



**GUNNEDAH SHIRE COUNCIL**

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

**Wednesday 20 September 2017**

Consisting of Pages 1 to 30

(Minute Nos 1.09/17 to 29.09/17)

are confirmed as a true and correct record of the meeting  
as per Minute No 1.10/17 of the  
**Ordinary Meeting held on 18 October 2017.**

**GUNNEDAH**

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Mayor Jamie Chaffey  
CHAIRPERSON

## ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 20 September 2017 in the  
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30pm

1. COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey (Chair	X		
RG Swain	X		
JR Campbell	X		
C Fuller	X		
OC Hasler	X		
R Hooke	X		
A Luke	X		
D Moses	X		
M O'Keefe	X		
<b>STAFF</b>			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)	X		
Director Planning and Environmental Services (A Johns)	X		
Acting Director Infrastructure Services (E Paas)	X		

### 2. PRAYER

The Mayor opened the meeting with the customary prayer.

### 3. BEREAVEMENTS

The Mayor read off the list of bereavements being David Fowler Redman, Edwin Dunkley, Phyllis Lucy Ellicott, Frank Fermor, Richard Giffen, John Mugiven, Norma Urquhart, Raymond John Priestley, Carlingford John Press, Marie May Reid, Norman Roy Morris, Carol Lynette Gibbons, Maxwell Gordon Neader, Annette Barrier, Errol John Martin, Gladys Irene Tollis, Antoon Joseph Kocx and Nancy Patricia Small.

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
D MOSES	11.2	Modification of Consent 2016/096.003 – 209-211 Bloomfield Street, Gunnedah	X				Works for and friend to property owner
C FULLER	11.5	Section 356 Small Grants		X			President Miners Support Group
C FULLER	11.5	Section 356 Small Grants		X			President Meals on Wheels
<b>STAFF</b>	<b>ITEM</b>	<b>REPORT</b>	<b>P</b>	<b>SNP</b>	<b>LSNP</b>	<b>RC</b>	<b>REASON</b>
NIL							

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 J CAMPBELL  
Seconded Councillor R HOOKE*

**1.09/17 COUNCIL RESOLUTION:**

The Minutes of the Ordinary Meeting held on Wednesday 16 August 2017 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

**6.2 CONFIRMATION OF PREVIOUS MINUTES**

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

**2.09/17 COUNCIL RESOLUTION:**

The Minutes of the Extraordinary Meeting held on Wednesday 6 September 2017 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

**7. NOTICE OF MOTION**

**7.1 AUSTRALIA DAY**

**AUTHOR Councillor C FULLER**

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

**3.09/17 COUNCIL RESOLUTION:**

That Australia Day being the 26th January remain the same at Gunnedah Shire Council.

**8. MAYORAL MINUTE**

**8.1 YEAR IN REVIEW**

**AUTHOR Mayor J Chaffey**

*Council Resolution  
Moved Councillor J CHAFFEY*

**4.09/17 COUNCIL RESOLUTION:**

That the information be received and noted.

**9. GENERAL MANAGER'S OFFICE**

**9.1 2017/18 FINANCIAL ASSISTANCE GRANTS PROGRAM**

**AUTHOR General Manager**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor A LUKE*

**5.09/17 COUNCIL RESOLUTION:**

That Council receive and note the information received from the NSW Local Government Grants Commission relating to the 2017/18 Financial Assistance Grants Program.

**9.2 LG NSW ANNUAL CONFERENCE - MOTIONS**

**AUTHOR General Manager**

*Council Resolution*

*Moved Councillor M O'KEEFE*

*Seconded Councillor RG SWAIN*

**6.09/17 COUNCIL RESOLUTION:**

That Council submit the following motions to the LG NSW 2017 Annual Conference:

1. That LG NSW calls upon the NSW Government to implement a Royalties for Regions program based upon a set percentage of royalties being returned to Local Government Areas from whence they originate and/or are directly affected;
2. That LG NSW calls upon the NSW Government to make legislative changes that will allow some TSR's to be utilised by Recreational Vehicle (RV) users where so identified and supported by Councils in consultation with LLS;
3. That LG NSW supports the reforms to the Environmental Impact Assessment process, especially in regards to the Social Impact Assessment, as currently proposed by the State Government Department of Planning and Environment, and calls upon the NSW Government to implement the same. Furthermore, that LG NSW write to the Minister for Planning advising of such and urging the prompt finalisation and implementation of the reforms;
4. That LG NSW petition the NSW Government to change the Local Government (General) Regulation 2005 to allow a Council by resolution to shorten the pre-poll voting period to the period including the Monday to Friday of the week before Election Day;
5. That LG NSW calls on the NSW Government to financially support Regional Organisations of Councils (ROCs) or Joint Organisations (JOs), enabling regions to develop projects of regional significance regardless of the type of organisation with which Councils associate;
6. That LG NSW lobby the Commonwealth Government to consider changing the scheduling of aircraft and timelines of movements into Sydney Airport to increase the availability of slots for regional air services;
7. That LG NSW lobby the NSW Government to improve passenger rail services on regional and rural routes including the provision of a daily return passenger

service into Sydney, with an adequately skilled workforce and modernised and updated fleet;

