

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 21 February 2018 in the
Council Chambers, 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		
STAFF			
General Manager (E Groth)	X		
Director Corporate and Community Services (C Formann)	X		
Acting Director Planning and Environmental Services (C Hunt)	X		
Director Infrastructure Services (W Kerr)	X		
Chief Financial Officer (D Connor)	X		

2. **PRAYER**

The Mayor opened the meeting with the customary prayer.

3. **BEREAVEMENTS**

The Mayor read off the list of bereavements being Janelle Eva Rabe, Anne Foster (Annie), Michael Craig Seach, Vicki Maree Bennett, Ronald George Butler, Imira Violet Colbran, Wayne Stanley Ritchie, Raymond Alexander Welsh, Deborah June Bernays, John Alexander West, Edward Barry Brandon, Barrington George Ashford, Edward King, Susan Jayne Ebbage, Susan Belinda Pryor (Belinda), June Ruby Schneider, Terrence Nicholas Vinall, James David Percy, aka, Cricket, Betty Irene May Douglas and Brian Thomas Partridge.

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
NIL							
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

5. **COMMUNITY PRESENTATIONS/CONSULTATIONS**

Nil.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

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

1.02/18 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 20 December 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 FENCED OFF LEASH AREA

AUTHOR Councillor A Luke

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor C FULLER*

2.02/18 COUNCIL RESOLUTIONS:

1. That a report be presented to the April Ordinary Meeting outlining options, benefits, issues and costs associated with developing a fenced off leash area in Council maintained Open Space consistent with Council's Open Space Strategy (2010).
2. That the report also outline a recommended approach to undertaking further public consultation on the available options.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

AUTHOR General Manager

*Council Resolution
Moved Councillor C FULLER
Seconded Councillor A LUKE*

3.02/18 COUNCIL RESOLUTIONS:

1. That Councillors give consideration to any proposed motions they wish included in the National General Assembly Business Paper, and advise the General Manager of them prior to 9 March 2018 to enable them to be considered by Council at its March Ordinary Meeting; and

2. That Council authorise the attendance of the Mayor, Councillor Jamie Chaffey, at the 2018 National General Assembly of Local Government.

9.2 NOMINATION FOR JOINT ORGANISATION

AUTHOR General Manager

OFFICER'S RECOMMENDATIONS

That Gunnedah Shire Council (Council), in accordance with Part 7 Chapter 12 of the Local Government Act 1993 (Act), resolves:

1. That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution;
2. To approve the inclusion of the Council's area in the Joint Organisation's area;
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:
 - a. Gunnedah Shire Council, Gwydir Shire Council, Liverpool Plains Shire Council, Narrabri Shire Council, Tamworth Regional Council and Walcha Council.
4. That, on expiry of a period of 28 days from the making of this resolution during which it has not been rescinded, the General Manager provide the Minister:
 - a. With a copy of this resolution including the date on which the Council made this resolution, and
 - b. Inform the Minister that this resolution has not been rescinded, for the purposes of the Minister issuing a certificate under section 400P of the Act.

A Motion was Moved Councillor OC Hasler, seconded Councillor A Luke:

That consideration of this item be deferred to the next Ordinary Meeting of Council.

The Motion on being Put to the meeting was Lost.

Council Resolution

Moved Councillor M OKEEFE

Seconded Councillor J CAMPBELL

4.02/18 COUNCIL RESOLUTIONS:

That Gunnedah Shire Council (Council), in accordance with Part 7 Chapter 12 of the Local Government Act 1993 (Act), resolves:

1. That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution;
2. To approve the inclusion of the Council's area in the Joint Organisation's area;
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:

- a. Gunnedah Shire Council, Gwydir Shire Council, Liverpool Plains Shire Council, Narrabri Shire Council, Tamworth Regional Council and Walcha Council.
4. That, on expiry of a period of 28 days from the making of this resolution during which it has not been rescinded, the General Manager provide the Minister:
- a. With a copy of this resolution including the date on which the Council made this resolution, and
 - b. Inform the Minister that this resolution has not been rescinded, for the purposes of the Minister issuing a certificate under section 400P of the Act.

