

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next Meeting of Council will be held in the Council Chambers on **Tuesday, 25 June 2019 at 4.00pm.**

Agenda

- (1) Submission of Questions for Next Meeting
- (2) National Anthem
- (3) Prayer
- (4) Acknowledgement of Traditional Owners:
"I acknowledge the traditional custodians of the land on which we live, work and play. I pay my respects to our Elders past and present and thank them for the contribution they have made, and continue to make, in the cultural identity of our nation."
- (5) Apologies
- (6) Declarations of Interest:

At this juncture, Councillors should indicate any items in which they have an interest and therefore will not be participating in discussion or voting.

- (7) Confirmation of Minutes:
 - Ordinary meeting held on 21 May 2019 (circulated previously)
- (8) Listing of matters to be considered in Closed Council

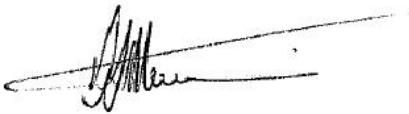
The following matters are listed to be considered in Closed Council in line with the confidentiality policy of Council and Clause 10A (2) of the Local Government Act, 1993, relating to:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (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
- (e) information that would, if disclosed, prejudice the maintenance of the law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege information concerning the nature and location of a place or an item of Aboriginal significance on community land.

2.

- Procedural Motion to close Council to Press and Public
 - Reports from Servants to Closed Council Meeting
 - Organisational Structure Review (a)
 - River Restoration Beautification Project
 - Tenders – Regional Procurement (d)
 - Traffic and Safety Signage
 - Water meters
 - Stationery
 - Fuel
 - Bitumen Spray Sealing
 - Staff Annual Leave (a)

 - Procedural Motion to re-open meeting to Press and Public
- (9) Reports from Servants
- (10) Correspondence



David Neeves
General Manager

Procedural Motion – to exclude Press and Public

“That by reason of the confidential nature of the matters to be considered in line with the confidentiality policy of Council and Clause 10(2) of the Local Government Act, 1993, relating to financial matters, staff matters, industrial matters, acceptance of tenders, personal affairs of private individuals, possible or pending litigation and such other matters considered appropriate – the Press and Public be excluded from the Meeting.

MAYORAL MINUTE - 5/19
MAYORAL COMMITMENTS

SUMMARY

To advise of the Mayor's activities during the preceding month.

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30/5/19	Meeting with Deputy Premier, Sydney (Cr Walker)
31/5/19	Fatality Free Friday (Cr Wrigley)
31/5/19	Country Mayor's meeting (Cr Walker)
5-6/6/19	Orana Joint Organisation dinner and meeting, Nyngan (Cr Walker)
12/6/19	Interviews for Castlereagh Macquarie County Council
13/6/19	Meeting with JO Executive Officer, Narromine
18/6/19	Councillor field trip to view Drought Communities projects
24/6/19	Castlereagh Macquarie County Council meeting, Warren
24/6/19	Sports Council
25/6/19	Council workshop
25/6/19	Council meeting

Principal Activity

Strategic Leadership

Policy Implications

Nil

Budget Implications

Nil

Delivery Program Actions

4.1.2.1

Conduct the business of Council in an open and transparent manner

RECOMMENDATION

That the report be noted.

D Batten
Mayor

CODE OF MEETING PRACTICE

SUMMARY

To present the draft Code of Meeting Practice for adoption.

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The draft Code of Meeting Practice was endorsed by Council at its meeting on 16 April 2019 and has subsequently been placed on public exhibition seeking comments from members of the community for a period of 42 days.

At the end of the exhibition period, no comments have been received.

<u>Principal Activity</u>	Respected Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Implications</u>	3.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That the draft Code of Meeting Practice be adopted.

David Neeves
General Manager

LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

SUMMARY

To advise of the forthcoming Local Government NSW Annual Conference and determine attendance and motions.

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Cr Linda Scott President of Local Government NSW has advised that the 2019 Annual Conference will be held at the William Inglis Hotel, 155 Governor Macquarie Drive, Warwick Farm from Monday 14 to Wednesday, 16 October 2019.

Council is asked to consider any motions for the Conference. The Board has resolved that motions will be included in the Business Paper for the conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules1)
2. relate to Local Government in NSW and/or across Australia
3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Members are encouraged to review Action Reports from the previous conference(s) before submitting motions for the 2019 conference to ensure newly proposed motion wording reflects recent developments and does not duplicate existing positions.

Council is also requested to determine attendance at the conference, noting that in the past Council has been represented by the Mayor and General Manager and, on occasion, other interested councillors. Due to anticipated accommodation demand, accommodation has been booked for three attendees.

Registration will open from mid July on the LGNSW website. Members will be able to take advantage of the 'early bird' rates.

As 2019 is a **Board election year**, voting for the LGNSW President and Director positions will also take place at this year's Conference.

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

<u>Principal Activity</u>	Respected Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Approximately \$1,000 registration cost per participant plus travel and accommodation
<u>Delivery Program Actions</u>	3.1.2.4 Establish links and relationships with relevant legislative and regulatory authorities.

RECOMMENDATION

1. That Council determine any motions to be put forward.
2. That the Mayor, Deputy Mayor and General Manager (or their substitutes) be authorised to attend the conference.

David Neeves
General Manager

DROUGHT COMMUNITIES PROGRAM

SUMMARY

To consider a recommendation of the Joint Organisation in relation to rate rebates.

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The Joint Organisation, at its meeting on 4 March 2019 resolved the following:

Federal Government DROUGHT COMMUNITIES PROGRAMME:

2019/008 RESOLVED Crs Quigley/Todd resolved:

1. that each Member Council is to consider if a 'rate rebate' is the highest priority for drought assistance if the Federal Government is to offer a second round of Drought Communities Programme funding; and
2. that if a 'rate rebate' is considered the highest priority in the region, then the Orana JO is to make representation to the Federal Member for Parkes to pursue such assistance.

CARRIED

State Government drought assistance

2019/009 RESOLVED Crs Davies/Quigley that:

1. the Orana JO member councils consider ways in which State Government can best provide drought assistance / relief; and
2. that any such proposal or initiative be reported to the Orana JO for further consideration at its next meeting; and
3. that this does not preclude each council pursuing their own representation for action to the Federal and State Governments in respect of drought assistance.

CARRIED

Council noted the Minutes of this meeting, however did not formalise a position on rate rebates at that time although a number of discussion have been had on the matter.

In a briefing note to the Deputy Premier following a meeting with the Acting Mayor Cr Walker, Cr Batten requested support from the State Government to lobby the Federal Government to continue with a further round of Drought Communities Program (DCP) funding. Cr Batten indicated that it would be advantageous if a portion of ongoing DCP funding could be used to offset a rate subsidy and the other portion to promote post farm gate business activity.

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

<u>Principal Activity</u>	Respected Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	4.1.1.1 Support Councillors in their role by providing information regularly and training as required

RECOMMENDATION

1. That the actions from Cr Batten in writing to the Deputy Premier be endorsed.
2. That letters be written to Local Members the Hon Mark Coulton MP and Mr (Roy) Royal Francis Butler MP requesting a second round of Drought Communities Funding and, should a second round be forthcoming, that funding guidelines be extended to encourage Council's to provide rate subsidies and other initiatives which promote post farm gate business activity.

David Neeves
General Manager

NSW RURAL FIRE SERVICE - ADDITIONAL CONTRIBUTION REQUEST

SUMMARY

To provide Council with an update on the notice provided by the State Government of their intentions to increase

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Each year Council contributes to the NSW State Government's provision of emergency services provided by Rural Fire Service (RFS), State Emergency Service (SES) and Fire and Rescue NSW (F&R). In the case of the SES and F&R, the 18/19 yearly contribution was \$5846 and \$25308 respectively (refer to the table below)..

Details of payments for SES and F&R are:

	2018/19	2019/20	Increase	%
SES	\$5,846.24	\$6,607.00	\$760.76	13.01%
F&R	\$25,308.00	\$27,765.00	\$2,457.00	9.71%
TOTAL	\$31,154.24	\$34,372.00	\$3,217.76	10.33%

In the case of RFS the amount for Gilgandra Shire Council's portion of the Castlereagh Region in was \$194,451.36 in 2018/19.

Council received unexpected advice along with many other Council's across NSW in the form of a 2019/20 Tax Year Council Contribution Assessment Notice dated 7 May 2019 from NSW Government State Revenue, the effect of which is a total increase in the provision of emergency service contributions for 2019/20 over 2018/19 of \$48,612.84 (or around 25%). Taking our annual contribution to the RFS to \$243,064.20

The additional extra increase has come about because as from 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers. Council as in the past supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

That notice advised that the contributions for Gilgandra Shire Council to RFS would increase by \$48,612.84 or 25%, NSW State Emergency Service \$760.76 or 13.1% and Fire & Rescue NSW \$2,457 or 9.7% without previous advice of

such proposed large increases having been received when the rate pegging percentage for 2019/20 was set at 2.7%.

LGNSW issued a media release headed '*Communities lose as state government hikes emergency levy to cover workers compensation shortfall*' dated 9 May 2019 on this matter - refer to the link below.

<https://www.lgnsw.org.au/news/media-release/media-release-communities-lose-state-government-hikes-emergency-levy-cover>

The media release provides a suggestion that the State Government cover the increase "... for 2019/20 and work with local government and emergency services to find a better and fairer path forward."

LGNSW's suggested recommendation for Council's Consideration is as follows:

Background Notes:

- a) That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers
- b) That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme
- c) That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation
- d) That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets
- e) That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.

LGNSW Recommendations:

1. That this Council supports Local Government NSW's calls for:
 - a) the NSW Government to cover the initial additional \$19m increase to local governments for the first year and
 - b) the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
 2. Requests that the General Manager liaise with Local Government NSW to provide information on:
 - a) the impact on council budgets and
 - b) Council advocacy actions undertaken.
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3. Requests that the Mayor

- a) Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
- call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - explain how this sudden increase will impact council services / the local community.
 - highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
 - explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector
 - ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
 - Council's provide a copy the above letter to Local Government NSW

Net Contribution Amounts

Each year Council contributes to the NSW State Government's provision of emergency services provided by Rural Fire Service (RFS), State Emergency Service (SES) and Fire and Rescue NSW (F&R).

District Manager Castlereagh Zone NSW Rural Fire Service provided the following 2018/19 RFS Contribution calculation based on the 'rural fire brigade funding target' of \$313.697m referred to in the attachment 2 being:

- That the Castlereagh Zone statutory contribution of 1.591% to the 'funding target' has been calculated under the Zoning agreement with each LGA's statutory contribution.
- Based on the \$313.697 million x 1.591% = \$4,990,920 x 11.7% = \$583,937.64 (Castlereagh Zone Contribution)
- Warrumbungle SC - \$583,937.64 x 66.6666% = \$389,291.40 (66.66%)
- Gilgandra SC - \$583,937.64 x 33.3333% = \$194,645.60 (33.33%)

Yearly RFS Bid for Allocation of Funds:

The calculation above as well as determining the net contributions Council makes it also provides an indication of the total on 'average' to be spent in support of the Castlereagh Region being \$4,990,920. However, after deduction of what the

NSW State retains, a net 'bid allocation' is determined for the Castlereagh Zone from year to year in a prioritised way between Zones across the state.

This 'bid allocation' for the Castlereagh Zone includes funds for capital Appliances & Other Vehicles, Stations & Fire Control Centres and operating items Utilities, Radio Services, Miscellaneous items including training, Equipment, Hazard Reduction and around \$400,000 of other RFS related Maintenance and Repairs expenditure.

A copy of the 2019/20 Rural Fire Service, State Emergency Service and Fire and Rescue NSW Council Contribution Assessment Notice has been included as a separate attachment.