8. That LG NSW lobby the Commonwealth Government to review and provide options for a more sophisticated allocation of the Financial Assistance Grants funding that increases the allocation of funds to rural and remote areas of need;
9. That LG NSW lobby the NSW Government to abolish rate pegging;
10. That LG NSW requests the NSW Government carry out a review of the Local Government Act orders and costs recovery powers to create a new system of powers and costs recovery mechanisms that will allow Councils to more simply and effectively address unsightly, untidy, overgrown and unhealthy properties in line with community expectations;
11. That LG NSW lobby the NSW Government to encourage commercial enterprises to express interest in the establishment of a New High Energy Low Emissions/Ultra Super Critical coal fired power station to be located within NSW; and
12. That LG NSW lobby the NSW Government seeking a more equitable distribution of its health infrastructure funding to support current health services in regional and remote NSW.

### 9.3 INVESTMENTS

**AUTHOR** Financial Accountant

*Council Resolution*

*Moved Councillor A LUKE*

*Seconded Councillor R HOOKE*

### 7.09/17 COUNCIL RESOLUTION:

That the principal investment of \$66.8 million for all funds to date be received and noted.

## 10. **CORPORATE AND COMMUNITY SERVICES**

### ***SUSPENSION OF STANDING ORDERS IN COMMITTEE OF THE WHOLE***

A Motion was Moved Councillor RG SWAIN, Seconded Councillor R HOOKE that Council move into Committee of the Whole for discussion in relation to Item 10.1 concerning the Committee Structure and Representation.

It was Recommended Councillor M O'KEEFE, Seconded Councillor RG SWAN:

#### RECOMMENDATIONS:

That Council endorse the appointments and additions of the Register of Committees, Reserve Trusts and Working Groups and Register of Delegates and Representatives.

## **RESOLUTION OUT OF COMMITTEE OF THE WHOLE**

A Motion was Moved Councillor A LUKE, Seconded Councillor D MOSES that Council move back into Ordinary Meeting and adopt the recommendations of the Committee of the Whole.

### **10.1 COMMITTEE STRUCTURE AND REPRESENTATION**

**AUTHOR     Director Corporate and Community Services**

#### **OFFICER'S RECOMMENDATIONS:**

1. That Council consider the appointment or election of Councillors as representatives and delegates on an item by item basis per the attached registers.
2. That Council's Cultural Officer, Ms Lauren Mackley, be Council's representative to Arts North West.
3. That the Saleyards Working Group be disbanded.
4. That the CMCA Rally Working Group currently consisting of Councillors C FULLER, R HOOKE and OC HASLER and a minimum of two community members be added to the Register of Committees, Reserve Trusts and Working Groups, with the Group being able to invite additional community members as and when required.

*Council Resolution  
Moved Councillor RG SWAIN  
Seconded Councillor J CAMPBELL*

### **8.09/17 COUNCIL RESOLUTIONS:**

**That Council endorse the appointments and additions to the Register of Council Committees, Reserve Trust Committees of Management and Advisory and Working Groups and Register of Delegates and Representatives.**

### **10.2 MEETING DATES FOR ORDINARY MEETINGS TO DECEMBER 2018**

**AUTHOR     Director Corporate and Community Services**

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

### **9.09/17 COUNCIL RESOLUTIONS:**

1. **That the information be received and noted, and that the proposed meeting schedule up until December 2018 be endorsed.**
2. **That the Ordinary Meetings of Gunnedah Shire Council continue to be held on the third Wednesday of each month commencing at 4:30pm.**
3. **That Expressions of Interest be sought from two Village Progress Association(s) and/or Committee(s) to host a Council Ordinary Meeting in 2018.**

**10.3      GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT – ANNUAL REPORT 2016/17**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor A LUKE*

**10.09/17   COUNCIL RESOLUTIONS:**

1.      That the Government Information (Public Access) Act 2009 Annual Report 2016/17 be received and noted.
2.      That a copy of the Government Information (Public Access) Act 2009 – Annual Report 2016/17 be forwarded to the Office of the Information Commissioner and the Office of Local Government by 31 October 2017 in accordance with legislative requirements.