9.3 LG NSW CAPABILITY FRAMEWORK

AUTHOR General Manager

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor RG SWAIN*

5.02/18 COUNCIL RESOLUTION:

That Council receive and note the information about the LG NSW Capability Framework.

10. CORPORATE AND COMMUNITY SERVICES

10.1 LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2018

AUTHOR Director Corporate and Community Services

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

6.02/18 COUNCIL RESOLUTION:

That Council nominate Councillor OC HASLER as Council's delegate at the Local Government NSW Tourism Conference 2018.

10.2 POLICY REVIEW

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor RG SWAIN*

7.02/18 COUNCIL RESOLUTIONS:

1. That the revised Procurement and Tendering Policy be adopted;
2. That the reviewed Local Preference Policy be adopted; and
3. That the policies identified in the attached list be rescinded.

10.3 **DRAFT POLICY – CULTURAL PRECINCT VENUE HIRE**

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor D MOSES

08.02/18 **COUNCIL RESOLUTION:**

That the Cultural Precinct Venue Hire Policy be adopted.

10.4 **DRAFT POLICY – ARTS AND CULTURAL GRANTS**

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor A LUKE
Seconded Councillor R HOOKE

09.02/18 **COUNCIL RESOLUTION:**

That the draft Arts and Cultural Grants Policy be adopted.

10.5 **POLICY REVIEW - COMPLAINTS**

AUTHOR Acting Manager Communications and Cultural Services

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor R HOOKE

10.02/18 **COUNCIL RESOLUTION:**

That the document be adopted with the inclusion of some process explanations.

10.6 **POLICY REVIEW – CUSTOMER SERVICE**

AUTHOR Acting Manager Communications and Cultural Services

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

11.02/18 **COUNCIL RESOLUTION:**

That the amended Customer Service Policy be noted and adopted.

10.7 **COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM**

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor A LUKE
Seconded Councillor C FULLER

12.02/18 COUNCIL RESOLUTION:

That a submission endorsing the Draft Councillor Induction and Professional Development Guidelines be provided to the Office of Local Government.

10.8 FIELD SOLUTIONS GROUP – FACILITIES ACCESS AGREEMENT

AUTHOR Manager Information Services

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

13.02/18 COUNCIL RESOLUTION:

That the General Manager be authorised to enter the agreement upon the settlement of acceptable contract terms between the parties.

10.9 VILLAGE ENTRANCE SIGNS RENEWAL

AUTHOR LIFESTYLE AND TOURISM TEAM LEADER

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

OFFICER'S RECOMMENDATION:

That Council postpone the replacement of the Village Entrance signs to the 2021/22 financial year.

An Amendment was Moved Councillor M O'KEEFE, seconded Councillor RG SWAIN

1. That Council postpone the replacement of the Village Entrance signs to the 2021/22 financial year.
2. That the sum of \$28,000 identified in the 2017/18 budget for replacement of village signs be transferred to Destination Management Plan Reserve for the purpose of renewal of our electronic destination signage.

The Amendment on being put to the meeting was Carried.

The Amendment becomes the Motion.

The Motion on being put was Carried.

14.02/18 COUNCIL RESOLUTIONS:

1. That Council postpone the replacement of the Village Entrance signs to the 2021/22 financial year.
2. That the sum of \$28,000 identified in the 2017/18 budget for replacement of village signs be transferred to the Destination Management Plan Reserve for the purpose of renewal of our electronic destination signage.

10.10 MODEL CODE OF MEETING PRACTICE SUBMISSION

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor J CAMPBELL
Seconded Councillor C FULLER

15.02/18 COUNCIL RESOLUTION:

That the points raised in the Officer's report be endorsed and submitted to the Office of Local Government in response to their request for submissions on the draft Model Code of Meeting Practice.

10.11 2017-2021 DELIVERY PROGRAM PROGRESS REPORT AS AT 31 DECEMBER 2017

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor M OKEEFE
Seconded Councillor D MOSES

16.02/18 COUNCIL RESOLUTION:

That the 2017-2021 Delivery Program Progress Report be received and noted.

10.12 OUTSTANDING RESOLUTION REGISTER

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor R HOOKE
Seconded Councillor D MOSES

17.02/18 COUNCIL RESOLUTION:

That the information be received and noted.

