



GunnedahShire

GUNNEDAH SHIRE COUNCIL

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

Wednesday 14 December 2022

Consisting of Pages 1 to 18

(Minute Nos 1.12/22 to 14.12/22)

are confirmed as a true and correct record of the meeting
as per Minute No 1.02/23 of the
Ordinary Meeting held on 15 February 2023.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 14 December 2022 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30pm

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Sheila Constance Francis, Gordon Matthews, Bettie Margaret Norsworthy, Colin Albert Winsor, Ross McGowan, Alwyn Mason Francis and Daphne Lorraine Pryor.

It was RESOLVED that Council pay their respects to the deceased and extend their condolences to the family and friends of the deceased with a minute's silence.

4. PRESENT/APOLOGIES

COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
J Chaffey (Chair)	X		
C Fuller	X		
R Hoddle	X		
R Hooke	X		
A Luke	X		
J McArthur		X	
K McGrath	X		
D Moses	X		
M O'Keefe	X		
STAFF			
General Manager (E Groth)	X		
Director Corporate Services (K Stidworthy)	X		
Director Planning and Environmental Services (A Johns)	X		
Director Infrastructure Services (J Bartlett)	X		

Council Resolution

Moved Councillor D MOSES

Seconded Councillor C FULLER

5. PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES – ORDINARY MEETING

MOTION Moved Councillor R HOOKE

Seconded Councillor D MOSES

1.12/22 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 16 November 2022 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

6. STATEMENT OF ETHICAL OBLIGATIONS

In accordance with Section 233A of the Local Government Act 1993, Councillors are reminded of their oath or affirmation of office and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

7. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
J CHAFFEY	17.1	AgQuip Traffic Planning and Control Services (Closed Report)		X			A company I own is an exhibitor at the field days selling industrial hardware annually. I will be leaving the Chambers.
J CHAFFEY	11.1	Sale of Land for Unpaid Rates		X			Close family members own one of the parcels of land in the report. I will be leaving the Chambers.
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

8. COMMUNITY PRESENTATIONS

Nil.

9. MAYORAL MINUTE

9.1 STATE ELECTION 2023 PRIORITIES

AUTHOR Mayor J Chaffey

MAYOR'S RECOMMENDATIONS:

That Council endorse the following list of priorities and advocate for support from each candidate running in the March 2023 NSW State election for the seat of Tamworth, as follows:

1. Commit to funding Gunnedah TAFE and/or local Registered Training Organisations (RTO's) to deliver Pre-apprenticeship and Apprenticeship courses identified as specific to the needs of the Gunnedah Business Community.
2. Create incentives that will enable an increase in the construction of affordable housing throughout the shire.
3. The Gunnedah Police Station is manned appropriately to allow for 24 hour policing.
4. An acceleration and significant increase in road repair funding to allow for restoration and betterment to our local and regional road network to improve resilience throughout the shire.
5. A commitment that the Gunnedah Hospital Redevelopment, as currently proposed will be fully funded and constructed in 2023.

MOTION *Moved Councillor J CHAFFEY*

2.12/22 **COUNCIL RESOLUTIONS:**

That Council endorse the following list of priorities and advocate for support from each candidate running in the March 2023 NSW State election for the seat of Tamworth, as follows:

1. Commit to funding Gunnedah TAFE and/or local Registered Training Organisations (RTO's) to deliver Pre-apprenticeship and Apprenticeship courses identified as specific to the needs of the Gunnedah Business Community.
2. Create incentives that will enable an increase in the construction of affordable housing throughout the shire.
3. The Gunnedah Police Station is manned appropriately to allow for 24 hour policing by 1 July 2023.
4. An acceleration and significant increase in road repair funding to allow for restoration and betterment to our local and regional road network to improve resilience throughout the shire.
5. A commitment that the Gunnedah Hospital Redevelopment, as currently proposed will be fully funded and construction to commence in early 2023.

10. GENERAL MANAGER'S OFFICE

Nil.

11. CORPORATE AND COMMUNITY SERVICES

11.1 SALE OF LAND FOR UNPAID RATES

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

Deputy Mayor R Hooke assumed the Chair.

A Procedural Motion was Moved Councillor M O'KEEFE, Seconded Councillor A LUKE:

That consideration of the Sale of Land for Unpaid Rates be dealt with as the last item in Closed Council in accordance with Section 10A(2)(a) of the Local Government Act 1993.

Councillor K McGrath arrived at the meeting, the time being 4:47pm.

The Motion on being put to the Meeting was Carried.