**10.4      PUBLIC INTEREST DISCLOSURES ACT – ANNUAL REPORT 2016/17**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor A LUKE*

*Seconded Councillor D MOSES*

**11.09/17   COUNCIL RESOLUTION:**

1.      That the Public Interest Disclosure Act – Annual Report 2016/17 be received and noted.
2.      That a copy of the Public Interest Disclosure Act – Annual Report 2016/17 be forwarded to the NSW Ombudsman and the Office of Local Government by 31 October 2017 in accordance with legislative requirements.

**10.5      DELEGATIONS OF AUTHORITY**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor J CAMPBELL*

**12.09/17   COUNCIL RESOLUTION:**

**That Council resolves to appoint the following members of Council's Executive Management Team:**

- Chief Financial Officer
- Director Corporate and Community Services;
- Director Infrastructure Services; and
- Director Planning and Environmental Services;

**as being able to act in the position of General Manager if the General Manager is sick or otherwise absent from work on leave with such appointment to cease upon the return to work of the General Manager or other resolution of Council.**

**10.6      INSTALLATION OF UPGRADED HOT WATER SYSTEM**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor A LUKE*

**13.09/17   COUNCIL RESOLUTIONS:**

1.      That the Officer's decision to undertake replacement and upgrade of the hot water system attached to the Town Hall kitchen under the Urgent Works Provisions of the General Manager's delegations be endorsed.
2.      That a budget adjustment totalling an increase of \$4,500 be made to the public facilities budget.

**10.7      OUTSTANDING RESOLUTION REGISTER**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor C FULLER*

*Seconded Councillor J CAMPBELL*

**14.09/17   COUNCIL RESOLUTION:**

**That the information be received and noted.**

***SUSPENSION OF STANDING ORDERS***

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor C FULLER that Council consider the Late Report of the Director Corporate and Community Services in relation to the Campervan and Motorhome Club of Australia.

**10.8      CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA**

**AUTHOR      Director Corporate and Community Services**

*Council Resolution*

*Moved Councillor R HOOKE*

*Seconded Councillor C FULLER*

**15.09/17   COUNCIL RESOLUTIONS:**

1.      That \$3,632 be allocated for the expenses associated with sending one Councillor and one staff member to attend the Campervan and Motorhome Club of Australia Rally in Bundaberg on 8-15 October 2017.
2.      That Councillor OC HASLER be nominated to represent Council at the CMCA Rally in Bundaberg during October.



**11. PLANNING AND ENVIRONMENTAL SERVICES**

**11.1 DEVELOPMENT APPLICATION 2017/031 – REMOVAL OF DWELLING HOUSE AND CONSTRUCTION OF A REPLACEMENT DWELLING HOUSE – LOT 2 DP801762 – 765 ORANGE GROVE ROAD, GUNNEDAH**

**AUTHOR** Town Planner

*Council Resolution*

*Moved Councillor A LUKE*

*Seconded Councillor RG SWAIN*

**16.09/17 COUNCIL RESOLUTIONS:**

**That the Development Application No. 2017/031, for the removal of dwelling house and construction of a replacement dwelling house, at 765 Orange Grove Road, Gunnedah, Lot 2 DP801762, be approved subject to the following conditions:**

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 12 April 2017
  - Statement of Environmental Effects, prepared by Kate & Nathanael Groves, dated 23/03/2017; and
  - Submitted plans:
    - Prepared by D & C Projects, dated 17/05/2017, ref: 15019, Sheet 1 of 6 (Cover Sheet), Sheet 2 of 6 (Site Plan), Sheet 3 of 6 (Floor Plan), Sheet 4 of 6 (Elevations), 5 of 6 (Elevations), Sheet 6 of 6 (Sections);
    - BASIX Certificate number: 726495S
    - Project Specifications, prepared by D & C Projects Pty Ltd;
    - Flood Survey Report, prepared by Stewart Surveys Pty Ltd, Dated 19 April 2016, Reference 4674;

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 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. Fulfilment of BASIX Commitments**

- (1) This clause applies to the following development
  - (a) BASIX affected development
  - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule q for it to be so accompanied).
- (2) For the purposes of Section 80A(11) of the Act, the fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

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

**C. Prior to Commencement of Building Works**

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

*Reason: To meet statutory requirements.*

- C2.** Prior to the commencement of building works a copy of Home Owner's Warranty Insurance shall be submitted to Council.