11. **PLANNING AND ENVIRONMENTAL SERVICES**

11.1 MURRAY DARLING ASSOCIATION PLANNING WORKSHOP

AUTHOR Director Planning and Environmental Services

Council Resolution
Moved Councillor A LUKE
Seconded Councillor D MOSES

18.02/18 COUNCIL RESOLUTIONS:

1. That Council retrospectively endorse the attendance of Councillor J Campbell who attended the 2018 Murray Darling Strategic Planning Workshop in Albury on 30 and 31 January 2018.
2. That the Delegate's Report be received and noted.

11.2 OFFER BY MURRAY DARLING ASSOCIATION FOR COUNCIL TO CHAIR MURRAY DARLING REGION 11

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

19.02/18 COUNCIL RESOLUTION:

That Council write to the Murray Darling Association to advise that Council accepts its invitation to Chair Murray Darling Basin Region 11 and that Councillor J CAMPBELL fill this position with Councillor J CHAFFEY being the alternate delegate.

11.3 CONTRIBUTION – KOORI KIDS SCHOOL INITIATIVE PROGRAM NAIDOC WEEK 2018

AUTHOR Community and Social Planner

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

20.02/18 COUNCIL RESOLUTION:

That Council contribute \$450 to the Koori Kids School Initiatives Program to be held in July during 2018 National Aborigines Day Observance Committee (NAIDOC) Week.

11.4 DRAFT CRIME PREVENTION PLAN 2018-2022

AUTHOR Community and Social Planner

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

21.02/18 COUNCIL RESOLUTION:

That Council endorse the Draft Gunnedah Shire Crime Prevention Plan 2018-2022 for public exhibition for a period of 28 days.

11.5 LIVVI'S PLACE INCLUSIVE PLAYGROUND BUDGET ADJUSTMENT

AUTHOR Community and Social Planner

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor A LUKE

22.02/18 COUNCIL RESOLUTIONS:

1. That the existing funding allocation of \$46,474 currently held within the Parks and Gardens budget for upgrade work at the Brocks Court Playground be reallocated to the Livvi's Place Inclusive Playground Project budget.
2. That the operational cost of \$28,002 determined for maintenance of the inclusive playground per annum, be identified in the Parks and Gardens 2018/19 budget and onwards, subject to CPI.

3. That \$250,000 of grant money be budgeted to be received in 2017/18 and that the remainder of the grant fund (\$600,000) be amended in the Long Term Financial Plan.

11.6 DONATION – CHALLENGE COMMUNITY SERVICES

AUTHOR Community and Social Planner

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

23.02/18 COUNCIL RESOLUTIONS:

1. That Council endorse a donation of up to \$300 to offset the cost of venue hire for the Challenge Swimming Carnival which is to be held at the Memorial Swimming Pool on 1 March 2018.
2. That the donation be drawn from the Facility Hiring Support Fund.

11.7 INFORMATION ONLY – TONY ZHANG VISIT TO GUNNEDAH

AUTHOR Manager Economic Development

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

24.02/18 COUNCIL RESOLUTION:

That the report be received and noted.

11.8 DEVELOPMENT APPLICATION 2017/093 – CONSTRUCTION OF DUAL OCCUPANCY (DETAILED) – LOT 4 DP1212511 – 66B LINKS ROAD, GUNNEDAH

AUTHOR Town Planner

25.02/18 COUNCIL RESOLUTIONS:

That the Development Application No. 2017/093, Construction of a Dual Occupancy (Detached), at 66B Links Road, Gunnedah, Lot 4 DP1212511, be approved subject to conditions as follows:

- 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 08/09/2017
 - Statement of Environmental Effects, prepared by Stewart Surveys Pty Ltd, dated 28 July 2017;
 - Additional Information Letter, prepared by Stewart Surveys Pty Ltd, dated 16 October 2017, ref: 4900;
 - Advisory letter, prepared by Stewart Surveys Pty Ltd, dated 2 February 2018, ref: 4900;and
 - Submitted plans:
 - Prepared by D & C Projects, dated 13/10/2017, Ref: 17110, Sheet WD01 (Cover Sheet), Sheet WD2 (Site Setout/Services Plan), WD3 (BASIX Certification), WD4 (Unit 1 Floor Plan), WD5 (Unit 1 Slab Setout Plan), WD6 (Unit 1 Elevations), WD7 (Unit 1 Elevations), WD8 (Unit 1 Sections), WD9 (Unit 2 Floor Plan), WD10 (Unit 2 Slab Setout Plan), WD11 (Unit 2 Elevations), WD12 (Unit 2 Elevations), WD13 (Unit 2 Sections);