To avoid the reduction in services in other areas of Council's General Fund operations or an additional increase in the Council's bottom line result Council should support the LGNSW's approach and request of the NSW State Government that such a massive unplanned increase be covered by the State Government for at least the year 2019/20.

A number of suggestions from the LGNSW proposed recommendation is incorporated into the Recommendation to this report.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	The increase in the RFS levy will result in a worsening of the 19/20 forecast result of \$48,612.84 which was not budgeted for.
<u>Delivery Program Actions</u>	4.2.2.1 Provide financial planning and reporting to ensure Council maintains accurate and timely financial records that facilitate sound decision making

RECOMMENDATION

1. Council note the NSW Rural Fire Service Additional Contribution Request report on 2019/20 Rural Fire Service, State Emergency Service and Fire and Rescue NSW Council Contribution Assessment Notice dated 7 May 2019,
 2. Council write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
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- i) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - ii) Explain how this sudden increase will impact council services / the local community
 - iii) Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
 - iv) Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector; and
 - v) Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
3. That Council provide a copy this letter to Local Government NSW.

David Neeves
General Manager

**CONSULTATION ON REVISED IPC GUIDELINE 1 –
RETURNS OF INTEREST**

SUMMARY

To advise of a joint submission with other NSW Councils in response to a circular seeking feedback on the Information and Privacy Commission draft revised Guideline 1.

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In a circular dated 3 June 2019, the Information and Privacy Commission NSW (IPC) sought feedback from councils on a draft of its revised Guideline 1: For local councillors on the disclosure of information contained in returns of interest of councillors and designated persons under the Government Information (Public Access) Act 2009.

Consultation on Guideline 1 closed on 14 June 2019.

The current Guideline 1, which was issued in July 2010, recognises that returns further openness, transparency and accountability in local government, as well as helping to flag potential conflicts of interest. However, the returns also contain a significant amount of sensitive, personal information about the person concerned and about third parties such as family members, business associates and creditors. Guideline 1 notes that disclosing such information on a website could cut across the right to privacy, and “potentially expose a person to harassment, intimidation, or serious harm or identity theft”.

Accordingly, Guideline 1 concludes that the requirement that returns be released as part of a local council’s open access information should be interpreted as follows:

- The returns should be made publicly available for inspection free of charge
- Copies may be made in accordance with the GIPA Regulation
- Local councils should note clearly on their website that the returns are available for inspection at council offices during ordinary business hours
- Information contained in the returns should not be placed on the website of a local council.

Releasing information in this manner “facilitates the legitimate public interest in having access to the information, while protecting the individual’s right to privacy and safety”.

The Revised Guideline 1 acknowledges that returns may contain sensitive and personal information, but draws attention to recent decisions by the NSW Court of Appeal indicating the nature of material as “open access information” is an important factor in favour of disclosure. Accordingly, open access information should be treated as a special class of information when determining access. The

threshold to displace Parliament's intent that it is open access is set at a high level.

The factors against disclosure (which are weighed against the open access nature of the information) are set out in the GIPA Act. Relevantly, these factors against disclosure include that disclosure could reveal an individual's personal information, and contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* (PPIP Act). However, Revised Guideline 1 emphasises that the disclosure of personal information is not a conclusive presumption against disclosure - it is simply one of the relevant factors to be considered. In addition, it is relevant to note that section 5 of the PPIP Act specifically confirms that a public sector agency's obligations under the GIPA Act are not lessened by the PPIP Act.

A further consideration against disclosure which may be relevant is where release of the information may expose a person to a risk of harm or of serious harassment or intimidation. However, Revised Guideline 1 notes that the intimidation or harassment needs to be "heavy, weighty or grave and not trifling or transient". The risk is to be considered objectively, and evidence of the risk should be as it currently stands, not based on past actions.

The Revised Guideline 1 concludes that the requirement that returns be released as part of a local council's open access information should be interpreted as follows:

- The returns should be made publicly available on the council's website unless there is an overriding public interest against release
- The fact that a return of interest is open access information is a factor in favour of disclosure in balancing the public interest
- Where council decides that there is an overriding public interest against disclosure, consideration should be given to whether it is practicable to release an edited copy of the record (in which case the deletion must be noted in the council's disclosure log, and the remainder of the record be made available on the website).

The IPC's revision of Guideline 1 proposes a change in the way local councils manage their open access requirements with respect to returns of interests. Whereas returns are currently available for inspection at council offices, under the Revised Guideline 1 the default position would be to make returns available on council's website. It appears the balance has shifted away from an emphasis on taking special care to protect privacy, towards an emphasis on the special status of "open access information". This re-calibration is supported by recent judicial comment on the issue (as set out in Revised Guideline 1).

It is relevant to note that there remain grounds on which to challenge disclosure:

- Under the GIPA Act, it is a factor against disclosure where release of the information may expose a person to a risk of harm or of serious harassment or intimidation (as discussed above), and
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- Under section 739 of the Local Government Act 1993, a person may make a request to the general manager that any material available for public inspection under the GIPA Act be amended to omit or remove any matter which would disclose the person's place of living, if the person considers the disclosure would place the personal safety of the person (or members of the person's family) at risk. This section is separate to, and unaffected by, the GIPA Act.

The proposed changes to Guideline 1 are consistent with the interpretation of "open access information" in several recent decisions of the NSW Court of Appeal. They are also consistent with those provisions of the PPIP Act which specifically acknowledge that it does not limit the GIPA Act. However, the proposal to increase the accessibility of returns by making them available online is undeniably at the expense of the individual's right to protect the privacy of their personal information.

While the current Guideline 1 clearly recognises the importance of an individual's right to privacy, particularly in the context of the significant amount of information disclosed in the return, the Revised Guideline 1 does not afford this right the same level of protection. In fact, under the Revised Guideline 1, disclosure could only be avoided where serious harassment, intimidation or safety risks could be identified.

While Council supports open access to information, it is unreasonable to require Council employees to sacrifice their legitimate right to privacy. It is also unnecessary, given that the purpose of the returns as a public accountability measure can be equally fulfilled by the current practice of making them available for inspection.

In light of the above, a decision was made to join with other NSW Councils in making a submission to the IPC indicating its opposition to the adoption of the Revised Guideline 1. A copy of the submission is included as an attachment.

<u>Principal Activity</u>	Respected Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Implications</u>	3.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That the submission to IPC be noted and endorsed.

David Neeves
General Manager

ARA/ALC INLAND RAIL CONFERENCE

SUMMARY

To seek approval for the attendance of the Mayor and General Manager to the ARA/ALC Inland Rail Conference in Toowoomba from 20-22 August 2019.

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The Australasian Railway Association and Australia Logistics Council will hold the 2nd annual Inland Rail Conference in Toowoomba. The 2018 Conference was held in Parkes with over 450 delegates attending. Council was represented by the Mayor, General Manager and Economic Development Manager.

The conference was extremely productive with a number of government and private industry contacts made that continue to prove productive on an ongoing basis.

The Economic Development Manager has chosen to attend the Conference as part of his personal professional development, however has also advised the Economic Development Committee.

It is recommended that the Mayor and General Manager attend the Toowoomba Conference based on the positive outcomes of attending the Parkes Conference in 2018.

The cost per delegate is \$770 plus travel and accommodation.

<u>Principal Activity</u>	Growing Economy
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	\$2100 plus travel and accommodation to be funded from the Inland Rail Activities budget
<u>Delivery Program Actions</u>	5.1.2.1 Provide support for existing business and facilitate opportunities for business development and growth

RECOMMENDATION

1. That the Mayor and General Manager be authorised to attend the ARA/ALC Inland Rail Conference in Toowoomba
2. That Council also note the Economic Development Managers attendance as part of his professional development training plan

David Neeves
General Manager

**INTEGRATED PLANNING & REPORTING – ADOPTION OF
OPERATIONAL PLAN AND ASSOCIATED BUDGET 2019/20**

SUMMARY

To consider feedback and submissions as a result of community consultation and seek adoption of the 2019/20 Operational Plan and associated budget.

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Council has requested feedback from the local community in relation to its 2019/20 Operational Plan and associated budget up until 25 June 2019. At the time of writing this report two submissions have been received and are separately enclosed along with copies of two letters to the editor of the Gilgandra Weekly in relation to Council's draft revenue policy for 2019/20.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	4.2.1.1 Develop and maintain and regularly review strategic plans in line with integrated planning requirements 4.4.1.1 Offer opportunities for community members and groups to have input into strategic planning to assure the community are informed and empowered. 4.2.2.1 Provide financial planning and reporting to ensure Council maintains accurate and timely financial records that facilitate sound decision making

RECOMMENDATION

1. That Council consider submissions received and determine if any amendments are required to be made to the Draft Operational Plan 2019/20.
2. That the 2019/20 Operational Plan and associated budget, as presented/amended, be adopted.

N J Alchin
Director Corporate Services

LOAN FUNDING FOR 2018/19 PROJECTS

SUMMARY

To seek Council's resolution to borrow funds to finance the projects identified in the 2018/19 budget.

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Council has previously decided to borrow \$2,150,000 as outlined in the 2018/19 adopted budget as follows:

- Works Depot Upgrade: \$2,000,000
- New SES Building: \$ 150,000
- \$2,150,000

Since the adoption of the budget, the SES building project cost has been determined to be \$468,000 of which Council's one third contribution is \$156,000. The Depot upgrade cost has remained at \$2,000,000. Both of these projects will not be delivered in the 2018/19 year and will be carried over to 2019/20.

According to Council's LTFP, there are further borrowings planned for the General Fund in the coming years as follows:

- 2020/21: \$770,000 (Lucas Bridge 50%)
- 2021/22: \$300,000 (Street Lighting Conversion 50%)
\$205,000 (Yarragrinn Creek Bridge 25%)
- 2023/24 \$600,000 (Wrigley St K&G 50%)

Should the borrowings be drawn down according to the LTFP and the 2018/19 budget, the estimated repayments and projected debt service ratio for the General Fund would be as follows:

- 2019/20: \$695,279.67 (5.20%)
- 2020/21: \$723,379.22 (5.26%)
- 2021/22: \$838,315.67 (5.92%)
- 2022/23: \$836,301.28 (5.73%)
- 2023/24: \$779,781.04 (5.19%)

The Fit For the Future benchmark for the debt service ratio was between 0% and 20%. Council's policy for borrowing funds is that the debt service ratio stay at or below 5%. As can be seen from the above figures, the debt service ratio for 2019/20 is projected to be 5.20% and rise to 5.92% in 2021/22. From then it decreases to 5.19% in 2023/24, 5.04% in 2024/25 and 4.87% in 2025/26.

The proposed loan for \$2,000,000 has been calculated over a 15 year term at an interest rate of 2.87%. The proposed loan for \$156,000 has been calculated over a term of 4 years at 3.50%.

The \$2,000,000 loan is proposed to be taken out with the NSW Treasury Corporation (TCorp) at an indicative interest rate (subject to change) of 2.87% fixed for 15 years with half yearly repayments. The \$156,000 loan is proposed to be taken out with NAB at an indicative interest rate (subject to change) of 3.10% fixed for 4 years.

Please note that the lending criteria of TCorp state that loan applications must be a minimum of \$1,000,000.

Policy Implications

Strategic Leadership

Budget Implications

No implications as the loan funds and repayments have been included in Council's budget and LTFP.

Delivery Program Actions

4.2.2.1

Provide financial planning and reporting to ensure Council maintains accurate and timely financial records that facilitate sound decision making

RECOMMENDATION

1. That Council formally resolve to borrow \$2,000,000 with TCorp over a 15 year fixed term with half yearly repayments.
2. That Council formally resolve to borrow \$156,000 with NAB over a 4 year fixed term with half yearly repayments.

N J Alchin
Director Corporate & Business Services

FREEDOM CAMPING

SUMMARY

To provide information regarding meetings held with industry stakeholders of caravan and camping facilities in the Gilgandra Shire.