***Reason: To ensure Home Owner's Warranty is provided.***

- 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. Prior to the issue of a Construction Certificate**

- D1.** 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 ensure compliance.***

- D2.** 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.***

- D3.** 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 calculated at 1% of the development cost.

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.***

**E. General**

- E1.** No general household waste is to be disposed of onsite. Waste is to be disposed of to Council's land fill directly or via licensed contractor.

***Reason: To ensure waste is disposed of off-site in an appropriate manner.***

***Water Supply - Rural***

- E2.** The dwelling shall be provided with rainwater tanks having a capacity of 45,000 litres of water before occupation is sought. Such tanks shall have a total of 10,000 litres of water reserved for fire fighting purposes, with a lower outlet for fire fighting purposes fitted with a 65mm storz fitting and ball or gate valve shall be located in such a position that access for fire fighting units shall be as direct as possible.

***Reason: To ensure adequate supply of water for domestic and fire fighting purposes.***

***Access - Rural***

- E3.** Vehicular access shall be from Orange Grove Road and will require the construction a 4.5 metre wide gravel driveway and associated drainage structures across the verge and table drain, shall be constructed from the road should to the property boundary in accordance with Council's rural access crossing standards and specifications (RTA specification for a Typical

Rural Property Access for a single unit truck). The location of the driveway is to be determined by the developer in consultation with Council.

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

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

- E4.** A Rural Addressing number and post shall be applied for through Council and erected for the new vehicular access.

***Reason: To ensure compliance and to ensure the correct property identification.***

***Internal Access***

- E5.** The developer is to provide all weather 2WD access from termination of the existing bitumen constructed internal driveway within the access handle to the dwelling. The formation is to be constructed of a minimum 150mm compacted ridge gravel.

***Reason: To ensure all weather access.***

- E6.** The developer is to ensure that the new vehicle access and internal driveway achieves the safe wading criteria as specified in Figure L1 of the Flood Planning Manual.

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

- E7.** Potential fuel for bush fires at the site of actual building and its immediate surrounds for a distance of at least 20 metres from any part of the building shall be reduced to a level which is sufficient to protect the building from bushfire, and such fuel reduction shall be maintained for the life of the development (grass to be no higher than 100mm).

***Reason: To ensure compliance and fire safety of Building.***

- E8.** The developer shall provide Council with certification from a registered Surveyor that the finished floor height has been constructed at least 500mm above the 1% AEP flood level, as identified in the report prepared by Stewart Surveys Pty Ltd, Dated 19 April 2016, reference 7674, at the following mandatory inspection stage;

- (a) Bearers and joist inspection.

***Reason: To meet statutory requirements.***

- E9.** The property boundary fence is to be relocated clear of the road reserve.

***Reason: To ensure property boundary fencing is located clear of the road reserve.***

- E10.** No general household waste is to be disposed of onsite. Waste is to be disposed of to Council's land fill directly or via licensed contractor.

***Reason: To ensure waste is disposed of off-site in an appropriate manner.***

**F. During Construction Works**

- 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 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections 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.***

- F2.** 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.***

- F3.** Smoke alarms complying with AS3786 as listed in the SSL Register of accredited products which are hard wired to the mains electricity supply and provided with a standby power supply (battery) must be installed between each area containing bedrooms and the remainder of the dwelling on or near the ceiling pursuant to Clause E.1.7 of the BCA.

***Reason: To ensure compliance.***

- F4.** All wet areas within the building shall be waterproofed in accordance with the requirements of AS 3740-2004. The person responsible for the installation of the water-proofing system used within the building shall provide certification to Council prior to occupation that the system used has been installed in accordance with the requirements of AS 3740-2004.

***Reason: To ensure protection against water damage to structure.***

- F5.** A continuous balustrade must be provided, in accordance with the BCA, along the side of any stair, landing, balcony, verandah, floor or roof to which public access is provided if:
- (i) it is not bounded by a wall; and
  - (ii) the level is more than 1m above the ground/floor level below.

***Reason: To ensure compliance.***

- F6. 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.***

**F7. 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.***

**F8. 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.***

- F9.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;

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

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

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

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

***Reason: To ensure amenity of the neighbourhood is maintained.***

**G. Prior to the issue of an Occupation Certificate**

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

***Reason: To meet statutory requirements.***

- G2.** Prior to the issuing of an Occupation Certificate, the developer shall submit to Council a copy of the current contract with the manufacturer, his agent or approved contractor, for the quarterly servicing and maintenance of the aerated effluent management system.

