



GUNNEDAH SHIRE COUNCIL

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

Wednesday 20 February 2019

Consisting of Pages 1 to 24
(Minute No 1.02/19 to 27.02/19)

are confirmed as a true and correct record of the meeting
as per Minute No 1.03/19 of the
Ordinary Meeting held on 20 March 2019.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 20 February 2019 in the
Council Chambers, Elgin Street, Gunnedah commencing at 4:30pm

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		

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Mary Therese Donnelly, Ronald Keith Overton, Carol Margaret Earle-Eather, Bruce George McManus, Tony Ross, James Hudson Morris, Ronald Stanley Rennick, Peter Laird, Lyle Bennett, Fay Lynette Clare, Sarah Miria West, Albert Alexander Stevenson, Ronald John White, Amy Rose Beck, Merle Alma Hughes, Eleanor Dora Wilson, Colin Jackson and William James Jaeger.

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
RG SWAIN	13.2	Request – Water Consumption Charge Reduction – Wallaby Trap		X			Director of Mackellar Care Services
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
C FORMANN	13.2	Request – Water Consumption Charge Reduction – Wallaby Trap		X			Former Director of Mackellar Care Services

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

Nil.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

*Council Resolution
Moved Councillor R HOOKE
Seconded Councillor C FULLER*

1.02/19 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 19 December 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

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

AUTHOR General Manager

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor D MOSES*

2.02/19 COUNCIL RESOLUTIONS:

1. That Councillors give consideration to any proposed motions they wish included in the National General Assembly Business Paper, and advise the General Manager of them prior to 8 March 2019 to enable them to be considered by Council at its March Ordinary Meeting; and
2. That Council authorise the attendance of the Mayor, Councillor Jamie Chaffey, at the 2019 National General Assembly of Local Government.

9.2 NAMOI UNLIMITED MEMBER VALUE REPORT

AUTHOR General Manager

*Council Resolution
Moved Councillor M O'KEEFE
Seconded Councillor J CAMPBELL*

3.02/19 COUNCIL RESOLUTION:

That Council receive and note the Member Value Report received from Namoi Unlimited for the period 1 July to 31 December 2018.

10. CORPORATE AND COMMUNITY SERVICES

10.1 2020 LOCAL GOVERNMENT ELECTION

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

4.02/19 COUNCIL RESOLUTION:

That the information be received and noted.

10.2 MODEL CODE OF CONDUCT

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor C FULLER

5.02/19 COUNCIL RESOLUTION:

That the Model Code of Conduct (2018) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2018) be adopted.

10.3 COUNCILLOR PROFESSIONAL DEVELOPMENT

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor C FULLER

6.02/19 COUNCIL RESOLUTIONS:

1. That the information with regard to Councillor Induction be received and noted.
2. That all Councillors undertake the Local Government Capability Framework 'PD in a Box' to develop an individual professional development program.

10.4 CONDUCT OF COUNCIL MEETINGS IN VILLAGES

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

7.02/19 COUNCIL RESOLUTIONS:

1. That the March Ordinary Meeting of Council scheduled for Wednesday 20 March 2019 be held in the Emerald Hill Hall hosted by the Emerald Hill Progress Association.
2. That the June Ordinary Meeting of Council scheduled for Wednesday 19 June 2019 be held in the Kelvin Hall hosted by the Kelvin Hall Committee.

10.5 2017-2021 DELIVERY PROGRAM PROGRESS REPORT AS AT 31 DECEMBER 2018

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor C FULLER
Seconded Councillor RG SWAIN*

8.02/19 COUNCIL RESOLUTION:

That the 2017-2021 Delivery Program Progress Report as at 31 December 2018 be received and noted.

10.6 LGNSW TOURISM CONFERENCE 2019

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor R HOOKE*

9.02/19 COUNCIL RESOLUTION:

That Mayor J CHAFFEY attend the 2019 Local Government NSW Tourism Conference as Council's delegate.

10.7 OUTSTANDING RESOLUTION REGISTER

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor M O'KEEFE*

10.02/19 COUNCIL RESOLUTION:

That the information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 SMALL BUSINESS FRIENDLY COUNCILS INAUGURAL CONFERENCE 2019

AUTHOR Manager Economic Development

*Council Resolution
Moved Councillor M O'KEEFE
Seconded Councillor R HOOKE*

11.02/19 COUNCIL RESOLUTION:

That Councillors D MOSES and J CAMPBELL attend the Small Business Friendly Councils Inaugural Conference 2019 as Council's delegates.