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On 9/10 May 2019, the General Manager, Director Corporate Services and Economic Development Manager held a number of one-on-one meetings with industry stakeholders in the caravan accommodation sector in the Gilgandra Shire.

These meetings were held after an official complaint was received regarding a number of non-commercial accommodation businesses that were allowing freedom camping to occur on their property.

A summary of the extensive discussions is:

Commercial Caravan Parks

- One operator felt that Council should not allow freedom camping as these other localities are not required to meet the significant regulatory approval process that commercial caravan parks are required to comply with.
 - All caravan park operators felt that freedom camping in general is impacting their business.
 - Most were accepting of the fact that people who want to freedom camp will find a location to do it. As a result it is better to try and provide options for them so there is a greater opportunity for economic benefit somewhere in the community.
 - There was agreement that an enforcement approach to stop freedom camping in the community was likely to have a negative impact on the Gilgandra Shire's reputation as a welcoming place for caravanners in general and was not in anyone's best interest.
 - There were very strong views that if freedom camping was going to proceed at other commercial business locations, they should not be allowed to compete on service offering. This included offering electricity, water, access to 24 hour toilets and other amenities that their commercial operations offer.
 - The commercial caravan park operators pointed out that occupancy numbers at these freedom camping locations should be capped for safety reasons. The example given was that in the event of a fire, caravans should be a certain distance apart and not be parked in by other vehicles and unable to move.
-

- There was also support of stronger marketing efforts to grow caravan numbers visiting the Gilgandra Shire both freedom campers and users of commercial facilities. This was discussed in the context of “growing the whole pie”.
- The issue was not a big problem in Tooraweenah with freedom camping hotspots on the Highway and not in the village itself. The issue of a caravan dump point was discussed and it was agreed to look at a model to progress that.
- The final point the caravan park operators made was they did not support community facilities such as showgrounds and other public land being used to offer freedom camping. The exception to this was if Council was to pursue the creation of a freedom camping facility, there would need to be extensive consultation and work done to ensure it was done in a way that did not impact the commercial viability of their operations.

Freedom Camping Locations

At the time of the meetings both the Railway Hotel and Sporties were the two locations offering freedom camping. Their feedback was:

- The caravanners are initiating the freedom camping through requests - asking could they park in their carparks.
- They see it as a way to complement their existing business operations as most of the caravanners are having meals and drinks.
- There is no intention to impact the operations of the local commercial caravan parks however they did acknowledge that it could be seen that way by some. They felt they were offering a service as the feedback they receive is those people would have bypassed Gilgandra if there were no free camping options
- There was agreement not to offer services such as water and electricity and to cap the numbers at a level each night that considered the safety issue.

There has been a number of public comments recently regarding Council's position on freedom camping. These comments do fail to understand the challenges commercial operators are facing and the need for Council not to take action that significantly and directly disadvantages these operators' businesses.

The caravan camping market is going through a significant period of change and it should not be viewed as either freedom camping or commercial camping. There needs to be a measured approach that facilitates both options for the visitors to our community and grows the overall visitation.

At this point in time Council has negotiated a position where most (not all) stakeholders are satisfied they can continue their operations and manage the impacts. It must be stressed that it would not take much to change this balance.

Not to be forgotten in this issue is the Cooee Heritage Centre and specifically the volunteers. They have been the frontline on this issue and at times have worn criticism and abuse from both sides of this very emotive issue. The discussions and recommendations have now provided clarity whereby the volunteers can provide advice regarding freedom camping and a formal position (should Council resolve) in which to manage relationships with the Caravan Park operators.

The recommendation is to progress this issue as a trial which is seen as a way to facilitate growth in freedom and commercial camping without developing a hard line policy. With such a dynamic issue, it suggested that the caravan camping sector needs ongoing management, oversight and monitoring rather than set and forget policy positions.

<u>Principal Activity</u>	Economic Development
<u>Policy Implications</u>	Suggested trial conditions
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	5.1.2.1 Provide support for existing business and facilitate opportunities for business development and growth

RECOMMENDATION

That Council supports an ongoing trial of freedom camping at commercial businesses, under the following conditions:

1. That these are primitive camping arrangements and these sites should not offer amenities that paid commercial caravan parks provide – i.e. water, showers, electricity and/or 24 hour access to toilet facilities.
 2. That these sites limit the numbers of freedom camping spaces available to ensure the safety of people accessing these facilities and to place a reasonable cap on the amount of spaces available in Gilgandra.
 3. That freedom camping locations provide occupancy data and visitor profile information to Council to assist in marketing efforts and Council's decision making on Freedom camping.
 4. That Council write to the industry participants, confirming Council's current position in relation to freedom camping.
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5. That Council work with the owners of the Tooraweenah Caravan Park to facilitate the installation of a publicly accessible caravan dump point that is managed by the Caravan park operators on an ongoing basis.
6. That Council continue to monitor visitation levels in both commercial paid camping facilities and freedom camping sites and adjust the conditions of the freedom camping trial based on feedback from all stakeholders
7. That the volunteers at the Cooee Heritage Centre be notified accordingly of these trial arrangements

N J Alchin
Director Corporate Services

MAYORAL & COUNCILLOR FEES

SUMMARY

To set the Mayoral and Councillor fees for 2019/20 following determinations by the Local Government Remuneration Tribunal.

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The Local Government Remuneration Tribunal has handed down its determinations for 2018/19. The Tribunal has determined that the minimum and maximum Mayoral and Councillor fees will increase by 2.5% from 2018/19 to 2019/20 effective from 1 July 2019.

The following table outlines the Tribunal's determinations for 2019/20:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Council is categorised as a Rural Council and in 2018/19 Council determined fees in accordance with the maximums allowable of \$12,160 for Councillors and an additional \$26,530 for the Mayoral fee.

Principal Activity

Respected Leadership

Policy Implications

Budget Implications

Council has budgeted for a 2.5% increase from 2018/19 to 2019/20.

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Delivery Program Actions

4.1.2.3

Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That Council set the fees payable to Councillors and the additional Mayoral fee for 2019/20 within the limits set for a Rural Council.

N J Alchin
Director Corporate Services

VILLA UNITS – VALUATION AND SALE

SUMMARY

To seek approval to sign and seal documents associated with Villa Unit sales.

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Council has an established practice of having a selection of Villa Units valued by Aspect Property Consultants of Dubbo every two years and has authorised the General Manager and Director Community Development & Services to set prices in line with the valuations received.

Aspect Property Consultants has again valued a selection of units this year.

Given that the previous delegation lapses on 30 June 2019, another resolution is therefore sought from Council to streamline the sale process and allow documents to be signed and sealed as appropriate.

To ensure good governance, Council is asked to:

- authorise the General Manager and Director Community Development & Services to set sale prices in line with the valuation received until 30 June 2021; and
- authorise the Mayor and General Manager to sign and seal the contracts for sale of Villa units until 30 June 2021.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	4.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

1. That the General Manager and Director Community Development & Services be authorised to set sale prices in line with the valuation received from Aspect Property Consultants of Dubbo until 30 June 2021.
2. That authority be granted to sign and seal documents associated with the sale of Villa Units until 30 June 2021.
3. That a further valuation of selected units be obtained in March 2021 with a view to updating the valuation and governance requirements by 30 June 2021.

G T McAnally-Elwin
Acting Director Community Services

(CS.SV.1)

VACATION CARE UPDATE

SUMMARY

To provide Council with an update on the progress of setting up a vacation care service.

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Council had previously resolved to provide a vacation care service on the provision that it was cost neutral. The progress to date includes the following:

- Survey conducted to determine the possible usage of the service
- Accreditation of Council staff
- Licensing of the service
- Suitable venue has been sourced

The most recent step has been the venue with the Board of the New Life Centre agreeing to rent their building to Council at a cost of \$100 per day. It is proposed that the service will operate from Monday to Friday opening at 8.30am and closing at 5.30pm.

The following is a proposed budget for the service:

Weekly Income

Child Care Fees	3,600.00	<i>8 children per day at \$90 per child.</i>
	3,600.00	

Weekly Expenses

Wages - Co-Ordinator	1,085.60	<i>\$27.14 per hour x 8 x 5.</i>
Wages - Carer	940.40	<i>\$23.51 per hour x 8 x 5.</i>
Oncosts	775.35	<i>38.27% of wages.</i>
Rent	500.00	<i>\$100 per day x 5.</i>
Administration	115.00	<i>\$20.79 per hour x 4 plus oncosts.</i>
Sundries	200.00	<i>Materials and supplies.</i>
	3,616.35	

Deficit Result -16.35

The budget has been calculated on there being eight children per day using the service. This is at the high end of the survey and may not always be achieved. The expenses are as per the relevant award for wages while the other costs are known. The budget result for this scenario is break even.

The service that operates at Coonabarabran has been contacted and has advised the following:

- There are between 4 and 10 children attend each day
- Opening hours are 8.30am to 5.30pm
- Started operating 3 days per week in 2018 and increased to 5 days per week from the January 2019 school holidays
- Staff are certificate III trained with the co-ordinator trained to a diploma level
- The co-ordinator also fulfils the administration role

The proposed budget includes the staff trained at the same level and paid accordingly. The budget also includes additional administration hours but this may be performed by the co-ordinator if they have the necessary skills. There has been no budget allocation for Council staff time with regards to management, payroll, HR, etc.

The budget is at a “best case” scenario according to the survey figures. Should the number of children using the service fall below eight per day, the service will run at a loss. However, the figures being experienced at Coonabarabran suggest that there is scope for more than eight children per day.

Council now needs to determine if it wishes to proceed with implementing a vacation care service in Gilgandra.

Policy Implications

Nil

Budget Implications

Depends on children numbers. 8 per day is break even and no budget implications. Any less than that will be a cost to Council.

Delivery Program Actions

1.3.5.4

Promote availability of both after school care and vacation care programs

RECOMMENDATION

1. That Council proceed with implementing a vacation care service on a trial basis during the September School Holidays.
2. That a report be submitted to Council’s October meeting to determine the ongoing viability of the vacation care program.

G T McAnally-Elwin
Acting Director Community Services

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(DA2017/281A)

MODIFICATION DA2017/218A BASALT QUARRY

SUMMARY

To present DA2017/218A modification application for determination

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The following development assessment report is a review of the original assessment including the proposed modification for a private haulage route. Separately attached is a copy of the original and new Statement of Environmental Effects

Applicant: Sandy Creek Family Trust
557 Berida- Innisfail Road
Gilgandra NSW 2827

Description of Development: Undertake an extractive industry being a basalt quarry inclusive of crushing, loading and transportation of product. Up to 30,000 cubic metres per year of basalt is to be extracted by blasting and then crushed on site. The land area to be affected is approximately 2 hectares of which 1.5 hectares will be the active quarry. The balance will be for crushing, stockpiles and roads. With extraction to a depth of up to 20 m below ground surface the estimated yield is up to 625,000 tonnes of rock. With extraction of the maximum 80,000 tonnes per year (convert volume to weight by multiplying by 2.65) the quarry has a life of about 8 years. The crushed basalt has been tested as suitable for use in concrete, road construction and for railway ballast. The key haulage route will be the Private Road and the Oxley Highway.

BCA Class: N/A

Landowner(s): Sandy Creek Family Trust
557 Berida- Innisfail Road
Gilgandra NSW 2827

Landowners consent provided: Yes No
(All Landowners must give consent to the proposed development)

Date application received: 30 August 2017

Property Description:

Street/Road No: 144
Street/Road: Ostlers Lane
Suburb: Collie, NSW
Lot & DP: Lot 45, DP752563

Correct dimensions on plan: Yes No N/A

Existing Use: Yes No N/A

Current land-use: Agriculture (grazing) plus a pit dug to sample the basalt

Site Zone and permissibility: Under Gilgandra LEP 2011 the site is zoned entirely RU1 Primary Production and extractive industries are permitted with Council consent. It is partly identified as containing an area of biodiversity sensitivity. The proposed quarry is located within biodiversity sensitivity area.