***Reason: To ensure compliance with Health Department accreditation conditions.***

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

**11.2 MODIFICATION OF CONSENT APPLICATION 2016/096.003 – REMOVAL OF STORAGE SHED AND ALTERATION TO THE LOCATION OF THE DISABLED ACCESS RAMP – LOTS A AND B DP408280 – 209-211 BLOOMFIELD STREET, GUNNEDAH**

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

**Author      Town Planner**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor R HOOKE*



**17.09/17 COUNCIL RESOLUTIONS:**

That the Modification of Consent No. 2016/096.003, for the removal of the storage shed and alteration to the location of the disabled access ramp, at 209-211 Bloomfield Street, Gunnedah, Lot A and B DP408280, be approved subject to the deletion of condition A1 and inclusion of condition A1a. Amended conditions underlined as follows:

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

**A1.** Deleted

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

- Development Application form lodged 05/11/16;
- Statement of Environmental Effects, prepared by D&C Projects, dated 04/10/2016;
- Further Information, provided D & C Projects, dated 19 October 2016;
- Further Information, provided by Richard Patriquin, 4 November 2016; and
- Submitted plans:
  - Prepared by Stewart Surveys Pty Ltd, dated 14 October 2016, Job No. 4758, Drawing No. 1 of 1 (Landscape Plan); & dated 4 October 2016, Ref: 4758, Drawing No. 1 of 1 (Play Areas Landscape Plan);
  - Prepared by D & C Projects, dated 2/12/2016, ref: 16090, Sheet No. 2 of 3 (Proposed Floor Plan & Elevations); & dated 18/08/2017, ref: 16090, Sheet No. 1 of 3 (Site Plans & Perspectives);
- Supporting Documentation:
  - Traffic Impact Assessment prepared by Kathryn Yigman, dated October 2016, ref: 4758;

except as otherwise provided by the conditions of consent.

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

**A2.** To confirm and clarify the terms of this approval, consent is granted for a childcare centre with a maximum of 80 children.

***Reason: To ensure compliance with development controls.***

**B. Prescribed Conditions (Section 80A(11) of the Act)**

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.***

**C. Prior to Commencement of Building Works**

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the dwelling. **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.*

**Traffic and Parking**

- C3.** Parking areas must comply with AS 2890 – *Parking Facilities*. Driveway and parking areas are to be bitumen sealed, paved or constructed of other dust suppressant method. Details of surfacing must be provided to Council and approved prior to the issue of a Construction Certificate.

*Reason: To ensure compliance with relevant Australian Standards.*

**D. Prior to the Issue of a Construction Certificate**

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

*Reason: To comply with statutory requirements.*

- D2.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council

*Reason: To ensure compliance.*

- D3.** 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 \$3,600.

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.*

- D4. Deleted**

- D5. Deleted**

- D6.** 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 ensure compliance.*

- D7.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
  - (b) Carry out sewerage works
  - (c) Carry out stormwater drainage works

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

***Reason: To ensure environmental health standards are met.***

**E. General**

- E1.** Roof water caught and drainage from the sealed car parking area is to be discharged directly to the street gutter sealed stormwater pipes or to existing internal stormwater infrastructure servicing the site so long as the internal stormwater system is connected to Council's reticulated stormwater system.

***Reason: To ensure stormwater is appropriately disposed of.***

- E2.** Compliance with the Food Act 2003 and Food Safety Standard's and "AS4674-2004 – Design, Construction and Fit-out of Food Premises" is required in respect to all aspects of this food business.

***Reason: To ensure compliance.***

***Outdoor Lighting***

- E3.** 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.***

***Traffic and Parking***

- E4.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

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

- E5.** Onsite car parking accommodation shall be provided for a minimum of sixteen (16) 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.

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

- E6.** Exit only signage is to be provided in a prominent position at the new Bloomfield Street vehicle access, being clearly visible from the street. A designated left turn only sign is to be placed in a prominent position within the property boundary at the driveway exit onto Bloomfield Street. A left turn only directional arrow shall be painted on the car park pavement within the property boundary.

***Reason: To ensure adequate information is provided to Council.***

**Sewer**

- E7.** The developer is to remove all existing sewer boundary traps and provide the installation of a new boundary shaft at the property boundary. All works associated with the installation of the new boundary shaft are to be undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

- E8.** Entry only signage is to be provided in a prominent position at the current Carroll Street vehicle access, being clearly visible from the street. Internal signage is also to be erected marking the vehicle access as being "no exit".

*Reason: To minimise impacts on the amenity of the adjoining residential property.*

- E9.** The developer is to provide a privacy screen, along the property boundary between the development site and the residence on, Lot C DP 342233, 50B Carroll Street, to a height not exceeding 2.5 metres.