11.2 DEVELOPMENT APPLICATION NO 2018/079 – SUBDIVISION (1 INTO 2 LOTS) – LOT C DP387315 – 21 MARTIN ROAD, GUNNEDAH

AUTHOR Town Planner

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

12.02/19 COUNCIL RESOLUTIONS:

That the Development Application No. 2018/079, for the Subdivision (1 into 2 lots), at Lot C DP387315 – 21 Martin Road, Gunnedah be approved subject to the following conditions of consent:

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 27/09/2018;
 - Statement of Environmental Effects, prepared by Monteath & Powys Pty Ltd, dated 1 November 2018, ref: 18/0313; and
 - Additional Information Letter, prepared by Monteath & Powys Pty Ltd, dated 21 November 2018, ref: 18/0313 RB,
 - Submitted plans:
 - Prepared by Monteath and Powys Pty Ltd, dated Rev 6, 02/02/2019, ref: 180313, Sheet 1 of 1 (Plan Showing Existing Structures and Aerial Overview)

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. Prior to Commencement of Subdivision Works

- B1.** A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- B2.** 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.

C. General

- C1.** The boundary between proposed Lots 1 and 2 is to be setback 3 metres from the existing building on proposed Lot 1.

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

- C2.** Each lot is to have a minimum lot area of 1,000m².

Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.

Water Supply

- C3.** A single water supply service shall be provided to proposed Lots 2. The service shall be provided by providing individual service connections from the existing Council water main located in Martin Road. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

Reason: To ensure compliance with Council's requirements.

Sewer

- C4.** A single sewer service shall be provided to proposed Lot 2. The sewer service to Lot 2 shall be provided by installing a sewer junction in the existing sewer main located in Martin Road. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's requirements.

Easements

- C5.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

Reason: To ensure compliance with Council's requirements.

Access - Urban

- C6.** Vehicular access shall be from Martin Road and will require the construction of a concrete driveway across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>
- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
 - b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2-3%. 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.

- C7.** The developer is to construct within Lot 2, a 6 metre wide internal driveway access from the property boundary on Martin Road for the full extent of the access handle. The driveway 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 the battle-axe handle is appropriately hard sealed for vehicle access.

D. Prior to the issue of a Subdivision Certificate

- D1.** The subdivision certificate release fee in accordance with Council's adopted fees and charges, shall be paid prior to the issue of the subdivision certificate.

Note: The above fee is applicable under Council's 2018/2019 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

- D2.** A Compliance Certificate for each stage under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$9,548 per each additional lot for Water headworks
- \$7,936 per each additional lot for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2018/2019 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

- D3.** Prior to the issue of a Subdivision Certificate written notification shall be provided to demonstrate that electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- D4.** Prior to the issue of a Subdivision Certificate written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

Reason: To ensure that telecommunication services are provided.

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			

11.3 APPLICATION TO MODIFY A DEVELOPMENT CONSENT NO 2016/079.002 – MODIFICATION TO DEVELOPMENT PLANS, SIGNAGE, INTERNAL DRIVEWAYS, PARKING LAYOUT AND REMOVAL OF INFRASTRUCTURE EXTENSION CONDITIONS – LOT 1 DP1241044 – 2 LAW CLOSE, GUNNEDAH

AUTHOR Town Planner

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor C FULLER

13.02/19 COUNCIL RESOLUTIONS:

That the Modification of Consent No. 2016/079.002, for the Modification to development plans, signage, internal driveways, parking layout and removal of infrastructure extension conditions, at Lot 1 DP1241044, 2 Law Close, be approved as follows:

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

A1. Deleted

A1a. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged 23/08/2016;
- Statement of Environmental Effects, prepared by W.A Brown Building Pty Ltd, dated 16 August 2016;
- Additional Information letters, dated 15 September 2016, ref: WAB 918; & dated 6 October 2016, ref: WAB 923;
- Application to Modify a Development Consent form lodged 02/11/2018;
- Report to Support Section 4.55(1A) Application DA – 2016/079, prepared by R.J Sinclair Pty Ltd, dated 19 November 2018, Ref: 18 – 040;
- Submitted plans:
 - R.J Sinclair Pty Ltd, dated 25/10/2018, ref: 18-040, Drawing No. S4.55-00 (Application Comparison Plan), Drawing No. S4.55-01 (Existing Site Plan), Drawing No. S4.55-02 (Proposed Site Plan), Drawing No. S4.55-21 (Main Building Floor Plan), Drawing No. S4.55-22 (Main Building Dimensioned Floor Plan), Drawing No. S4.55-23 (Main Building, Roof Plan), , Drawing No. S4.55-25 (Sales Building Sections), Drawing No. S4.55-50 (Signage Plan), Drawing No. S4.55-51 (Signage Details), Drawing No. S4.55-100 (Light Vehicle Canopy), Drawing No. S4.55-101 (Light Vehicle Canopy, Elevation & Sections), Drawing No. S4.55-201 (Heavy Vehicle Canopy Elevations and Sections); & dated 19/11/2018, Ref: 18-040, Drawing No. S4.55-04 (Turning Studies), Drawing No. S4.55-24 (Sales Building Elevations) & dated 08/02/2019, Drawing No. S4.55-03 (Dimensioned Site Plan);
- Supporting Documentation:
 - Noise Assessment, Prepared by Muller Acoustic Consulting, dated September 2016, MAC160281RP1;
 - Flood Survey Report, prepared by Stewart Surveys Pty Ltd, dated 24 September 2015, ref: 3089;
 - SEPP 44 Assessment, prepared by Stewart Surveys Pty Ltd, dated 4 October 2016, ref: 3089;
 - Multi-Level Risk Assessment, Prepared by Myros Design Pty Ltd, dated 13 July 2016; & dated 5 September 2016;
 - Traffic Engineering Assessment, prepared by MRCagney, dated 17 August 2016, ref:6029;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. Deleted

A2a. To confirm and clarify the terms of this approval, consent is granted for the construction of business identification signs as illustrated on the submitted plans prepared by R.J Sinclair Pty Ltd, dated 25/10/2018, ref: 18-040, Drawing No. S4.55-25 (Sales Building Sections), Drawing No. S4.55-50 (Signage Plan), Drawing No. S4.55-51 (Signage Details) and dated 19/11/2018, Drawing No. S4.55-24 (Sales Building Elevations). The approved signage is only to be used specifically for the purposes of business identification signage.

Note: No advertising signs have been approved as part of this application.

Reason: To ensure compliance with development approval.

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 80A (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 80A (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 80A (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 109R 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 80A (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 109R of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. Prior to Commencement of Infrastructure Works

- C1.** A Construction Certificate is to be obtained prior to commencement of any infrastructure work and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority for infrastructure must be the Council.

Reason: To ensure compliance with application and plans.

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

D. Prior to the issue of a Construction Certificate – Infrastructure Works

- D1.** Deleted
- D2.** Deleted
- D3.** Deleted
- D4.** Deleted

E. Prior to Commencement of Building Works

- E1.** 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.

- E2.** Deleted

- E2a.** Prior to any works commencing a "Peg out Survey" is to be provided to Council indicating the position of the light vehicle refuelling awning in relation to the allotment boundary of the site to the Kamilaroi Highway in accordance with the approved plan, prepared by R.J Sinclair, dated 08/02/2019, ref: 18-040, Drawing No. S4.55-03 (Dimensioned Site Plan).

Reason: To ensure the positioning of the services station complies with development setbacks within the Gunnedah Development Control Plan 2012.

- E3.** Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development in accordance with Council's Development Control Plan 2012.

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

F. Prior to the issue of a Construction Certificate – Building Works

- F1.** Prior to the issue of a Construction Certificate a revised Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to and approved by Council.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Note. All stormwater from the development is to be diverted to an approved retention system to ensure stormwater is discharged at pre-development flows. Hydraulic calculations are to be provided for 1 in 10 year events with models indicating 1 in 50 and 1 in 100 year flow paths. Stormwater is to be disposed of onsite via appropriate means. All stormwater is to be processed in accordance with Environmental Protection Authority regulations (under the Environmentally Hazardous Chemicals Act, 1985) to ensure hydrocarbons are removed prior to dispersal.

Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.