Designated/integrated/advertised development: The applicant has intentionally applied for a maximum extraction of 30,000 cubic metres with a disturbance area of not more than 2 hectares to ensure that the proposal is **not designated development**. If the quarry is to expand beyond this size or extraction rate then a fresh application and environmental impact statement is required.

It is *integrated development* pursuant to S.91 of the Environmental Planning and Assessment Act 1979 because an Environment Protection Licence is required pursuant to S. 43 of the POEO Act, 1997. The application has been referred to the EPA. EPA has provided Council with General Terms of Approval which are included with this report and the conditions of approval.

Site Description: It is also *advertised development*. The application has been advertised. The site is a 2 hectare piece of Lot 45 (which is an 800 hectare lot) that is

located on the "Berakee" property at Collie. It is accessed via an internal farm road, Ostlers Lane and the Berida-Innisfail Road. All access roads are unsealed upon leaving the Oxley Highway. Berakee is a grazing and cropping property that has some Class 2 Soil and Land Capability areas and some Class 4 areas that align with the Myall Glen Basalt outcrops. The basalt outcrop area has shallow soil and is associated with the Poplar Box-White Cyprus Pine-Wilga-Ironwood Woodland.

Site History:

The site where the Myall Glen Basalt outcrops occur has been grazed over the long term. The shallow soils are not suitable for cropping. More recently the applicant has undertaken a test pit to establish the quality of the basalt. The material extracted has been crushed on site and is being used for internal farm roads. It is good quality material. A small farm dam has been dug adjacent to the site and the material from this has also been used for internal farm roads.

Additional Information:

Additional information requested: Yes No

Date: 27/05/2019

Received on: 5/06/2019

Additional information requested related to: RMS requirements for the upgrade to the Oxley Highway / Private haulage road intersection.

Public Notification:

Advertised in newspaper: Yes No

Start Date: 08/04/2019

End Date: 19/04/2019

Notified to neighbours: Yes No

Start Date: 02/04/2019

End Date: 19/04/2019

Submissions received: Yes No
(refer to S 79C(1)(d) 'Any Submissions' for consideration of submissions received by Council)

Submissions were received from RMS, EPA and NSW Planning & Environment. These are addressed in the Submissions from Public Authorities section of this report.

Assessment:

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The main issues are addressed below:

Section 79C(I) Evaluation Matters

S 79c(1)(a)(i) provisions of any environmental planning instrument(s)

- (i) Gilgandra Local Environmental Plan (LEP) 2011

The proposed development is a:

- permissible use within the RU1 Primary Production zone
 existing use

The proposed extractive industry is consistent with the following objectives of the RU1 Primary Production zone (others relate to matters that are not relevant):

Objectives of zone:

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
 - To minimise the fragmentation and alienation of resource lands.
 - To minimise conflict between land uses within this zone and land uses within adjoining zones.
 - To allow the development of non-agricultural land uses that are compatible with the character of this zone.
-

Special clauses of the Gilgandra LEP 2011 relevant to the application:

none apply

Special Clause(s) of the Gilgandra LEP 2011 apply (refer to comments below)

1.2 Aims of Plan

The proposed extractive industry is consistent with the following aims of Gilgandra LEP 2011:

- a) N/A
- b) to promote the orderly and economic use and development of land within the Gilgandra local government area
- c) to encourage the proper management of the natural and human-made resources of the Gilgandra local government area
- d) N/A
- e) to minimise land use conflicts and adverse environmental impacts
- f) to increase employment opportunities within the Gilgandra local government area through the efficient use of resources
- g) N/A
- h) to protect and promote the use of rural resources for agricultural and primary production and related processing, service and value adding industries
- i) N/A
- j) N/A
- k) to protect places and buildings of archaeological or heritage significance, including Aboriginal relics and places

The following other clauses of the LEP apply to the development:

1.4 Definitions

The proposed quarry development is defined as an:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

And extractive materials are defined as:

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

5.14 Siding Spring Observatory—maintaining dark sky

The subject land is located approximately 81 km from the Siding Spring Observatory. The development is consistent with the objective to “*protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution*” as follows:

(2) Light emissions (and dust)

Comment: the site is not connected to reticulated electricity and the applicant has no intention of doing this. Extraction and crushing is proposed to be carried out during daylight hours and conditions will be imposed accordingly. Dust from roads will be suppressed on site as required with a water truck and crushing and screening activities will also be watered. Soil stockpiles will be vegetated with 70% coverage within 60 days to avoid dust.

(7) Development on land 18 kilometres or more from observatory

Comment: concurrence of the Secretary is not required as the development will not result in the emission of light of 1,000,000 lumens or more. Consultation with the observatory director is not required because the development does not involve a dwelling house, secondary dwelling or dual occupancy.

7.1 Biodiversity protection

This clause applies to the subject land because it is identified as having “Biodiversity Sensitivity” on the [Sensitivity Biodiversity Map](#) in the LEP. The objectives of the clause are to:

- (a) protect native fauna and flora
- (b) protect the ecological processes necessary for their continued existence
- (c) encourage the recovery of native fauna and flora and their habitats

The proposal generally complies with these objectives through compliance with the following clauses:

- (3) Consider any adverse impact of the proposed development on:
 - (a) native ecological communities –

Comment: The area of impact is confined to 2 hectares which the applicant’s ecologist describes as Poplar Box-White Cyprus Pine-Wilga- Ironwood shrubby woodland. The understorey is native grassland. The area has been disturbed by past grazing and resource testing and does not contain any hollow bearing trees. It is in low to moderate condition. The vegetation community on this property is about 131 hectares in area so the impact is a 1.5% loss.

Only three White Cyprus trees will be destroyed. The 2 hectares equates to the area that landowners were able to clear for regular agricultural management activities (RAMA) under the now defunct Native Vegetation Act, 2003. Overall the adverse impact is unlikely to be significant.

- (b) the habitat of any threatened species, populations or ecological community'

Comment: The vegetation on the site is not an EEC. No threatened species were found but two threatened grass species are known to occur in the wider area and may be present on the site when the weather is warmer. No hollow bearing trees are to be removed so this habitat feature will remain. The seven part tests undertaken by the applicant show that the loss of this area will not significantly affect threatened species or populations if any were to occur on the site.

- (c) regionally significant species of fauna and flora or habitat

Comment: No regionally significant species of fauna and flora or habitat are known to occur on the subject site.

- (d) habitat elements providing connectivity.

Comment: The vegetation community (approximately 131 hectares) is isolated by agricultural land. It is approximately 2 kilometres from Boothaguy Creek to the north and has poor connectivity to other forested or natural areas. The impact to a small edge located part of the habitat will not impact on its connectivity. It will not exacerbate isolation of the remnant vegetation.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or

Comment: The nature of a quarry is that land must be cleared and there will be adverse impacts on the environment. The internal roads will follow existing tracks to avoid clearing for roads.

- (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or

Comment: Testing has shown that the basalt resource extends for an area of at least 7 hectares. The two hectare site chosen has minimal tree cover and no hollow bearing trees. It is already heavily disturbed by grazing and the resource is close the surface. It is an appropriate siting choice.

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
-

Comment: Impacts will be managed by minimal clearing and once extraction is completed through site restoration. Top soil will be stockpiled to allow parts of the quarry to be rehabilitated to have some habitat value when the material is exhausted. Sediment and erosion controls will be implemented and surface water directed to a sediment control pond. A vegetation offset area could be imposed (as recommended by OEH) but the small size of the quarry (2 ha) and the fact that it's not in an EEC indicate this is not warranted. If a future application is lodged for a larger quarry then a vegetation offset area should be reconsidered.

(ii) State Environmental Planning Policies (SEPP'S):

The SEPP's relevant to this proposal include:

State Environmental Planning Policy No 44—Koala Habitat Protection.

This SEPP applies to Gilgandra LGA. The Koala food tree known as Poplar Box is known to occur in the vegetation community on the lot on which the quarry is located. The lot is larger than one hectare.

Comment: The definition of *potential koala habitat* is “*areas of native vegetation where the trees of the types listed in Schedule 2 (of the SEPP) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.*” In this case the applicant's ecologist found that Poplar Box is more than 15% of the upper stratum of trees in this locality. So the site **is** *potential koala habitat*.

The definition of *core koala habitat* means “*an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.*” In this case the applicant's ecologist found that there was no evidence of Koalas found in the field survey and no records of Koala sightings within 10km of the subject land.

On this basis the site is **not** *core koala habitat* and the SEPP has no further effect on the determination of the application.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

This SEPP applies to any application for extractive industry in Gilgandra LGA. The following clauses are relevant to this application:

12 *Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:*

(a) *consider:*

- (i) the existing uses and approved uses of land in the vicinity of the development, and*
- (ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
- (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
- (b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

Comment: The land surrounding the subject land is a mixed broad acre grazing and cropping area similar to the subject land. There are fourteen landowners with property within a 5km radius of the site. There are nine dwellings on these landholdings the nearest being 2km south of the quarry site and 2km to the north west, followed by 3km to the north east and 4km to the south east. The quarry is relatively small and will typically blast and then crush on 3 or 4 occasions a year in order to stockpile product for sale throughout the year as required. As documented in the SEE, noise, blast air pressure and dust can all be controlled to the point of not being a significant impact. Traffic issues can be dealt with by conditions of approval. The benefits of the development are that it will provide an additional income for the Berakee farm and some employment at the quarry and transporting material. There will be multiplier effects from this. It will also supply a necessary road and concrete product to local users including potentially Gilgandra Council. This material is currently sourced from quarries in other LGAs. The location of the quarry is over 400 metres from the nearest property boundary. It is generally compatible both with existing surrounding land uses and likely future uses (mainly grazing and cropping).

14 *Natural resource management and environmental management*

- (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*
 - (a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
 - (b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
 - (c) that greenhouse gas emissions are minimised to the greatest extent practicable.*
 - (2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or*
-

extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

- (3) *Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.*

Comment: The impacts on surface water will be minimal and restricted to the impact area of 2 hectares plus the roads. No waterways will be affected or impacted. A sediment basin will collect and settle run off from the quarry. Roads are equipped with drainage and culverts. If heavy rain puts water in the quarry this can be pumped to the sediment basin and used for agriculture or dust control at a later date. Groundwater was not encountered in test drilling on the site to a depth of 18 metres. Some water did accumulate in test holes at a later date indicating some accumulation from surface layers over time. Groundwater bores in the area typically encounter water at a depth of 20 metres. Given the quarry will be at a high point in the basalt outcrop then limiting it to a depth of 20 metres should avoid any groundwater if there is any. The nearest groundwater producing bore located in basalt is 3km to the east and it is unlikely to be affected. The wider locality is mapped as having a low to moderate groundwater vulnerability rating.

There is no evidence that threatened species are located on the site. Seven part tests on species that may be present (but have not been found) suggest that there is unlikely to be a significant impact on them. The location of the quarry avoids the hollow bearing trees on the site that represent the best habitat.

The SEE does not provide a greenhouse gas emission assessment but notes that the primary source of greenhouse gas will be diesel fuel consumed by heavy machinery, the crushing plant and road transport of crushed rock. It is likely that the size of this quarry and the fact that crushing will be three to four times a year rather than every day, will limit greenhouse gas production over all. Amelioration measures in the SEE include minimal truck idling, fully loaded haulage trucks and periodic machinery use.

The nearest alternative hard rock quarries are about 60 km or more distant from this site. Using material from this site for local Gilgandra jobs will significantly decrease the diesel consumed in haulage from other quarries and will therefore reduce greenhouse gases from fuel consumption. There is not a lot more that can be done in this location to minimise greenhouse gases.