Mayor J Chaffey returned to the Chambers at 4:52pm and assumed the Chair.

11.2 INVESTMENTS

AUTHOR **Coordinator – Accounting and Treasury**

MOTION *Moved Councillor D MOSES
 Seconded Councillor C FULLER*

3.12/22 **COUNCIL RESOLUTIONS:**

1. That the principal investments of \$89.6 million for all funds to date be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted and report adopted.

11.3 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR **Manager Governance and Legal**

MOTION *Moved Councillor A LUKE*
Seconded Councillor K MCGRATH

4.12/22 **COUNCIL RESOLUTION:**

That the information be received and noted.

12. **PLANNING AND ENVIRONMENTAL SERVICES**

12.1 **AUSTRALIA DAY GRANT 2023**

AUTHOR **Manager Economy and Growth**

MOTION *Moved Councillor R HOOKE*
Seconded Councillor R HODDLE

5.12/22 **COUNCIL RESOLUTION:**

That the \$20,000 National Australia Day Committee grant be added to the Grants budget to provide funding support for Australia Day Celebrations in the Gunnedah Shire.

12.2 **DEVELOPMENT APPLICATION NO. 2022/017 – DEMOLITION OF EXISTING SHED, RELOCATION OF EXISTING CARPORT, CONSTRUCTION OF STORAGE ROOM TO EXISTING MEDICAL CENTRE AND CONSTRUCTION OF FIVE (5) MULTI DWELLING UNITS – LOT 1 DP 318601 – 107 BARBER STREET, GUNNEDAH**

AUTHOR **Manager Development Assessment**

MOTION *Moved Councillor R HOOKE*
Seconded Councillor C FULLER

6.12/22 **COUNCIL RESOLUTIONS:**

That the Development Application No. 2022/017, for the demolition of an existing Shed, relocation of an existing Carport within the lot and construction of Storage Room as addition to existing Medical Centre and construction of five (5) Multi Dwelling Units, at Lot 1 DP 318601, 107 Barber Street, Gunnedah, be approved subject to the following conditions of consent:

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

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 11 March 2022
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, ref: 5659, dated March 2022;
 - Additional Information Response, prepared by Stewart Surveys Pty Ltd, Ref: 5659, dated 7 September 2022; and
 - Submitted plans:
 - Prepared by SAE Design, dated 22/07/2022, Ref: 839-21, Drawing Nos.: A000 (site Information), A001 (Site Plan), A002 (Site Areas), A003 (Roof Plan), A004 (Unit 1 + 2 Plan), A005 (Unit 3 Plan), A006 (Unit 4 + 5 Plan), A008 (Sections),
 - Prepared by SAE Design, dated 04/03/2022, Ref: 839-21, Drawing Nos.: A007 (Schedules), A009 (Storage + Carport Additions), A010 (Sediment Erosion Control), A011 (Sediment Erosion Control);
 - Prepared by Stewart Surveys Pty Ltd, dated 7 September 2022, Ref: 5659, Drawing No 1 of 1 (Landscape Plan for Multi-Dwelling Development);
 - Supporting Documentation:

- Site Servicing Strategy, prepared by Stewart Surveys Pty Ltd, dated: March 2022, ref: 5659;
 - BASIX Certificate number: 1275241M, Assessor Certificate No. 000709120, Dated 04 Mar 2022;
- except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

B. PRESCRIBED CONDITIONS

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

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

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

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

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

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.
- Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier 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 certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Reason: To ensure compliance with the statutory requirements.

B4. Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

Reason: To ensure compliance with the statutory requirements.

B5. 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 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, 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.

B6. Condition relating to maximum capacity signage

- (1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—
 - (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.
- (2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
- (3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

Reason: To ensure compliance with the statutory requirements.

B7. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. PRIOR TO COMMENCEMENT OF BUILDING WORKS

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

Reason: To meet statutory requirements.

- C2. Prior to 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.

- 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.

- C4. Prior to the commencement of building works a "Peg Survey Report" indicating the location of the corners of the walls of the each of the units, is to be submitted to Council confirming the positioning of each of the units relative to the allotments boundaries.

Reason: To ensure appropriate setback from lot boundaries, existing buildings and rail corridors.

Demolition Works

- C5. Prior to the commencement of demolition works, power is to be disconnected by a licensed electrician and 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 electricity infrastructure and Council's sewerage and water systems.

D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Reason: To comply with statutory requirements.

- D2. Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the Environmental Planning and Assessment Act 1979. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$5,068.50, revised construction cost may incur a varied levy fee.