- F2.** Prior to issue of any Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council. Landscaping is to be conducted as a minimum, along the primary road frontage for the first 3 metres from the property boundary. Landscaping is to include drought tolerant and frost resistant species.

Reason: To ensure compliance.

- F4.** Prior to issue of a Construction Certificate, construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To comply with statutory requirements.

- F4.** Prior to the issue of a Construction Certificate, a Site Waste Management Plan is to be provided to Council.

Reason: To comply with statutory requirements.

- F5.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council, approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
 - (b) Carry out sewerage works
 - (c) Carry out stormwater drainage works

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

Reason: To ensure environmental health standards are met.

- F6.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- F7.** Prior to the issuing of a Construction Certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is 1% of the cost of the development.

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

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

- F8.** A Liquid Trade Waste Application shall be submitted to Council. The application shall be accompanied by hydraulic plans illustrating sewer, stormwater and water servicing, the bunded area around the bowers, proposed discharge point of any spillage waste and any treatment of waste prior to discharge.

Reason: To ensure compliance.

- F9.** A Compliance Certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$32,400 for Water headworks
- \$34,668 for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2016/2017 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

G. General

Underground Petroleum Storage System (UPSS)

- G1.** The petrol station development shall be carried out in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 and relevant Australian Standards.

Reason: To comply with statutory requirements.

- G2.** An Underground Petroleum Storage System (UPSS) must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G3.** An Underground Petroleum Storage System (UPSS) must have mandatory pollution protection equipment installed, consistent with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.

Reason: To comply with statutory requirements.

- G4.** An Underground Petroleum Storage System (UPSS) must have groundwater monitoring wells installed and tested in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G5.** An Underground Petroleum Storage System (UPSS) must have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons, in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G6.** 'As-built' drawings of the Underground Petroleum Storage System (UPSS) shall be provided to Council, in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G7.** The developer is to install a Vapour Recovery (VR2) System is to be installed at the petrol tanks as part of construction works. The system is to be installed in accordance with Protection of the Environment Operations (Clean Air) Regulation.

Reason: To comply with statutory requirements.

G8. Deleted

G9. Deleted

G11. Deleted

G12. Deleted

G13. Deleted

G14. Deleted

Access and Parking

G14a. Vehicle accesses to the development shall be from the proposed road. Driveway locations and dimensions are to be constructed generally in accordance with plans prepared by R.J Sinclair Pty Ltd, dated 25/10/2018, ref: 18-040, Drawing No. S4.55-03 (Dimensioned Site Plan). No vehicle access is permitted from Kamilaroi Highway. The entry and exit driveways will require the construction of a concrete driveway across the road reserve in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 for Industrial developments.

c) Before commencement of this work a security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.

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

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

Reason: To implement Council's Engineering Guidelines for Subdivision and Development, 2013.

G15. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product that is approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities*.

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

G16. Deleted

G16a. Onsite parking accommodation shall be provided for a minimum of forty-three (43) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking onsite shall be in accordance with AS2890 and Austroads Guidelines with reference to RMS Supplements.

Reason: To ensure compliance with Council's requirements.

G17. Deleted

G17a. The developer is to provide covered parking spaces for a minimum fifteen (15) parking spaces onsite. Covered parking spaces are to be provided as per development plans, prepared by R.J Sinclair Pty Ltd, dated 25/10/2018, ref: 18-040, Drawing No. S4.55-03 (Dimensioned Site Plan, & dated 19/11/2018, Ref: 18-040, Drawing No. S4.55-24 (Sales Building Elevations).

Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.

G17. All delivery and loading/unloading areas are to be clearly signposted to be clearly visible from the central driveway area.

Reason: To ensure loading bays are adequately indicated.

Stormwater

G18. All Stormwater works identified in the approved Stormwater Management Plan shall be implemented. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure implementation of stormwater works.

G19. Deleted

G21. Deleted

Allotment Filling

G24. All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

G25. Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

Easements

G26. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

Outdoor Lighting

G27. Outdoor lighting is to comply with AS/NZS 11583.1 *Pedestrian Area (Category P) Lighting* and AS4282 *Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Advertising Signage

G28. Lighting **must not be flashing or intermittently illuminated**. Signage must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*. Signage, where lit must be fitted with a timer switch to be dimmed or turned off between the hours of 11pm and 6am each night.