OEH has suggested to Council that a 6 hectare area of Poplar Box-White Cyprus Pine- Wilga- Ironwood shrubby woodland be fenced and managed in

perpetuity as a bio offset for the loss of 2 hectares of the same community as a result of this quarry.

Mandatory biodiversity offsetting is not triggered by this development. It is a relatively small area to be cleared (2 ha) and does not contain any tree hollows or major stands of trees. The native grass land understory has a history of grazing. The applicant could have cleared up to 2 hectares under the Native Vegetation Act, 2003 (now superseded) as part of routine agricultural management activities (RAMA). On balance the offset is not warranted in this situation but should be considered if a larger quarry development application involving a larger area for clearing is proposed.

15 Resource recovery

- (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

Comment: The efficiency of the material recovered from this site is proportional to the size of the operation. The crushing plant is mobile and will only be brought in when needed. Heavy machinery used in the quarry business will be stored or used on farm till it is required. Haulage trucks will access material stockpiles as required and are not going to be stored on the site. The applicant is aware that the site has a recoverable basalt resource over at least a 7 hectare area that could yield about 3.2 million tonnes of rock. This resource will not be sterilised by the initial small quarry and if it is financially viable to exploit the wider resource at a later date then this would be subject to a new development assessment process that would include an environmental impact statement.

The waste created by this quarry will be minimal as the overburden is shallow and will be stockpiled for site restoration. All rock to be removed is high quality and will be sold to consumers in various forms. Vegetation clearing is minimal as the site has sparse tree cover.

16 Transport

- (1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:*
-

- (a) require that some or all of the transport of materials in connection with the development is not to be by public road,*
 - (b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
 - (c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*
- (2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:*
- (a) each roads authority for the road, and*
 - (b) the Roads and Traffic Authority (if it is not a roads authority for the road).*

(Note: Section 7 of the [Roads Act 1993](#) specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.)

- (3) The consent authority:*
- (a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
 - (b) must provide them with a copy of the determination.*
- (4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.*

Comment: The proposed modification to the approved DA 2017/218 proposes a private haulage route through an adjoining property, Lot 52 DP 43558 ("Wilgaroo"). Access and egress from the quarry site would use the private haulage route between the quarry and the Oxley Highway. The proposed haulage route follows existing fence lines as far as practicable along internal farm roads.

A right of Carriageway 22m wide has been registered with the lands Title Office which burdens Lot 52 DP 43558 and benefits Lot 45 DP 752563.

The benefit to Council is the removal of haulage trucks off Council's rural road network that have not been designed to accommodate significant heavy truck movements and reduced maintenance costs. This will also limit the number of residents affected by truck movements and reduce the risk in relation to School bus movements

A code of conduct relating to the transport of materials on public roads will also be included as a condition of approval. This application has been referred to RMS and its views in relation to upgrading the Oxley Highway / Private Road intersection.

17 Rehabilitation

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should:*
 - (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
 - (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
 - (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the [Contaminated Land Management Act 1997](#)), or*
 - (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Comment: The quarry will not generate any significant waste as all rock removed will be sold and all overburden will be stockpiled for re-use in rehabilitation. No soil contamination is anticipated. If a machinery malfunction causes loss of fuel or fluids then it will be cleaned up with a spill kit and disposed at a licenced landfill. The information in section 2.10 and Figure 2.5 of the SEE will be required to be included in a site rehabilitation plan that will be included as a condition of the approval.

S 79C(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)

Yes No

Comments: Nil.

S 79C(1)(a)(iii) provisions of any Development Control Plan(s)

The Gilgandra Shire Development Control Plan 2011 clauses which are relevant to the application are as follows:

i) Chapter 6 – Rural Zones

Clause 6.3 – Extractive Industries

Comments: The SEE contains a summary of consultation with neighbouring properties (SEE section 1.6.2). One landowner queried groundwater effects on his neighbouring property “Myall Glenn”. Groundwater was not encountered in test drilling on the site to a depth of 18 metres. Groundwater bores in the area typically encounter water at a depth of 20 metres. Given the quarry will be at a high point in the basalt outcrop then limiting it to a depth of 20 metres should avoid any groundwater if there is any. The nearest groundwater producing bore located in basalt is 3km to the east and it is unlikely to be affected. Another landowner to the north west (“Ashgrove”) noted that crushing operations were audible from his land during a test run. Noise from the operation as heard from the nearest dwelling is predicted to be 30-35 dB(A) based on an operational excavator, truck, front end loader and crushing plant. This is less than the noise intrusiveness criteria of 35 dB(A). The noise may be noticeable but it is not excessive.

Clause 6.3.1 – Visual Amenity

Comments: The SEE adequately addresses the issue of visual impact from private dwellings (SEE section 4.4). Although an elevated site it's approximately 2.5km from the nearest busy public road (Berida-Innisfail Road) and will not be easily visible with a back drop of mature scattered native vegetation. Three dwellings have a potential line of sight to the subject land but the nearest is approximately 2km to the south and this is a long distance impact on a view scape. Impacts can be further ameliorated by locating the crushing plant down in the pit as soon as it is of sufficient size plus careful use of topsoil stockpiles.

Clause 6.3.2 – Noise and Vibration and Blasting

Comments: The SEE adequately addresses the issue of noise and vibration and blasting. The acoustic environment is fairly quiet with an estimated prevailing background noise level of 30 dB(A). The noise level for this development should be no more than 5dB(A) above that level when measured at the nearest sensitive receiver. Noise from the operation as heard from the nearest dwelling is predicted to be 30-35 dB(A) based on an operational excavator, truck, front end loader and crushing plant. This is less or equal to the noise intrusiveness criteria of 35 dB(A). The noise may be noticeable but it is not excessive.

Impacts from noise will be further ameliorated by locating the crushing plant down in the pit as soon as it is of sufficient size plus careful use of topsoil stockpiles to act as noise barriers. Vibration during site operation will not be an issue for dwellings that are located approximately 2km or more from the site.

Blasting is required on average three times per year to fracture the hard basalt and enable it to be extracted for crushing. Only qualified blasting contractors will be used and no blasting materials will be stored on site. A 500 metre exclusion zone will be applied and all residents within 2km notified. The nearest public road is 1.5km from the site (Lewis Lane) but it services only the Lewis property. Berida-Innisfail Road is 2.5km away and should be unaffected. The SEE (section 4.7) states that the blast will not exceed the EPA and ANZECC airblast overpressure and ground vibration levels for any blast. This will be included as a condition of approval. Noise, vibration and blast monitoring will be imposed as a condition of approval for the first extraction and crushing campaign to ensure predicted levels are not exceeded. Blasting will only be carried out 9 AM to 3PM Monday to Friday as a condition of approval. These matters are all covered in the EPA GTA matters that are incorporated as conditions of approval on this application.

Clause 6.3.3 – Air Quality and Pollution Control

Comments: The SEE adequately addresses the issue of dust which is the key air quality issue on this site. Fumes from machinery will be a minor matter given the open site and distance to sensitive receivers. Dust sources will be site stripping, blasting, crushing, loading and transport. Controls include watering internal roads and stockpiles and avoiding stripping during windy weather. The SEE predicts that dust deposition would comply with the requirement that it not increase by more than 2g/m²/year. It states that ambient deposited dust levels would not be measurably affected 500 m from the project site. Dust monitoring will be imposed as a condition of approval inclusive of extraction and crushing campaigns to ensure predicted levels are not exceeded.

Clause 6.3.4 – Water Resources

Comments: The SEE adequately addresses the issue of water resources (sections 4.1, 4.2 and 4.3). Given the elevated location and distance to water course direct impact on waterways and groundwater is not anticipated.

The impacts on surface water will be minimal and restricted to the impact area of 2 hectares including the roads. No waterways will be affected or impacted. A sediment basin will collect and settle run off from the quarry. Roads are equipped with drainage and culverts. If heavy rain puts water in the quarry this can be pumped to the sediment basin and used for agriculture or dust control at a later date. Groundwater was not encountered in test drilling on the site to a depth of 18 metres.

Some water did accumulate in test holes at a later date indicating some accumulation from surface layers over time. Groundwater bores in the area typically encounter water at a depth of 20 metres. Given the quarry will be at a high point in the basalt outcrop then limiting it to a depth of 20 metres should avoid any groundwater if there is any. The nearest groundwater producing bore located in basalt is 3km to the east and it is unlikely to be affected. The erosion and sediment control plan contained in Fig 4.1 of the SEE will be imposed as a condition of approval to ensure that surface water quality is protected.

Clause 6.3.5 – Transport

Comments: The original SEE and current SEE do not include a traffic survey or study. Council staff and RMS both consider that the proposed private Road / Oxley Hwy intersection does need an upgrade to make it suitable for haulage vehicles.

Until the installation of the proposed intersection, the only option for material haulage at this stage for this development is via internal roads leading to the public road network. The main haulage routes indicated in the SEE are Ostlers Lane and the Berida-Innisfail Road. To the north this leads to the Oxley Highway. The SEE also indicates that trucks would head south along Berida-Innisfail Road towards Narromine Shire and Warren Shire destinations via Leeches Creek Road. All indicated haulage roads are unsealed and have basic formations other than the Oxley Highway. It is not possible to impose a consent requiring material be transported other than by road as no alternatives exist. This may change if the Inland Rail project goes ahead but it is not an option at this stage. It is important that trucks be limited to specific haulage routes to avoid widespread damage to basic rural roads that have not been designed to accommodate significant heavy truck movements. This will also limit the number of residents affected by truck movements. The maintenance of the preferred haulage route will be addressed in conditions of approval.

As the proponent never enacted the conditions to utilise the nominated haulage route. Council considers that the current condition allowing truck movements til the end of June 2020, on a temporary haulage route being, Ostlers lane / Berida-Innisfail Road /Leeches creek Road, to be satisfactory until the construction of the proposed intersection on the Oxley Highway is complete and ready for operation.

Although there are no schools along the proposed private haulage route the approval will include a condition recommending Haulage operations coinciding with local students school bus pick up/drop off times are to be avoided

A weigh bridge is not proposed to be installed at the site so the front end loader will be required to have a weighing bucket to ensure vehicles are not overloaded.

ii) Chapter 11 – Indigenous Heritage

Clause 11.2 – General Controls

Comments: The SEE adequately addresses the issue of Aboriginal heritage (sections 3.11 and 4.9) and includes a due diligence archaeological assessment (Appendix 8). No Aboriginal sites are listed on AHIMS as being within 7km of the subject land. An archaeologist inspected the 2 hectare site (which had good exposure) and found no Aboriginal sites or significant landforms. Although mature trees are scattered throughout the wider area none were found to be subject to cultural scarring or modification at the July 2017 inspection. The nearest water course is Boothaguy Creek which is approximately 2km to the north.

On balance it is highly unlikely that the subject land has Aboriginal heritage values. However, it is appropriate that conditions be imposed that address what should happen if Aboriginal cultural heritage matters are encountered as the consent is being implemented.

iii) Chapter 25 – Erosion and Sediment Control

Clause 25.1 – Plans

Comments: The SEE adequately addresses the issue of erosion and sediment control (sections 4.1 and 4.2). Sediment and erosion controls will be implemented around all disturbance areas and surface water directed to a sediment control pond at the low end of the site. In due course the extraction site itself will also contain surface run off. The erosion and sediment control plan contained in Fig 4.1 of the SEE will be imposed as a condition of approval to ensure that surface water quality is protected.

S 79C(1)(a)(iv) any matters prescribed by the regulations

Yes No

Comments: The development is below the threshold to be designated development and no EIS is required.