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- Prepared by Stewart Surveys, dated 6 November 2017, Ref: 4900, Sheet 1 of 1 (Parking Layout), Sheet 1 of 1 (Landscape Plan);
- Supporting Documentation:
 - Stormwater Calculations, Prepared by Stewart Surveys, August 2017, Ref: 4900;
- BASIX Certificate number: 856689M, and Assessors Certificate No. 1011370689

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. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

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 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, the name, address and contact details of the Principal Building contractor shall be provided to Council

Reason: To ensure compliance.

- C3.** Prior to the commencement of building works a "Peg Survey Report" indicating the location of the corners of the walls of the dwelling, is to be submitted to Council confirming the positioning of the dwelling relative to the allotments boundaries.

Reason: To ensure compliance.

- C4.** 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 \$5,000.

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.** Prior to the issuing of a Construction certificate, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out sewerage works
 - (b) 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.

- D5.** Prior to issuing a Construction Certificate, an Application to Carry Out Driveway Construction on Footway shall be lodged with Council.

Reason: To ensure compliance with the Roads Act 1993, S.138.

- D6.** Prior to issuing a Construction Certificate, a Water Meter Application shall be lodged with Council.

Reason: To ensure a water service is provided to the site in accordance with Council's requirements.

- D7.** 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.

- \$3,151.80 for Water headworks
- \$2,619.70 for Sewer headworks

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

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2017/2018 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.

E. General

- E1.** Street numbers of minimum height of 75mm are to be displayed in a prominent position so as to be legible from the street. Your street number will be 66B Links Rd.

Reason: To ensure proper identification of premises in case of emergencies.

- E2.** All stormwater and surface water runoff from the development shall be collected within the property boundary and directed into the kerb and gutter in Links Road.

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

- 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.** The developer is to provide a privacy screen to a height not exceeding 2.5 metres, along the eastern property boundary for the entire length of the illustrated private open space of each unit, illustrated on the site plan, prepared by D & C Projects, dated 13/10/2017, Ref: 17110, Sheet WD2 (Site Setout/Services Plan).

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

- E5.** The developer is to construct a 1.8 metre high colorbond fence between the private open space of Units 1 and 2 illustrated on the site plan, prepared by D & C Projects, dated 13/10/2017, Ref: 17110, Sheet WD2 (Site Setout/Services Plan). The fence is to extend from the front building setback (being 7.5 metres from the property boundary) to the rear property boundary.

Reason: To ensure compliance with the approved application plans.

- E6.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified and existing kerb layback be reinstated by the developer in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

- E7.** Before erection of any permanent structures such as fences, concrete car drives, garages etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

Access - Urban

- E8.** Vehicular access to each unit shall be from Links Road and will require the construction of two individual concrete vehicle access driveways, at a minimum width of 7.5m across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at:<http://www.gunnedah.nsw.gov.au>

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

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

Reason: To implement Council's policy.

- E9.** Onsite car parking accommodation shall be provided for a minimum of four (4) 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 compliance with Council's requirements.

- E10.** All onsite parking spaces are to be clearly signposted and marked to ensure that they are clearly identified. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

Reason: To ensure onsite parking is clearly marked.

- E11.** 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.

- E12.** The height of the slab on ground measured at the slab edge of the building must be not less than 150mm above the surrounding finished ground level and the developer is to ensure that the finished ground level surrounding the slab is:
- (a) drained to move surface water away from the buildings;
 - (b) graded to give a slope of not less than 50mm over the first one (1) metre directly away from the building.

Reason: To ensure compliance with Part 3.1.2 of the Building Code of Australia.

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) In situ 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 the approved application plans.

- F3.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

F4. 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.

F5. 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.

F6. 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 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.

F7. 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.