Reason: To ensure compliance.

G29. Deleted

Landscaping

G29a. A minimum of 3 metres from the Primary Road frontage along Kamlaroi Highway and Law Close is to be landscaped. Landscaping is to commence from the property boundary to within the development site. No landscaping is to be conducted within Council's road reserve.

Reason: To ensure adequate landscaping along road frontage.

Flooding

G30. All electrical installations and wiring will be required to be located 500mm above the 1% AEP flood level.

Reason: To ensure adequate landscaping along road frontage.

H. During Construction Works

H1. 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.

H2. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

H3. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

H4. The developer shall provide Council with certification from a registered Surveyor that the finished floor height has been constructed at or above the 1% AEP flood level at the following mandatory inspection stage;

(a) Concrete slab formwork with reinforcement prior to pouring of concrete.

Reason: To meet statutory requirements.

H5. All infrastructure works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

H6. Toilet facilities

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

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

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

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

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

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

Reason: To ensure environmental health standards are met.

- H7.** 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.

I. Prior to the issue of an Occupation Certificate

- I1.** 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.

Landscaping

- I2.** All landscaping, as detailed in the submitted landscaping plan, is to be undertaken prior to the issue of an Occupation Certificate.

Reason: To comply with statutory requirements.

- I3.** Deleted

J. Continued Operations

- J1.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building's completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

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

- J2.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- J3.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- J4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

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			

11.4 EXTENSION OF WASTE COLLECTION CONTRACT

AUTHOR Manager Building and Environment

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor A LUKE

14.02/19 COUNCIL RESOLUTIONS:

In respect of the Waste Collection Contract between JR and EG Richards (NSW) Pty Ltd ('the Contractor') and Gunnedah Shire Council ('Council'), Council resolves to:

- 1. Enact the provisions of clause 2.2.3 of the contract, providing an extension period of one (1) year; and**
- 2. Formally notify the contractor, in writing, of same.**

12. INFRASTRUCTURE SERVICES

Nil.

13. CHIEF ENGINEER

13.1 GUNNEDAH SEWER TREATMENT WORKS AND GUNNEDAH SALEYARD CLASSIFICATION OF LAND

AUTHOR Survey and Design Officer

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor OC HASLER

15.02/19 COUNCIL RESOLUTION:

That Council, in accordance with Section 31 of the Local Government Act 1993 resolve to classify Lot 1, 3 and 7 DP1218657 being 2 Kamilaroi Highway and Lot 576 DP755503 being 72-88 Kamilaroi Highway, Gunnedah as operational land.

13.2 REQUEST – WATER CONSUMPTION CHARGE REDUCTION – ASSESSMENT 13314467

Councillor RG Swain and Mr Formann declared an interest, left the Chambers and took no part in discussion or consideration of this item.

AUTHOR Manager Water Services

OFFICER'S RECOMMENDATIONS:

That in relation to the request from Mackellar Care – Assessment No 13314467, as a 'one-off' offer for the billing period 19/02/18 to 09/05/18:

1. Due to exceptional circumstances relating to the leaking water service servicing the Wallaby Trap, that Council provide a credit for water usage to the value of \$1,181;
2. Due to exceptional circumstances of the leak on the fire main, Council reduce the sewer charge from \$13,816.78 to \$5,584.00; and
3. Councillors note the value of the reduction of sewer charges is \$7,962.78.

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor A LUKE

16.02/19 COUNCIL RESOLUTIONS:

That in relation to the request from Mackellar Care – Assessment No 13314467, as a 'one-off' offer for the billing period 19/02/18 to 09/05/18:

1. Due to exceptional circumstances relating to the leaking water service servicing the Wallaby Trap, that Council provide a credit for water usage to the value of \$1,181;

2. That the proposal that the water trough at Wallaby Trap Reserve to be continued to be serviced with water from the Mackellar Care Service with the amount of water used identified on the meter attached to the trough outlet read and the amount deducted from the Mackellar Care water account (that is with Gunnedah Shire Council funding the watering of the wildlife in the Wallaby Trap Reserve as per the original arrangement between Council and the Gunnedah Urban Landcare Group) be canvassed with Mackellar Care Services and should they be in agreement, it should be implemented;
3. Due to exceptional circumstances of the leak on the fire main, Council reduce the sewer charge from \$13,816.78 to \$5,584.00; and
4. Councillors note the value of the reduction of sewer charges is \$7,962.78.