S 79C(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Site Requirements:

Boundary Clearance(s): Complies Does not comply N/A
Front Building setback: Complies Does not comply N/A

Site Coverage:

Satisfactory Unsatisfactory N/A

(NOTE: Site coverage is generally determined having regard to the level of compliance with Council's standards in relevant DCP's (eg: carparking, internal vehicle manoeuvring, setbacks, landscaping, etc)

Easement(s):

Existing Easement (s)

Clear of easement(s) Encroaches easement(s) N/A

Proposed Easement(s)

Easement(s) required Easement(s) not required N/A

Comments: The proposed haulage route follows existing fence lines as far as practicable along internal farm roads. A right of Carriageway 22m wide has been registered with the lands Title Office which burdens Lot 52 DP 43558 and benefits Lot 45 DP 752563.

Consolidation of Lot(s): Required **Not required** N/A

Drainage:

Sewer Main:

Work(s) clear of main Work(s) within 1m of main N/A

Likely Gradient:

Satisfactory Unsatisfactory N/A

Roof Water:

to street gutter to rainwater tank to absorption trench

3000mm from the building N/A Other No change to existing

The following relevant matters have also been assessed in accordance with S 79C1(b):-

Context and Setting

The development site is remote from dwellings on neighbouring properties and set back from the nearest boundary by 400 metres. The quarry is located on a sparsely vegetated area so minimal trees are required to be removed. It is considered that the proposed development generally fits in with the character of the locality and will not detrimentally impact on any surrounding land uses.

Access, transport and traffic

The proposed development will minimise the impact to Council's road network by removing haulage truck movements. The intersection with the Oxley Highway needs to be upgraded. The temporary use of some routes is acceptable for small amounts of quarry material. Bonds will be required to ensure roads damaged by quarry trucks are repaired to Council standards.

The RMS was referred the development and have made a submission which forms a part of this assessment. The RMS position is reasonable and is supported.

Public Domain

It is considered that the proposed development will not have a negative impact on the public domain. Once the haulage trucks have accessed the Oxley Highway they will become part of the general traffic volume.

Utilities

It is considered that the proposed development will not have a negative impact on existing utilities. It does not require reticulated water or sewerage or electricity. The applicant will be required to include a site office at the entry to the site. The will include a rain water tank for hand washing. A composting toilet or temporary toilet that meets Council requirements will be required on site for workers.

A 20,000 litre firefighting storage tank is also required on site.

Heritage

No Impacts. The site does not contain any listed European heritage items. The nearest are farm buildings is located several kilometres to the north on the Oxley Highway.

No Aboriginal sites are listed on AHIMS as being within 7km of the subject land. An archaeologist inspected the 2 hectare site and found no Aboriginal sites or significant landforms. Although mature trees are scattered throughout the wider area none were found to be subject to cultural scarring or modification at the July 2017 inspection. The nearest water course is Boothaguy Creek which is approximately 2km to the north.

Water

The impacts on surface water will be minimal and restricted to the impact area of 2 hectares plus the roads. No waterways will be affected or impacted. A sediment basin will collect and settle run off from the quarry. Roads are equipped with drainage and culverts. If heavy rain puts water in the quarry this can be pumped to the sediment basin and used for agriculture or dust control at a later date. Groundwater was not encountered in test drilling on the site to a depth of 18 metres.

Soils

The soil type on the quarry site is very shallow with surface rock outcropping in places. Topsoil that can be obtained will be stockpiled for use in rehabilitation in due course. It can be used as vegetated noise control mounds in the interim.

Air & Microclimate

The SEE adequately addresses the issue of dust which is the key air quality issue on this site. Fumes from machinery will be a minor matter given the open site and distance to sensitive receivers. Dust sources will be site stripping, blasting, crushing, loading and transport. Controls include watering internal roads and stockpiles and avoiding stripping during windy weather. The SEE predicts that dust deposition would comply with the requirement that it not increase by more than 2g/m²/year. Dust monitoring and control will be required as a condition of consent. These matters are addressed in the EPA General Terms of Agreement (GTA).

Flora and Fauna

The area of impact is confined to 2 hectares which the applicant's ecologist describes as Poplar Box-White Cyprus Pine- Wilga- Ironwood shrubby woodland. It is not an EEC. The understorey is native grassland. The area has been disturbed by past grazing and resource testing and does not contain any hollow bearing trees. It is in low to moderate condition. The vegetation community on this property is about 131 hectares in area so the impact is a 1.5% loss. Only three White Cyprus trees will be destroyed. Overall the adverse impact is unlikely to be significant. The seven part tests undertaken by the applicant show that the loss of this area will not significantly affect threatened species or populations if any were to occur on the site. None are known to occur.

Waste

It is considered that the proposed development will not significantly increase the generation of solid and liquid waste. Refuse will be taken to a licensed landfill periodically and a toilet for workers will be installed on site at the site office.

Energy

All machinery on site will run on diesel fuel supplied by a mobile truck mounted tank. Reticulated electricity will not be supplied to the site. No work will take place outside of daylight hours. The site will be most active during blasting and crushing campaigns when material will be stockpiled for later distribution. Trucks carrying material will account for a significant amount of energy consumption over the life of the quarry. Consumption of energy will be a function of the distance the material is required to travel. This is offset against where this material would have come from if not from this site.

It is considered that the proposed development will not have significant impact on energy demand.

Noise & Vibration

The acoustic environment of the locality is fairly quiet with an estimated prevailing background noise level of 30 dB(A). The noise level for this development should be no more than 5dB(A) above that level when measured at the nearest sensitive receiver. Noise from the operation as heard from the nearest dwelling is predicted to be 30-35 dB(A) based on an operational excavator, truck, front end loader and crushing plant. This is less or equal to the noise intrusiveness criteria of 35 dB(A). The noise may be noticeable but it is not excessive. Impacts from noise will be further ameliorated by locating the crushing plant down in the pit as soon as it is of sufficient size plus careful use of topsoil stockpiles to act as noise barriers. Vibration during site operation will not be an issue for dwellings that are located approximately 2km or more from the site.

It is considered that the proposed development will not significantly increase the levels of noise and vibration as to impact on neighbouring properties. Conditions will be imposed through the EPA GTAs.

Technological Hazards / Potentially Contaminated land

The site is not contaminated by past land use or natural hazards. The proposed quarry has a low likelihood of causing contamination as it is not likely to impact on groundwater and surface water can be contained in ponds.

Safety, Security & Crime Prevention

The site is remote from public roads and accessible only through a private road with a locked gate. Signage will be used to advise that public entry is prohibited. It is not considered that any special considerations are required for safety, security or crime prevention with this development.

Social impact on the locality

The key social impact on the locality is likely to be increased truck traffic on classified roads. The Oxley Highway intersection will need to be upgraded. These matters will be addressed in conditions of approval.

Economic impact on the locality

It is considered that there are no negative economic impacts as a result of this proposed development. The applicant suggests that local wages from the quarry would be about \$100,000 annually and purchase of local goods and services would also be about \$100,000 annually. This would have flow on effects in the community. There may be some savings to quarry product users if this basalt can be supplied to local sites at a reduced rate due to cheaper transport costs.

Cumulative impacts

It is considered that the proposed development will not have significant cumulative impacts. It is the first basalt quarry to be approved by Council in this locality.

S 79C(1)(c) the suitability of the site for the development

(NOTE: Assessment requires referral to the specific considerations for each primary matter listed below, as specified in ‘the Act’)

Does the proposal fit in with the locality? Yes No

Are the attributes of the site conducive to the proposed development?

Yes No

S 79C(1)(d) any submissions made in accordance with the Regulation(s)

Public Submissions:

Development Advertised: Yes No

Development Notified: Yes No

Public submissions received: Yes No

One objection was received from a property owner on the Berida – Innisfail Road. The following concerns were raised A planning comment is provided as follows:

Risk to neighbours’ groundwater

Comment: Test bores on the quarry site did not encounter groundwater. Given the quarry will be at a high point in the basalt outcrop then limiting it to a depth of 20 metres should avoid any groundwater if there is any. The nearest groundwater producing bore located in basalt is 3km to the east and it is unlikely to be affected.

Traffic safety on Berida – Innisfail Road

Comment: Council agrees that this road needs to be brought up to an appropriate standard and maintained at that standard for the life of the quarry to ensure public safety. It is intended to achieve this with appropriate conditions of consent.

School bus safety on Berida – Innisfail Road

Comment: Council agrees that school buses need to be separated from quarry trucks. A condition will be imposed that prohibits trucks using the school bus route on school days during the pickup and drop off times.

Excessive noise and dust

Comment: Information supplied with the application indicates that noise and dust will not be a major issue for neighbours and measures can be taken to control both to acceptable levels. A series of conditions will be imposed to monitor and control noise and dust. Quarry traffic will be prohibited from going beyond the nominated haulage route. There are no dwellings within 100 metres of the roads along this route back to the Oxley Highway or along Leeches Creek Road.

Stock fence along Ostlers Lane

Comment: Ostlers lane is a low speed public rural road that services three properties only. It has a straight alignment and good visibility. It is a stock owner's responsibility to keep stock off public roads by fencing or signposting their presence to provide adequate warning to road users. Quarry trucks are unlikely to collide with stock along this road. It is not the quarry owner's responsibility to fence this road.

Submissions from Public Authorities:

Is the proposed development 'State Significant Development'?:

Yes No

Is the proposed development 'Designated Development'?:

Yes No

Is the proposed development 'Integrated Development'?:

Yes No

Was the proposed development referred to any Public Authorities?:

Yes No

Were any submissions made by Public Authorities?:

Yes No

Referrals were forwarded to the following Public Authorities:

- Office of Environment and Heritage (OEH) (see comments below)
- Environment Protection Authority (EPA) (see comments below)
- DPI (Water) (see comments below)
- Roads and Maritime Services (RMS) (see comments below)
- Heritage Council of NSW
- NSW Police Service
- NSW Agriculture
- NSW Fisheries
- Country Energy
- AGL/Agility
- Telstra
- Other: _NSW Geological Survey_____ (see comments below)

RMS: The RMS do not object to the development but provide a series of suggested conditions relating to road and intersection upgrades and traffic safety. Most of the conditions relate to the Oxley Highway intersection. These have been referred to the applicant and discussed at length. All of the RMS proposed conditions are to be included in the development approval.

OEH: OEH reviewed the SEE and supplied a range of comments and recommendations that Council should consider. These were referred to the applicant and a response has been received.

As a result an additional suite of seven part tests have been undertaken to establish that the quarry will not impact on the habitat of threatened species.

OEH also suggested that targeted surveys be carried out over summer to look for four plant species that may occur in this general area. This has not been requested of the applicant because the area is small (two hectares) and has been grazed for many years. The seven part tests indicate that even if present the disturbance would not endanger the species.

OEH also suggested that an offset package be prepared that comprises six hectares of Poplar Box - White Cypress Pine - Wilga - Ironwood shrubby woodland. The area should be fenced and be subject to a Biodiversity Offset Management Plan and secured in perpetuity. This has not been imposed as a condition of consent because the area of impact is minor (2 ha) compared to the size of the vegetation community; the applicant has chosen a location that does not include hollow bearing trees and the community is not an EEC.

EPA: EPA reviewed the SEE and has agreed that the consent can be issued subject to a range of conditions addressing noise, dust, blasting, water quality and reporting. These requirements have all been included as conditions of approval via the General Terms of Agreement (GTAs).

NSW Geological Survey: The NSW GS supports the issue of consent for the quarry and requests that a condition be imposed that the proponent should be required to provide annual production data for the subject site to the NSW Division of Resources and Geoscience. This has been included as a condition of approval.

NSW DPI (Water): Raise no concerns as the quarry is not anticipated to affect surface water or impact on groundwater.

S 79C(1)(e) the public interest

Are there any Federal, State or Local Government and/or Community Interests?:

Yes No

State government comments are outlined in the previous section.

NSW Geological Survey notes a future development application may be required in order to meet market demand from projects such as the Melbourne to Brisbane Inland Rail. In this regard the State government support early investigation of the broader resource in support of potential future applications for expansion.

No Federal authority has made a submission and no Commonwealth land is located in the vicinity of the development.