*Reason: To minimise impacts on the amenity of the adjoining residential property.*

**F. During Demolition Works**

- F1.** The dwelling 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.*

- F2.** Prior to the commencement of demolition works, all water and sewerage connections to Council's infrastructure are to be capped off by a licensed plumber so as to prevent any contamination of Council's reticulation systems.

*Reason: To ensure the integrity of Council's sewerage and water systems.*

- F3.** 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.*

- F4.** 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.*

- F5.** 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.*

- F6.** 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.***

**G. During Construction Works**

**G1. 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 81(2)(b) of the Environmental Planning and Assessment Act 1979 shall be notified that works are ready for inspection. (Note: Inspections 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) **Wet area, damp proofing and flashing before lining**
- (r) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor.**
- (s) **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.***

- G2.** 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.***

- G3.** No permanent structures are to be placed on any easement.

***Reason: To ensure legal requirements.***

- G4.** The storage of all building materials shall be confined within the boundaries of the allotment.

***Reason: To ensure site safety.***

- G5.** 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.***

- G6.** Before erection of any permanent structure 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.***



- G7.** Any redundant driveway layback and footpath crossing located along either of the road frontages is to be removed. Kerb and guttering and level footpath is to be constructed where the layback is removed to match existing footpath crossover and gutter levels.

***Reason: To ensure safety and amenity of council footpath and road reserve.***

- G8.** Lighting and Ventilation in the building shall comply with the requirements of the Building Code of Australia Part F4.

***Reason: To ensure compliance.***

- G9.** Any portion of the development that contains a Food Premises or have areas used for the preparation, storage and serving of food must comply with "AS4674-2004 Design, construction and fit-out of food premises".

***Reason: To ensure compliance.***

**G10. 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.***

- G11.** 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.***

#### **Sewer Main Installations**

**G12.** Prior to the back filling all mains, a visual inspection is to be undertaken by Council.

***Reason: To ensure compliance.***

**G13.** All back fill over sewer mains shall be a of 3-5 mm granular grit.

***Reason: To ensure compliance.***

#### **H. Prior to the issue of an Occupation Certificate**

**H1.** 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.***

**H2.** Prior to issue of an Occupation Certificate all statutory fire safety measures listed in the fire safety schedule (attached to the Construction Certificate) are to be installed in accordance with the standards detailed and the owner of the property shall provide a fire safety certificate for each statutory fire safety measure to the Principal Certifying Authority.

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

**H3.** Prior to the issue of an Occupation Certificate, Lot A DP 408280 and Lot B DP 408280 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

***Reason: To ensure compliance.***

**H4.** One set of approved construction drawings shall be amended to show the “work-as-executed”. These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer.

***Reason: To ensure compliance with Council's requirements.***

**H5.** A Compliance Certificate for each stage 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.

- \$5,400 for Water headworks
- \$4,488 for Sewer headworks



The contributions for the works shall be paid prior to the issue of an Occupation 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.***

- H6.** Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:

- Stormwater Drainage

Pursuant to Section 64 of the Local Government Act, 1993 Council requires the payment of a monetary contribution of \$3,339.40. The contributions shall be paid prior to issue of an Occupation Certificate.

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

The above contributions have been adopted under the 2016/2017 Council Operational Plan. Revised rates adopted by Council in subsequent Operational Plans will apply to lots released in later financial years.

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

**I. Continued Operations**

- I1.** 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.***

- I2.** The development operating hours are limited to the operation of the premises between the following hours:

- Monday – Friday: 7.00am until 6.00pm
- Saturday – Sundays: Closed

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

- I3.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

- I4.** 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.***

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 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN (LEP) 2012 – PLANNING PROPOSALS FOR BLACKJACK CREEK, 2 SOUTH STREET AND VARIOUS LEP AMENDMENTS

**AUTHOR** Project Town Planner

*Council Resolution*

*Moved Councillor A LUKE*

*Seconded Councillor J CAMPBELL*

### 18.09/17 COUNCIL RESOLUTIONS:

That Council resolve to:

1. Prepare a draft planning proposal, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979* for an amendment to the Gunnedah *Local Environmental Plan 2012* to:
  - a) Amend the following Land Zoning Map(s):
    - i) Land Zoning Map (LZN\_005AA) to:
      - a) Rezone Lot 1 DP 840712 and Lot 2 DP 555359 – 2 South Street, Gunnedah, from SP2 *Infrastructure and RE1 Public Recreation* to B6 *Enterprise Corridor*;
      - b) Rezone Lot 1 DP 591153, Lot 1 DP 736948, and Lot 1 DP 606235 – 4, 6 and 8 South Street, Gunnedah, respectively, from SP2 *Infrastructure* to R2 *General Residential*;
      - c) Rezone part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466, from R5 *Large Lot Residential* to RE1 *Public Recreation*;
      - d) Rezone part of Lot 4 DP 1202465 – 81 Wandobah Road, Gunnedah, from RE1 *Public Recreation* to R5 *Large Lot Residential*; and
    - b) Amend the following Floor Space Ratio Map(s):
      - i) Floor Space Ratio Map (FSR\_005AA) to:
        - a) Apply a floor space ratio of 1.5:1 to Lot 1 DP 840712 and Lot 2 DP 555359 – 2 South Street, Gunnedah; and
    - c) Amend the following Lot Size Map(s):
      - i) Lot Size Map (LSZ\_005AA) to:
        - a) Apply a minimum lot size of 650m<sup>2</sup> to Lot 1 DP 591153, Lot 1 DP 736948, and Lot 1 DP 606235 – 4, 6 and 8 South Street, Gunnedah, respectively;
        - b) Apply a minimum lot size of 40ha to the rezoned part of Lot 4 DP 1202465 – 81 Wandobah Road, Gunnedah;
        - c) Apply no minimum lot size to the rezoned part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466;
        - d) Remove the words 'no minimum' from the map legend; and

- ii) Lot Size Maps (LSZ\_005), (LSZ\_005A), (LSZ\_005AA), and (LSZ\_005B) to:
    - a) Identify the map legend to state AB2 40ha; and
  - d) Amend the following sections of the Land Use Table:
    - i) Zone IN1 *General Industrial* to:
      - a) Identify 'landscaping material supplies' in section 3 *permitted with consent*; and
    - ii) Zone E3 *Environmental Management* to:
      - a) Identify 'farm buildings' in section 3 *permitted with consent*, and
    - iii) Insert a new land use zone – B6 *Enterprise Corridor*.
- 2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the *Environmental Planning and Assessment Act 1979*; and
- 3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

#### 11.4 REVIEW OF FEES AND CHARGES – 2017/18

**AUTHOR** Manager Development and Planning

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor D MOSES*

#### 19.09/17 COUNCIL RESOLUTIONS:

That Council adopt the amendment to the Delivery Program 2017-2021 and Operational Plan 2017/18 by inclusion of the following fees into the Fees and Charges of the Plan:

- Local Government Act – Section 68 Approvals (per approval) - \$95
- Roads Act, 1993 – Road Opening Permit under Section 138 - \$76.75
- Registration of Complying Development Certificate (Private Certification) - \$36
- Amend wording – Certificate as to Outstanding Notices under Environmental Planning & Assessment Act, 1979 & Local Government Act, 1993 - \$48

#### 11.5 SECTION 356 SMALL GRANTS (COMMUNITY AND SPORTS)

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

**AUTHOR** Community and Social Planner

*Council Resolution*

*Moved Councillor J CAMPBELL*

*Seconded Councillor D MOSES*

**20.09/17 COUNCIL RESOLUTIONS:**

That Council endorse the allocation of \$34,580.00 under the 2017/18 Section 356 Small Grants (Community and Sports) round which includes:

- a) A total of \$15,561.00 to four (4) sporting organisations.
- b) A total of \$19,019.00 to seven (7) community organisations.

**11.6 'FROM OUR PERSPECTIVE' DISABILITY AWARENESS ACTIVITY**

**AUTHOR** Community and Social Planner

*Council Resolution*

*Moved Councillor A LUKE*

*Seconded Councillor M O'KEEFE*

**21.09/17 COUNCIL RESOLUTIONS:**

That the information advising that the Access Working Group will facilitate the 'From Our Perspective' disability awareness event involving Councillors, staff and local retailers in the Gunnedah CBD in December 2017, be received and noted.

**11.7 GUNNEDAH RURAL MUSEUM**

**AUTHOR** Community and Social Planner

*Council Resolution*

*Moved Councillor R HOOKE*

*Seconded Councillor RG SWAIN*

**22.09/17 COUNCIL RESOLUTIONS:**

1. That Council authorise the General Manager to enter into a Lease Agreement with the Gunnedah Rural Museum and the Crown for a further three (3) years, expiring on 30 November 2019;
2. That Council endorse the payment of \$2,200 from the Public Facilities, Halls and Community Centres budget to contribute towards the building and contents insurance of the Gunnedah Rural Museum for a period of three (3) years, expiring on 30 November 2019; and
3. That Council endorse the payment of \$5,000 from the Community and Social Planning 2017/18 budget to contribute towards operational costs and servicing of the Gunnedah Rural Museum public amenities.