Councillor RG Swain and Mr Formann returned to the meeting.

13.3 REQUEST – WATER CONSUMPTION CHARGE REDUCTION – ASSESSMENT 13258166

AUTHOR Manager Water Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

17.02/19 COUNCIL RESOLUTIONS:

That Council decline the request to reduce the charges on Assessment No 13258166.

13.4 REQUEST – WATER CONSUMPTION CHARGE REDUCTION – ASSESSMENT 13285511

AUTHOR Manager Water Services

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

18.02/19 COUNCIL RESOLUTIONS:

That Council reduce the water supply usage charge on Assessment No 13285511 as a 'one-off' offer for the whole of the 2018/19 billing year to the first tier rate of \$1.23 per kilolitre due to the exceptional circumstances experienced.

13.5 REQUEST – SEWER USAGE CHARGE REDUCTION – ASSESSMENT 13264971

AUTHOR Manager Water Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

19.02/19 COUNCIL RESOLUTIONS:

That Council reduce the sewer usage charge on Assessment No 13264971 as a 'one-off' offer for the billing period 16/08/18 to 23/11/18 to the minimum rate of \$140.40.

14. BUSINESS AND FINANCE

14.1 DECEMBER QUARTER BUDGET REVIEW

AUTHOR Management Accountant

Council Resolution

Moved Councillor A LUKE

Seconded Councillor D MOSES

20.02/19 COUNCIL RESOLUTIONS:

1. That the second quarter budget review summary for the 2018/19 financial year be received and noted;
2. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted.

14.2 QUARTERLY PROJECT PROGRESS REPORT

AUTHOR Management Accountant

Council Resolution

Moved Councillor A LUKE

Seconded Councillor C FULLER

21.02/19 COUNCIL RESOLUTION:

That the Project Management Progress Report for the second quarter of 2018/19 be received and noted.

14.3 INVESTMENTS

AUTHOR Financial Accountant

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor RG SWAIN

22.02/19 COUNCIL RESOLUTION:

That the principal investments of \$54.9 million (December) and \$53.9 million (January) for all funds to date be received and noted.

15. AUDIT COMMITTEE

15.1 AUDIT COMMITTEE REPORT

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor RG SWAIN

23.02/19 COUNCIL RESOLUTION:

That the minutes of the Audit Committee meeting held on Wednesday 19 December 2018 be received and noted.

16. DELEGATES REPORT

16.1 DELEGATES REPORT – ASSOCIATION OF MINING AND ENERGY RELATED COUNCILS MEETING (MERC)

AUTHOR Councillor OC Hasler

*Council Resolution
Moved Councillor OC HASLER
Seconded Councillor M O'KEEFE*

24.02/19 COUNCIL RESOLUTION:

That Council receives and notes the Delegate's Report of the Association of Mining and Energy Related Councils held on 8 February 2019.

17. QUESTION ON NOTICE

Nil.

CLOSED COUNCIL

*Council Resolution
Moved Councillor R HOOKE
Seconded Councillor D MOSES*

25.02/19 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) Chief Engineer's Report to Closed Council.

18. CHIEF ENGINEER

18.1 CONTRACT T1819-02 – FIRE HYDRANT AND STOP VALVE MAINTENANCE

AUTHOR Manager Water Services

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor R HOOKE*

26.02/19 COUNCIL RESOLUTION:

That Council delegate authority to the General Manager to award and execute Contact T1819-02 for Fire Hydrant Maintenance and Stop Valve Maintenance to PJ Plumbing and Civil Construction for \$106,000 ex GST.

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
- i) prejudice the commercial position of the person who supplied it, or*
 - ii) confer a commercial advantage on a competitor of the Council, or*
 - iii) reveal a trade secret.*

This matter is classified confidential because of commercial information of a confidential nature. It is not in the public interest to reveal information that could prejudice a commercial position, confer a commercial advantage or reveal a trade secret.

RESOLUTION OUT OF CLOSED COUNCIL

*Council Resolution
Moved Councillor C FULLER
Seconded Councillor D MOSES*

27.02/19 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 5:50pm.

**Mayor J Chaffey
CHAIRPERSON**