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

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

- D3. 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.

- D4. 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.

- \$15,962.00 for Water headworks
- \$30,515.00 for Sewer headworks

The contributions for each stage 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 2022/2023 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.

D5. The following contributions shall be made for Stormwater Drainage Headworks:

- \$21,671.10

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

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

The above contributions have been adopted under the 2022/2023 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.

E. GENERAL

E1. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

E2. Any mirrors installed to aid the visibility of motorists or pedestrians traversing the site are to be positioned as to not direct or reflect light into adjoining units as to cause glare of excessive light within any habitable room.

Reason: To minimise reflected light which may cause a nuisance to adjoining development.

E3. Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

Reason: Implementation of Council policy.

E4. 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.

E5. The development is to be provided with appropriate individual mail box facilities to service each of the dwelling units constructed onsite. These services are to indicate individual numbering to identify the individual units.

Reason: To ensure that suitable mail facilities are provided.

E6. Onsite car parking accommodation for the proposed 5 multi dwelling units, shall provide a minimum of five (5) vehicles spaces, 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 compliance with Council's requirements.

- E7. Onsite car parking accommodation for the existing medical facility, shall provide a minimum of five (5) vehicles spaces, 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 compliance with Council's requirements.

Traffic and Parking

- E8. 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.

Outdoor Lighting

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

Reason: To ensure compliance.

- E10. The development is to be constructed as to employ construction methods outline within Appendix C of the NSW Government Department of Planning 'Development Near Rail Corridors and busy Roads – Interim Guidelines' December 2008.

Reason: To ensure compliance with State Environmental Planning Policy (Transport and Infrastructure) 2021.

F. DURING CONSTRUCTION WORKS

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

Reason: To ensure compliance with approved application and plans.

- F2. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- F3. **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.

- F4. **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.

F5. Support for neighbouring buildings

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

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

Reason: To ensure site stability.

F6. Protection of public places

If the work involved in the construction of a building:

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

Reason: To ensure site safety.

F7. 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.

- F8.** 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.

Demolition Works

- F9.** Demolition works must be carried out in accordance with Australian Standard AS 2601—2001, Demolition of structures.

Reason: To meet statutory requirements.

- F10.** During demolition the developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the site and from vehicles transporting material off-site.

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

Asbestos

During demolition a person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with clause 458 of the Work Health and Safety Regulation 2017.

Reason: To meet statutory requirements.

- F12.** Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork New South Wales and the Environment Protection Authority.

Reason: To meet statutory requirements.

- F13.** During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles.

Reason: To meet statutory requirements.

- F14.** All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

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

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 issue of an Occupation Certificate all landscaping indicated on the approved Landscaping Plan is to be planted.

Reason: To ensure landscaping is conducted.

- G3.** Prior to the issue of an Occupation Certificate all parking spaces indicated on the approved development site plan are to be physically line marked and set out in accordance with AS 2890.1.

Reason: To ensure that line marking is set out in accordance with the Australian Standard and approved plans.

H. CONTINUED OPERATIONS

- H1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- H2.** 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.

- H3.** 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.

COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
J Chaffey	X			
C Fuller	X			
R Hoddle	X			
R Hooke	X			
A Luke	X			
J McArthur			X	
K McGrath	X			
D Moses	X			
M O'Keefe	X			

12.3 PLANNING PROPOSAL TO AMEND THE GUNNDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL FOR LOT 1 DP 841781, 127-141 LOCHREY ROAD, GUNNDAH

AUTHOR Senior Development Officer (Strategic)

MOTION Moved Councillor D MOSES
Seconded Councillor A LUKE

7.12/22 COUNCIL RESOLUTIONS:

That Council resolves to:

1. Endorse the draft planning proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
 - i) include the definition of 'highway service centre' and 'caravan park' as a permissible land use for part of Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah, as identified on the Additional Permitted Uses Map in Schedule 1 – 'Additional Permitted Uses' of the GLEP 2012; and
 - ii) amend the Additional Permitted Uses Map (APU_005AA) in the mapping section of the GLEP 2012 to clearly identify the land affected by the planning proposal.
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 3.34-3.35 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 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

13. INFRASTRUCTURE SERVICES

13.1 NEW CHARGES TO ADMINISTER SECTION 138 ROADS ACT

AUTHOR Manager Engineering Services

MOTION Moved Councillor A LUKE
 Seconded Councillor K MCGRATH

8.12/22 COUNCIL RESOLUTION:

That Council approves the creation of new charges to administer applications under Section 138 of the *Roads Act 1993*, places the new charges on public exhibition for a period of 28 days, and adopts the new charges if no submissions are received.