**12. INFRASTRUCTURE SERVICES**

**12.1 2017 LG NSW WATER MANAGEMENT CONFERENCE DELEGATES REPORT**

**AUTHOR** Manager Water Services

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor D MOSES*

**23.09/17 COUNCIL RESOLUTION:**

That the information be received and noted.

**12.2 RENEWED POOL COMPLEX FEE STRUCTURE AND INCOME LEVEL**

**AUTHOR     Manager Public Facilities**

*Council Resolution*

*Moved Councillor J CAMPBELL*

*Seconded Councillor RG SWAIN*

**24.09/17 COUNCIL RESOLUTIONS:**

1.     That the information be noted; and
2.     That the information to be forwarded to the Pool Working Group for feedback.

**12.3 SIMPSON BRIDGE**

**AUTHOR     Survey and Design Officer**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor R HOOKE*

**25.09/17 COUNCIL RESOLUTIONS:**

1.     That Council make an application to the Minister and the Governor for approval to acquire Lot 5 in DP1234935 by compulsory process under section 177(1) of the Roads Act 1993.
2.     Upon Ministerial approval being granted, Council proceeds with the compulsory acquisition of the land described as Lot 5 in DP1234935 for the purpose of Public Road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
3.     Council make an application to the Minister and the Governor for approval to acquire Lot 3 in DP1234935 by compulsory process under section 177(1) of the Roads Act 1993.
4.     Upon Ministerial approval being granted Council proceeds with the compulsory acquisition of the land described as Lot 3 in DP1234935 for the purpose of Public Road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
5.     Gunnedah Shire Council requests the Minister for Local Government approve a reduction in the notification period from 90 days to 30 days.

**13.     *PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE***

*Nil.*

**14.     *QUESTIONS ON NOTICE***

*Nil.*

## **CLOSED COUNCIL**

*Council Resolution*

*Moved Councillor M O'KEEFE*

*Seconded Councillor R HOOKE*

- 26.09/17 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) Acting Director Infrastructure Services Report to Closed Council.

## **15. INFRASTRUCTURE SERVICES**

### **15.1 CURLEWIS WATER SUPPLY PIPELINE PROJECT**

**AUTHOR     Manager Water Services**

*Council Resolution*

*Moved Councillor RG SWAIN*

*Seconded Councillor R HOOKE*

### **27.09/17 COUNCIL RESOLUTIONS:**

1. Council agree to the terms of the grant funding under the Building Better Regions Fund for the Curlewis pipeline project with the execution date to be determined by the General Manager;
2. Council bring forward funds in the 2018/19 Operational Plan for the Curlewis pipeline project to the current 2017/18 Operational Plan;
3. Council allocate an additional amount for Curlewis pipeline project of \$720,000 from Gunnedah Water Supply restricted assets;
4. Council pursue a grant application under the Restart NSW Safe and Secure Water Program to assist with Councils 50% share of the project; and
5. Council continue to investigate options to maintain water services to land holders potentially affected by the proposed decommissioning of the existing bores and infrastructure connected to the rising main at Curlewis and prepare a report for Council's consideration.

*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.*

## **SUSPENSION OF STANDING ORDERS**

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor RG SWAIN that Council consider the Late Report to Closed Council of the Acting Director Infrastructure Services concerning the Curlewis Water Supply Pipeline Project.

### **15.2 CURLEWIS WATER SUPPLY PIPELINE PROJECT**

**AUTHOR     Manager Water Services**

*Council Resolution*

*Moved Councillor R HOOKE*

*Seconded Councillor D MOSES*

### **28.09/17 COUNCIL RESOLUTIONS:**

**For the purpose of acquiring a suitable water storage reservoir site of the proposed Curlewis to Gunnedah Pipeline Project, Council endorse the General Manager to sign off on the Memorandum of Understanding (MOU) for the acquisition of a portion of land attached to Lot 501 DP826303.**

*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:*

- (iv)    prejudice the commercial position of the person who supplied it, or*
- (v)    confer a commercial advantage on a competitor of the Council, or*
- (vi)    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 A LUKE*

*Seconded Councillor D MOSES*

### **29.09/17 COUNCIL RESOLUTION:**

**On the resumption of the Ordinary business of the meeting, the Chairperson reported that the previous resolution was adopted in Closed Council.**

*There being no further business, the meeting closed at 7:00pm.*

**Mayor J Chaffey  
CHAIRPERSON**