Community interest has been limited to one adjacent landowner. No submissions were received from the wider community consultation.

There is a genuine demand for the material that will be obtained from this quarry and it is important that Council is able to access resources locally for local public infrastructure projects.

Council officers' assessments:

Building Assessment:

Comments: At this stage there are no constructions plans to assess.

Environmental and Health Assessment

Comments: Environmental impacts will be regulated by the General Terms of Agreement issued by the EPA, Notice Number 1557997

Summary

Issues of non-compliance/inconsistency with Council's Policies, the Act or Regulation(s):

The application is consistent with Council policies and planning controls subject to implementation of the suggested conditions of approval.

Yes No

Conclusion

The subject proposal is considered to be generally acceptable with respect to the relevant provisions of the applicable Environmental Planning Instruments, Development Control Plans and Council policies. The proposal is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality as long as the conditions of approval are implemented. It is important that the conditions relating to road and intersection upgrades and continued maintenance be imposed to ensure that the cost of damage to public infrastructure is borne by the applicant and not the broader community.

Recommendation

- Consent be granted unconditionally; or
 - Consent be granted subject to condition(s) (detailed in Annexure 'A' *attached*); or
 - Consent be refused (reasons specified in Annexure 'A' *attached*).
-

Declaration

Development Application determined by Gilgandra Shire Council under the delegated authority vested in:-

- Council; or
- Council's Development Control Unit; or
- Council's Building Surveyor.

Lindsay Mathieson
Director Planning & Environment
Date 07/06/2018

ANEXURE "A"

CONDITIONS

1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by R W Corkery, Ref 971/01 dated August 2017 and Statement of Environmental Effects prepared by UMWELT Environmental & Social Consultants dated March 2019 subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:

Project Site Layout – Figure 2.1

Extraction Area Layout – Figure 2.3

Conceptual Final Landform – Figure 2.5

Erosion and Sediment Controls – Figure 4.1

Certificate of Title nominating right of carriageway 22m wide – ref VTZW-99-5ZDP

Reason: To ensure compliance with this consent.

2. The Applicant shall comply with the General Terms of Approval Notice No. 1557997 dated 30 October 2017 from the NSW EPA (copy attached).

Reason: To ensure compliance with Section 91 of the Environmental Planning and Assessment Act, 1979 and NSW EPA requirements.

3. A sign must be erected on the development site from the right of carriageway on the boundary of Lot 45 DP 752563 showing:
 - a) 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.
 - b) Stating that unauthorised entry to the work site is prohibited.
-

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

4. The maximum extraction rate for the quarry shall be limited to 30,000 cubic metres per calendar year of basalt (equivalent to 80,000 tonnes per calendar year). The active quarry shall not exceed 1.5 hectares in area. Material storage, crushing and roads shall not exceed 0.5 hectares in area.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

5. Trucks hauling quarry materials or accessing the site to obtain quarry materials will only use the Private Haulage Route marked "Berakee Quarry Nominated Haulage Route" dated June 2019(see attachment A). No truck movements from the quarry operations are permitted outside the nominated haulage route.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and limit quarry road maintenance impacts.

6. For a 6 month period from June 2019 to 31 December 2019 the use of the temporary haulage route (see attachment B) is permitted on the following road sections:
 - a) The section of Berida Innisfail Road from Ostlers Lane to the Leeches Creek Road intersection.
 - b) The section of road from Berida Innisfail and Leeches Creek Road intersection to the intersection of Leeches Creek Road and Yungundi Road intersection.

A maximum of 30,000 tonnes of quarry material is allowed to be transported on the temporary haulage route for the 12 month period.

A security Bond (Bank guarantee) in the amount of \$100,000 shall be supplied by the applicant to Gilgandra Shire Council for the temporary haulage route nominated above. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work.

At the end of the 6 month period the applicant is to undertake maintenance of the above nominated road sections (or pay Gilgandra Shire Council to undertake it) to ensure the roads are at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number-235/13

- Berida–Innisfail Road and Leeches Creek Road – *unsealed secondary through road condition 3*

Following completion of the road maintenance at the end of 12 months. Council will inspect the maintenance works to ensure the sections of road are returned to condition 3 as nominated above. At this point Council will release the security bond (or balance of it).

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant

7. Deleted

8. Deleted

9. Pursuant to section 138(2) of the roads Act 1993 and within a 6 month period from the date of this approval , the intersection at the right of carriageway on lot 52 DP43558 and the Oxley Highway shall be upgraded by the Applicant to include the following:

- Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design is to be provided and maintained at the newly constructed access onto the Oxley Highway via “Wilgaroo”. The Oxley Highway has a 110km/h speed limit and SISD at the intersection is to be 300metres in each direction.
- The vehicular access from the Oxley Highway servicing “Wilgaroo” haulage road at the agreed new access point is to be upgraded in accordance with Austroads Guide to Road Design and any relevant Roads and maritime supplements, including:
 - - Part 4A Figure 7.4 The Vehicular access is to be sealed a minimum of forty (40) metres from the edge of the Oxley Highway, match existing road levels and not interfere with existing road drainage.
 - Prior to construction the applicant is to contact Roads and Maritime’s Area Maintenance Manager, Holly Davies holly.davies@rms.nsw.gov.au or 02 68414 774 to ascertain details for the provision of appropriate culverts to be installed in the access road to “Wilgaroo” at the intersection with the Oxley Highway.
 - To provide suitable storage capacity for the largest class of vehicle accessing the subject land, any gate, grid or similar structure installed in the access is to be set back a minimum of 40 metres from the edge of the Oxley Highway.
 - A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads Guide to Road Design 2017 is to be provided in the Oxley Highway at its intersection with the newly constructed access to “Wilgaroo”
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads Guide to Road Design 2017

is to be provided in the Oxley Highway at its intersection with the newly constructed access to “Wilgaroo”

- A copy of the heavy vehicles swept turning paths is to be provided and approved by Roads and Maritime demonstrating the largest vehicle accessing the Oxley Highway (being a 36.5m) can be safely accommodated within the required BAR/BAL intersection treatment prior to the commencement of construction works.
- A copy of construction plans for any road work on and adjoining the Oxley Highway are to be submitted to Roads and Maritime for approval. As the Oxley Highway is a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for approval of and construction of the intersection.
- Prior to the commencement of construction works, the proponent is to contact Roads and Maritime’s Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Oxley Highway.
- All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

10. Within a 6 month period from the date of this approval, a 200m section of the right of carriageway (starting from the edge of the 40 metre sealed section from the intersection of the Oxley Highway) shall provided with a suitable road base material to a depth of 100mm at full cost to the Developer to minimise dust impacts on the Oxley Highway.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed

11. Deleted
 12. Deleted
 13. Deleted
 14. Deleted
 15. Deleted
 16. Deleted
-

17. Trucks are not permitted to use the nominated haulage route during wet weather for the life of the quarry unless the developer provides for an adequate all weather road surface so as to prevent the tracking of mud from haulage vehicles onto the Oxley Highway.

Reason: To maintain safe road conditions at the intersection of Oxley Highway and the nominated haulage route

18. Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct as approved shall be implemented for the life of the development.

Reason: Compliance with 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

19. Prior to any work commencing within any road reserve an application shall be lodged and approval received for road works pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

20. Prior to quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route), the applicant shall prepare Traffic Management Plans(TMP) and Pavement Management Plans (PMP) for approval by Warren Shire Council detailing probable impacts on Warren Shire Council roads and bridges. The applicant shall provide full funding for the works issuing from the approved plans.

Reason: The roads in the Warren Shire Council areas have not been designed to carry continuous heavy loads and Councils should not suffer additional costs due to this development

21. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

22. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

23. No chemicals, explosives or fuel are to be stored at or near the quarry site
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Reason: To prevent pollution of waterways and the environment

24. Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000 litre tank for firefighting purposes. A 65mm Storz fitting and ball or gate valve shall be installed on the tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (building Code of Australia) and Disability (Access to Premises-Buildings) Standards 2010 of the Disability Discrimination Act 19

Reason: To provide a safe work site and sanitary facilities for workers and Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated.

25. The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to S.68 of the Local Government Act 1993.

Reason: Statutory and Council requirement to protect the environment and ensure sanitary facilities for workers

26. Construction works and operation of the quarry are to be limited as follows:
- a) Monday to Friday - 7.00 am to 6.00 pm.
 - b) Saturday 7.00 am to 4.00 pm.
 - c) No construction work or quarry activity which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

27. Blasting at the quarry will only be carried out between 9 am and 3 pm Monday to Friday and all neighbours will be given not less than 24 hours' notice.

Reason: To preserve the amenity of the area

28. No external lighting shall be located on the quarry site.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

29. The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and Gilgandra Shire
-

Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Reason: To assist in the collection of construction material production data for the estate of NSW

30. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

31. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

32. A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating the vehicle or mobile plant.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

33. Within 12 months of commencing the quarry operation the applicant will prepare a site rehabilitation plan based on the information in section 2.10 and Figure 2.5 of the SEE and submit this for Council's approval.

Reason: To protect the environment and rehabilitate the site post extraction

34. The proposed development is located in a Bushfire Prone Area. The owner shall ensure that any proposed building or structure is designed and constructed in accordance with the requirements of the "Planning for Bushfire Protection" guidelines.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

35. Deleted

36. The right of Carriageway easement is to remain on the certificate of title (Lot 52 DP 43558) for the life of the quarry

Reason: To provide safe and legal access to the quarry.

NOTES

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of any proposed buildings or structures.
 - (2) Any proposed building or structure is required by the Deemed-to-satisfy BCA and the Premises Standards to provide disabled access. However, notwithstanding this, the applicant's attention is drawn to the owners' and employers' obligations under the NSW Anti-Discrimination Act whereby the design of the premises and workplace should not discriminate against a disabled persons visiting and obtaining access to such premises. It should be noted that compliance with the BCA and the Premises Standards is not a defence against prosecution, or the issue of a rectification order under the subjects Act in respect of all disability access issues. Accordingly, Council recommends that the applicant and owner investigate their liability under such Acts.
 - (3) Any proposed building or structure is to provide a list of Fire Safety Measures which must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The Regulation prescribes that the information to be submitted must include:
 - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
 - (4) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council's Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
 - (5) It is a statutory requirement that an Approval to Operate a System of Sewerage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewerage management facility (eg septic tank, AWTs etc). This approval to operate the sewerage management system is time limited and must therefore, be
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renewed on a regular basis by the owner of the premises. Accordingly, the applicant to this consent should ensure that the owner of the subject premises is made aware of the following:

- (a) That an approval to Operate a System of Sewerage Management must be obtained from the Council prior to occupation of the building and/or commissioning of the sewerage management facility; and
 - (b) That such approval once obtained must be renewed on a regular basis.
- (6) Any proposed building or structure requires the owner of the building to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building – as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must also be forwarded by the owner to the PCA prior to occupation or use of the subject building. Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and rescue NSW and displayed within the subject building in a prominent position.
- (7) Any proposed building or structure requires the owner of the building to submit to Council at least once in each period of 12 months following the completion of the building and Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statement(s) must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such Statements being afss@fire.nsw.gov.au

- (8) Approvals that will be required to be obtained under Section 68 of the Local Government Act include:
- Install and construct a human waste storage facility and drain connected to such facility; and
 - Operate a system of sewerage management (within the meaning of section 68A).
- (9) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development. Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
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MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

- (10) The Development shall be carried out in accordance with Roads and Maritime Services correspondence dated 10 January 2017 (copy attached).
- (11) It is recommend that Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.

RIGHT OF APPEAL

If you are dissatisfied with the decision, section 8.7, 8.10 of the Environment Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months from the date of this Notice.

REVIEW OF DETERMINATION

If you wish for a review of this decision, Section 8.2, 8.3, 8.4, 8.5 of the Environment Planning and Assessment Act 1979 gives you the right to lodge a Review of Determination within 6 months from the date of this notice.