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:

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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 Par 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 building 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 issue of an Occupation Certificate

- G1.** Occupation of the building is not to occur until all Conditions of Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

COUNCIL RESOLUTION				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
J 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			

11.9 REALLOCATION OF FUNDS IN ECONOMIC DEVELOPMENT OPERATIONAL PLAN

AUTHOR Manager Economic Development

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor C FULLER

26.02/18 COUNCIL RESOLUTIONS:

1. That Council agree to move \$50,000 identified for the Smart Device App from the Economic Development budget to be moved from 2017/18 to 2018/19.
2. That Council endorse that \$100,000 allocated for Positioning, Branding and Marketing Strategy from the Economic Development budget to be brought forward for 2017/18 from 2018/19.

11.10 NAMOI UNLIMITED ENGAGEMENT PROJECT CHINA

AUTHOR Manager Economic Development

Council Resolution

Moved Councillor A LUKE

Seconded Councillor M O'KEEFE

27.02/18 COUNCIL RESOLUTIONS:

1. That Council authorise for the Mayor and General Manager to participate in additional meetings and site visits as a member of the delegation to China;
2. That Council approve the amended overseas travel for both the Mayor and General Manager for the proposed travel itinerary dates of 8 to 23 March 2018;
3. That Council authorise the Mayor to sign the Memorandum of Understanding with the Ministry of Agriculture of the People's Republic of China, Ningbo, Zhejiang Province; and
4. Funds be drawn from the General Manager and Mayor's Travel Expenses Fund to cover travel costs associated.

12. INFRASTRUCTURE SERVICES

12.1 HUNTER STREET LIGHTING

AUTHOR Works Manager

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

28.02/18 COUNCIL RESOLUTION:

That Council transfer \$15,984.34 from the General Fund for the upgrade cost that is associated with the design and installation of street lighting at the Hunter Street roundabout.

12.2 **KERB AND GUTTER CAPITAL**

AUTHOR Works Manager

Council Resolution
Moved Councillor A LUKE
Seconded Councillor D MOSES

29.02/18 **COUNCIL RESOLUTION:**

That Council transfer \$38,926 from the Bloomfield Street Kerb and Gutter Renewal budget towards the Kerb and Gutter Renewal budgets for works undertaken in Campbell Place for \$22,988 and Elgin Street for \$15,938.

12.3 **COUNTRY PASSENGERS TRANSPORT GRANT**

AUTHOR Director Infrastructure Services

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor R HOOKE

30.02/18 **COUNCIL RESOLUTION:**

That Council allocate \$5,400 from its General Revenue Fund, to support the completion of 2017/18 Country Passenger Transport Infrastructure Grant Scheme Works.

12.4 **DRAG RACING AT GUNNEDAH AIRPORT**

AUTHOR Director Infrastructure Services

Council Resolution
Moved Councillor M O'KEEFE
Seconded Councillor C FULLER

31.02/18 **COUNCIL RESOLUTIONS:**

1. That Council approve the continuance of the daily hire for drag use for the September 2017, November 2017 and March 2018 in the amount of \$650.
2. That Council set a daily hire for drag use beyond the March 2018 Week of Speed event.

12.5 **ASSET MANAGEMENT POLICY**

AUTHOR Manager Mapping Assets Design and Development

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor D MOSES

32.02/18 **COUNCIL RESOLUTION:**

That Council endorse the public exhibition of the draft Asset Management Policy for a period of 28 days.

12.6 **FUND WATER CHARGES FOR MAINTENANCE OF RAILWAY AVENUE PARKLAND**

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor M O'KEEFE

33.02/18 **COUNCIL RESOLUTIONS:**

1. That the information be received and noted; and
2. That Council undertake to fund the water charges required for the ongoing maintenance for the parkland identified in the attached map at the front of the Gunnedah Railway Station, on Railway Avenue in keeping with Council's new improved Town Entrance Beautification Program.

12.7 **RIDING FOR THE DISABLED ASSOCIATION – REQUEST FOR 2017/18 FEE WAIVER**

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R HOOKE

34.02/18 **COUNCIL RESOLUTIONS:**

1. That Council waiver the amount of \$557.45 for the Riding for Disabled Association's Crown License Fee to Occupy the Showground.
2. That the License fee charge of \$557.45 for the Riding for the Disabled Association is refunded from Council's Facility Hiring Support Fund so not to impact the income of the Showground Reserve.

