GUNNEDAH LOCAL ADVISORY TRAFFIC COMMITTEE**

AUTHOR **Director Infrastructure Services**

MOTION *Moved Councillor D MOSES*
Seconded Councillor RG SWAIN

27.12/19 **COUNCIL RESOLUTION:**

That in relation to the report “Gunnedah Local Advisory Traffic Committee Meeting – 27 November 2019”, Council:

- i) Approve the closure of 8th Division Memorial Ave, Acacia Street, and South Street in Gunnedah from 6:00am to 9:00am for the Gunnedah Triathlon Club event to be held on Sunday 26 January 2020.
- ii) Endorse the actions of the Director Infrastructure Services in approving the closure of Goran Street, Pike Street, and Brown Street in Curlewis from 6:00pm to 9:00pm for the Christmas Fair held on 14 December 2019.
- iii) Endorse the actions of the Director Infrastructure Services in approving the closure of 8th Division Memorial Avenue, Acacia Street and South Street on 16 November 2019 from 5.00pm to 6.30pm, and 14 December from 5.00pm to 6.30pm.
- iv) Approve the closure of 8th Division Memorial Avenue, Acacia Street and South Street Saturday morning of the 15 February 2020 from 6.00am to 7.30am for Gunnedah Triathlon Club Events.
- v) Approve the Tractor Trek Parade on 21 March 2020 from Elgin Street to Woolworths Carpark via Conadilly Street as part of the week of speed activities.
- iv) Endorse the actions of the Director Infrastructure Services in approving the closure of Conadilly Street from Abbott Street to Chandos Street on 29 November 2019 between 5:00pm to 9.30pm for the annual Christmas Fair.

12.9 **WATER CONSERVATION**

AUTHOR **Manager Water Services**

MOTION *Moved Councillor C FULLER*
Seconded Councillor RG SWAIN

28.12/19 **COUNCIL RESOLUTIONS:**

That Council:

1. **Implement Level 1 Water Restrictions for all Gunnedah Shire town water supplies from 1 January 2020.**
2. **Allocate \$15,000 from the Gunnedah Water Supply Restricted Asset to purchase material, and carry out a community awareness campaign.**
3. **Allocate \$30,000 from the Gunnedah Water Supply Restricted Asset to undertake a review of Council's Drought and Demand Management Plan.**

13. ENGINEERING SERVICES

Nil.

14. BUSINESS AND FINANCE

14.1 DEBT RECOVERY POLICY AND HARDSHIP POLICY

AUTHOR Chief Financial Officer

MOTION Moved Councillor RG SWAIN
Secoded Councillor J CAMPBELL

29.12/19 COUNCIL RESOLUTIONS:

That Council adopt the Debt Recovery Policy and Hardship Policy as exhibited.

14.2 INVESTMENTS

AUTHOR Coordinator – Accounting and Treasury

MOTION Moved Councillor RG SWAIN
Secoded Councillor C FULLER

30.12/19 COUNCIL RESOLUTION:

That the principal investment of \$56.2 million for all funds to date be received and noted.

15. REPORTS TO COMMITTEES

15.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor RG SWAIN
Secoded Councillor A LUKE

31.12/19 COUNCIL RESOLUTION:

That Council note that all items of the Planning Environment and Development Committee Meeting held on 4 December 2019 were dealt with by the Committee within its delegated powers.

16. NOTICES OF MOTION/QUESTIONS ON NOTICE

16.1 LOBBY NSW GOVERNMENT AND FEDERAL GOVERNMENT FOR DROUGHT RATE RELIEF

AUTHOR Councillor R Hooke

MOTION Moved Councillor M O'KEEFE
Secoded Councillor C FULLER

32.12/19 COUNCIL RESOLUTIONS:

That the Gunnedah Shire Council request the New South Wales Government and the Federal Government provide funding to enable Councils to offer rate relief to drought affected farmers.

CLOSED COUNCIL

MOTION Moved Councillor RG SWAIN
Seconded Councillor D MOSES

33.12/19 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 Infrastructure Services Report to Closed Council.

17. INFRASTRUCTURE SERVICES

17.1 QUOTATION Q1920-03 – REPLACEMENT OF TWO BOGIE DRIVE TRUCKS AND TIPPERS

AUTHOR Manager Plant and Depot Services

MOTION Moved Councillor A LUKE
Seconded Councillor RG SWAIN

34.12/19 COUNCIL RESOLUTIONS:

That Council award the contract relating to Quotation Q1920-03 for the supply and delivery of two (2) replacement bogie drive tipper trucks and dog trailers to JT Fossey Trucks Pty Ltd.

17.2 QUOTATION Q1920-03 – REPLACEMENT OF DUAL CAB WELDERS TRUCK

AUTHOR Manager Plant and Depot Services

MOTION Moved Councillor C FULLER
Seconded Councillor D MOSES

35.12/19 COUNCIL RESOLUTIONS:

That Council award the contract relating to Quotation Q1920-03 for the supply and delivery of the dual cap welders truck to Peel Valley Machinery Pty Ltd.

17.3 REPLACEMENT OF DUAL CAB SERVICE TRUCK

AUTHOR Manager Plant and Depot Services

MOTION Moved Councillor OC HASLER
Seconded Councillor RG SWAIN

36.12/19 COUNCIL RESOLUTIONS:

That Council award the contract to renew 'P85 Mitsubishi Canter FE85 4x2 Dual Cab Service Truck' to JT Fossey Trucks Pty Ltd.

RESOLUTION OUT OF CLOSED COUNCIL

Council Resolution
Moved Councillor A LUKE
Seconded Councillor C FULLER

37.12/19 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 5:46pm.

Councillor R Hooke
DEPUTY MAYOR