14. REPORTS OF COMMITTEES

14.1 AUDIT COMMITTEE MEETING REPORT

AUTHOR Director Corporate Services

MOTION Moved Councillor A LUKE
 Seconded Councillor C FULLER

9.12/22 COUNCIL RESOLUTION:

That the Minutes of the Audit Committee Meeting held on 8 December 2022 be received and noted.

15. DELEGATES REPORTS

Nil.

16. NOTICES OF MOTION/QUESTIONS ON NOTICE

Nil.

CLOSED COUNCIL

MOTION *Moved Councillor D MOSES*
 Seconded Councillor R HOOKE

10.12/22 A Motion was Moved into Closed Council for consideration of the following matters and that members of the press and public be excluded from the meeting, the reason being that the matters to be discussed concerned personnel and contractual matters, as detailed below:

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

17. PLANNING AND ENVIRONMENTAL SERVICES

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

Deputy R Hooke assumed the Chair.

17.1 AGQUIP TRAFFIC PLANNING AND CONTROL SERVICES

AUTHOR **Director Planning and Environmental Services**

OFFICER'S RECOMMENDATIONS:

That, in relation to AgQuip, Council endorses Options 1 or 2 or 3 as outlined in the report.

MOTION *Moved Councillor R HODDLE*
 Seconded Councillor C FULLER

11.12/22 COUNCIL RESOLUTION:

That, in relation to AgQuip, Council endorses Option 3 as outlined in the report.

A Procedural Motion was Moved Councillor R HODDLE, Seconded Councillor C FULLER:

That Council consider the item concerning the Sale of Land for Unpaid Rates as the next order of business.

10.1 SALE OF LAND FOR UNPAID RATES

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

Deputy R Hooke assumed the Chair.

AUTHOR **Revenue Accountant**

MOTION *Moved Councillor M O'KEEFE*
 Seconded Councillor C FULLER

SUSPENSION OF STANDING ORDERS IN COMMITTEE OF THE WHOLE

A Motion was Moved Councillor K MCGRATH, Seconded Councillor A LUKE to move into Committee of the Whole.

RESOLUTION OUT OF COMMITTEE OF THE WHOLE

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor K MCGRATH to move back into Closed Council.

12.12/22 COUNCIL RESOLUTION:

1. Lakeford Real Estate be appointed to conduct the auction sale to be held on Friday, 31 March 2023 at The Civic, 83 Chandos Street, Gunnedah commencing at 11:00 am to sell the following land for overdue rates and charges, under the provision of section 713 of the *Local Government Act 1993*:

Assessment No.	Location and Property Description
13322795	7172 Oxley Highway GUNNEDAH Lot 4 DP 115222
13322907	Kamilaroi Highway BREEZA Lot 5 DP 207409
13325604	988 Prairies Road KELVIN Lot 1 DP 659886
13327494	Francis Studdy Road EMERALD HILL Lot 199 DP 1193165
13330853	Euroa Street GUNNEDAH Lot 3 -7 DP 1204043

2. The General Manager be authorised to complete the process of the sale, in accordance with Division 5 of the *Local Government Act 1993*.
3. The General Manager be authorised to sign all documents associated with the conveyancing transaction, including Client Authorisation Form to Council's lawyer to effect the transaction.
4. The General Manager or representative be authorised to bid for the purchase of Assessment Number 13330853, known as Lot 3 – 7 DP 1204043.
5. Upon the acquisition of Lot 3 – 7 DP 1204043, classify the land as "community" land in accordance with section 31 of the *Local Government Act 1993*.

Mayor J Chaffey returned to the Chambers at 5:37pm and assumed the Chair.

18. **DIRECTOR CORPORATE SERVICES**

18.1 CAMPERVAN & MOTORHOME CLUB OF AUSTRALIA LEASE

AUTHOR Director Corporate Services

MOTION Moved Councillor R HODDLE
Seconded Councillor R HOOKE

13.12/22 COUNCIL RESOLUTION:

That Council amend the lease fee on 107-109 Chandos Street, Gunnedah to the equivalent crown land minimum annual rent for the period 20 October 2021 to 28 October 2026.

RESOLUTION OUT OF CLOSED COUNCIL

MOTION Moved Councillor R HOOKE
Seconded Councillor D MOSES

14.12/22 **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 5:51pm.

Councillor J Chaffey
MAYOR