13. ***BUSINESS AND FINANCE***

13.1 **PROJECT PROGRESS REPORT**

AUTHOR **Management Accountant**

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor RG SWAIN

35.02/18 **COUNCIL RESOLUTION:**

That the Project Management Progress Report for the second quarter of 2017/18 be received and noted.

13.2 **DECEMBER QUARTERLY BUDGET REVIEW**

AUTHOR **Management Accountant**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor A LUKE

36.02/18 COUNCIL RESOLUTIONS:

1. That the second quarter budget review for the 2017/18 financial year be received and noted; and
2. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted.

13.3 INVESTMENTS

AUTHOR Financial Accountant

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor C FULLER*

37.02/17 COUNCIL RESOLUTION:

That the principal investment of \$64.77 million (December) and \$63.1 million (January) for all funds to date be received and noted.

14. AUDIT COMMITTEE

14.1 AUDIT COMMITTEE MEETING REPORT

AUTHOR Director Corporate and Community Services

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

38.02/18 COUNCIL RESOLUTION:

That the minutes of the Audit Committee Meeting held on Wednesday 20 December 2017 be received and noted.

15. PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE

15.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING REPORT

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor RG SWAIN*

39.02/18 COUNCIL RESOLUTION:

That the Council note that the items of the Planning Environment and Development Committee Meeting Report for the meeting held on Wednesday 7 February 2018 were dealt within the delegated powers of the Committee.

16. QUESTIONS ON NOTICE

Councillor C Fuller:

1. Did Council make a financial contribution towards the Central West Lifestyle Magazine and how much?
2. Who authorised the involvement and payment?
3. What budget area was it allocated against?

The Director Corporate and Community Services responded to the questions as raised.

CLOSED COUNCIL

Council Resolution

Moved Councillor D MOSES

Seconded Councillor R HOOKE

40.02/18 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 Corporate and Community Services Report to Closed Council;
- b) Director Planning and Environmental Services Report to Closed Council; and
- c) Question on Notice to Closed Council.

17. CORPORATE AND COMMUNITY SERVICES

17.1 EXPRESSION OF INTEREST – PANEL OF CONDUCT REVIEWERS

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor J CAMPBELL

41.02/18 COUNCIL RESOLUTIONS:

That Council:

1. **Share a panel of conduct reviewers with the following other Councils:**
 - Tamworth Regional Council
 - Narrabri Shire Council
 - Walcha Shire Council
 - Uralla Shire Council
2. **Appoint the panel of conduct reviewers for a period of four years as set out below:**
 - O'Connell Workplace Relations Pty Ltd
 - SINC Solutions Pty Ltd;
 - Centium Group Pty Ltd;
 - Locale Consulting Pty Ltd; and
 - Linda Pettersson Consulting Pty Ltd.

This item is classified CONFIDENTIAL under Section 10A(2)(c) 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 it relates to the potential utilisation of commercial information and it is not in the public interest to reveal information.

18. PLANNING AND ENVIRONMENTAL SERVICES

18.1 LAND AND ENVIRONMENT COURT MATTER

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor J CAMPBELL

42.02/18 COUNCIL RESOLUTIONS:

- 1. That Council note that an appeal has been lodged in the Land and Environment Court in respect to a Development Application decision made by Council.**
- 2. That Council allocate sufficient funds from General Fund in order to meet legal costs associated with the Court proceedings.**

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

- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

This matter is classified confidential because it relates to the legal proceedings in the Land and Environment Court.

19. QUESTION ON NOTICE

19.1 INVESTIGATION BY CONSULTANT

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

- (e) *information that would, if disclosed, prejudice the maintenance of law;*

This matter is classified confidential because it relates to the maintenance of law and it is not in the public interest to reveal the information.

The General Manager responded to the questions as raised.

RESOLUTION OUT OF CLOSED COUNCIL

*Council Resolution
Moved Councillor J CAMPBELL
Seconded Councillor D MOSES*

43.12/17 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 closed at 6:42pm.

**Mayor J Chaffey
CHAIRPERSON**