<u>Principal Activity</u>	Legislation and By Laws
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Management Plan Actions</u>	7.1.1.1 Provide assessments of development and subdivision approvals in a timely manner

RECOMMENDATION

1. That Council approve Development Application 2017/218A modification (private haulage route) subject to the conditions outlined in Annexure "A".
2. That, in accordance with section 375A of the Local Government and Planning Legislation Amendment (Political Donations Act) 2008, the names of councillors who support and oppose the decision be recorded.

Lindsay Mathieson
Director Environmental Services

**WOODHAM PETROLEUM SERVICES –
PROPOSED SERVICE STATION/LIQUID FUEL DEPOT**

SUMMARY

To present Development Application 2019/289 for determination.

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A detailed development assessment report has been carried out in relation to this development and is reproduced below. Separately attached is a copy of the Statement of Environmental Effects.

Development Assessment Report

Application Details:

Applicant: Matt Woodham – Woodham Petroleum Services

16 Fox St
WALGETT NSW 2832

Description of Development: The proposal involves the development of an automated swipe card retail fuel sales premises at the location of Lots 8 & 9, DP 1185063. The installation of four aboveground doubled wall steel tanks, each with a capacity of 110,000lts. One double wall fibreglass underground fuel storage tank with a capacity of 110,000, incorporating gantry area for bulk unloading/loading of fuel. Including unmanned retail service station outlet.

BCA Class: 6, 7b

Landowner(s): Gilgandra Shire Council

Landowners consent provided: Yes No
(All Landowners must give consent to the proposed development)

Property Description:

Street/Road No: 14-16
Street/Road: Enterprise Drive
Suburb: GILGANDRA NSW 2827
Lot(s): 8, 9
Section: -
DP/SP: 1185063

Correct dimensions on plan: Yes No N/A

Existing Use: Yes No N/A

Current land-use: Vacant Land

Site Description: The sites are 14 and 16 Enterprise Drive consisting of two lots. Lot 8 - 4090m² and Lot 9 - 4052m². Overall the sites are relatively flat. Access and egress to the sites is via Enterprise Drive, within the newly created Council Industrial Estate.

Site History: The site has previously been used as a dairy and rural farmland. Gilgandra Shire Council acquired the subject land and developed the site for industrial use. The installation of services and ancillary infrastructure commenced to develop the area to allow the sale of industrial lots for general industrial use.

Additional Information:

Additional information requested: Yes No

Date: 20 February 2019

Received on: 24 April 2019

Additional information requested related to:

Traffic assessment report, proposed signage detail, Lighting plan detail (relative to Siding Spring Observatory), buffer/landscaping detail, loading/unloading & hardstand areas, spill containment detail, groundwater monitoring details.

Public Notification:

Advertised in newspaper: Yes No
Start Date: 6 May 2019
End Date: 17 May 2019

Notified to neighbours: Yes No
Start Date: 6 May 2019
End Date: 17 May 2019

Submissions received: Yes No

One submission was received from Anthony & Sonya Smolders at the Cooee Motel, Their concerns are:

- 1. We need more Jobs in town we feel that this will take business away from the other five Service Stations in town and more locals will be out of work.*
- 2. Hargraves Lane is very noisy already with the rough surface created by the services that are under the road at each residence and getting worse by the day.*

Comments: Notification was provided to Caltex in relation to the proposed fuel premises. No submission was received from Caltex. There is no current evidence to support Mr & Mrs Smolders submission that more locals would be out of work. Hargraves Lane is a designated road train route. The condition of the road surface is a matter for Council when maintaining the road surface.

(refer to S 4.15 (1)(d) 'Any Submissions' for consideration of submissions received by Council)

Assessment:

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The main issues are addressed below:

Section 4.15(l) Evaluation Matters

S 4.15(1)(a)(i) provisions of any environmental planning instrument(s)

Gilgandra Local Environmental Plan (LEP) 2011

The land is zoned **IN1 General Industrial** - The development is consistent with the following zone objectives:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To ensure retail, commercial or service land uses on industrial zoned sites are of an ancillary nature and the land use is appropriate only in the industrial zone or the land use primarily serves the needs of persons employed in the industrial zone.
- To ensure that new development and land uses incorporate measures that take account of their spatial context and mitigate any potential impacts on neighbourhood amenity and character, or the efficient operation of the local or regional road system.

Development may be consented by virtue of:

- permissible use within the zone**
- existing use (refer to comments below)

The proposed land use is defined as a Service Station/liquid fuel depot.

Under the Gilgandra LEP 2011. A Service Station is defined as:

Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
 - (b) the cleaning of motor vehicles,
 - (c) installation of accessories,
 - (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
 - (e) the ancillary retail selling or hiring of general merchandise or services or both.
-

Special clauses of the Gilgandra LEP 2011 relevant to the application:

- none apply
- Special Clause(s) of the Gilgandra LEP 2011 apply (refer to comments below)

The following other clauses of the LEP apply to the development:

Clause 5.10 Heritage Conservation

The location of the proposed development is not within a heritage conservation area. Consequently no further investigations will be undertaken.

Clause 5.14 Siding Spring Observatory

The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution. Lighting will be provided to the development and in particular to the 24 hour retail fuel dispensing facility. This matter can be addressed by submission of compliant documentation in a lighting plan to be provided for consideration prior to the issue of the construction certificate.

Clause 7.4 Groundwater Vulnerability

The subject land is identified as having vulnerable groundwater according to the Groundwater Vulnerability Map. It is considered that the works proposed may have an adverse impact on the groundwater below the site by way of altering the water table or contaminating the groundwater below the site. Therefore consideration shall be given to requiring the regular monitoring of the site in compliance with current statutory provisions.

The following other clauses of the LEP apply to the development:

- (ii) State Environmental Planning Policies (SEPP'S):

SEPP No. 33 – Hazardous and Offensive Development

The site of the proposed development has no history of any landuse that would have given cause of contamination of the area. Consideration to the ongoing use of the facility and potential risks have been considered in the conceptual design. This includes spillage control/contamination and fire protection. A condition of the Development will require ground water monitoring wells to be installed in accordance with the Guidelines for Implementing the Protection of the Environment Operations (Underground petroleum Storage Systems) Regulation 2008.

S 4.15(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)

Yes No

Comments: Nil.

S 4.15(1)(a)(iii) provisions of any Development Control Plan(s)

The provisions of the Gilgandra Shire DCP 2011 that are applicable to this development.

No special clauses of The Gilgandra Shire Development Control Plan 2011 are applicable to the application.

S4.15(1)(a)(iv) any matters prescribed by the regulations

Yes No

Comments: Nil.

S 4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Site Requirements:

Boundary Clearance(s): Complies Does not comply
N/A
Front Building setback: Complies Does not comply
N/A

Site Coverage: Satisfactory Unsatisfactory
N/A

(NOTE: Site coverage is generally determined having regard to the level of compliance with Council's standards in relevant DCP's (eg: carparking, internal vehicle manoeuvring, setbacks, landscaping, etc)

Easement(s):

- Existing Easement (s) Clear of easement(s)
 Encroaches easement(s)
 N/A
- Proposed Easement(s) Easement(s) required
 Easement(s) not required
 N/A

Comments: Nil.

Consolidation of Lot(s): Required Not required N/A

The proposal will transverse both existing allotments and it will be necessary to consolidate the lots as a condition of consent.

Drainage:

Sewer Main: Work(s) clear of main
 Work(s) within 1m of main N/A

Likely Gradient: Satisfactory Unsatisfactory
 N/A

Roof Water: to street gutter
 to stormwater basin
 to absorption trench
 3000mm from the building
 N/A Other
 No change to existing

The following relevant matters have also been assessed in accordance with S 4.15(b):

Context and Setting

The proposed fuel storage and distribution area is located within the IN1 General Industrial zone under the Gilgandra Shire Council LEP and is acceptable to the area in context and setting. Any proposed signage will be assessed in accordance with the LEP 2011 and SEPP 64 prior to the issue of the construction certificate.

Access, transport and traffic

The swept plans provided show traffic flows from Hargraves Lane into Enterprise Drive for access and egress to the subject site. Vehicular access arrangements with respect to the development have been provided and referred to RMS for comment.

Public Domain

The proposed development will not have an adverse impact on the localities commercial public domain.

Utilities

All essential utility services have been provided throughout the subdivision and are available to the proposed development.

Heritage

As mentioned previously no heritage issues are evident.

Water

The proposed building will not impact on existing water infrastructure.

Soils

Consideration to the ongoing use of the facility and potential risks have been considered in the conceptual design. This includes spillage control/contamination and fire protection. A condition of the Development will require ground water monitoring wells to be installed in accordance with the Guidelines for Implementing the Protection of the Environment Operations (Underground petroleum Storage Systems) Regulation 2008.

Air & Microclimate

The development will not have an adverse impact on the local air quality.

Flora and Fauna

The development will not require the removal of any native vegetation. No endangered fauna or flora inhabit the locality.

Waste

Waste management procedures are available through approval with Council's waste collection contractor.

Energy

The proposed building will not impact on the existing electricity supply arrangements to the property.

Noise & Vibration

The proposed building will not contribute to any additional adverse noise being generated from the property.

Technological Hazards / Potentially Contaminated land

There is no evidence of any existing hazards or contaminated land at the site or in the area. Steps are to be taken to monitor the site for contamination upon completion of the development.

Safety, Security & Crime Prevention

No changes to existing security arrangements.

Social impact on the locality

The development will not generate any adverse social impacts.

Economic impact on the locality

The development will not generate any adverse economic impacts.

Cumulative impacts

The development will not generate any adverse cumulative impacts.

S 4.15(1)(c) the suitability of the site for the development

(NOTE: Assessment requires referral to the specific considerations for each primary matter listed below, as specified in 'the Act')

Does the proposal fit in with the locality? Yes No

Are the attributes of the site conducive to the proposed development?

Yes No

S 4.15(1)(d) any submissions made in accordance with the Regulation(s)

Public Submissions:

Development Advertised:

Yes No

Development Notified:
Yes No

Public submissions received:
Yes No

Submissions from Public Authorities:

Is the proposed development 'State Significant Development'?

Yes No

Is the proposed development 'Designated Development'?

Yes No

Is the proposed development 'Integrated Development'?

Yes No

Was the proposed development referred to any Public Authorities?

Yes No

Were any submissions made by Public Authorities?

Yes No

Referrals were forwarded to the following Public Authorities:

- National Parks and Wildlife Service (NPWS) (see comments below)
 - Environment Protection Authority (EPA) (see comments below)
 - Land & Water Conservation (DLWC) (see comments below)
 - Roads and Traffic Authority (RTA) (see comments below)
 - Heritage Council of NSW (see comments below)
 - NSW Police Service (see comments below)
 - NSW Agriculture (see comments below)
 - NSW Fisheries (see comments below)
 - Country Energy(see comments below)
 - AGL/Agility (see comments below)
 - Telstra (see comments below)
 - Other: _____ (see comments below)
-

Roads and Maritime Service provided the following recommendations:

- All activities including unloading of goods associated with the development must be carried out on-site.
 - Landscaping, signage and fencing are not to impede sight lines of traffic within or passing, entering or departing from the site.
 - All vehicle movements to and from the site are to be in a forward direction.
 - The driveway accesses are to be constructed of concrete, match existing road and footpath levels and not interfere with existing road drainage.
 - The design and content of any signage is to be in accordance with State Environmental Planning Policy 64 – Advertising and signage.
-

S 4.15(1)(e) the public interest

Are there any Federal, State or Local Government and/or Community Interests?:

Yes No

Council Officers' assessments:

Engineering Services

The proposal was referred to Council's Infrastructure Department for comment in relation to vehicle access and stormwater disposal. The Department provided the following response:

- All stormwater is to discharge to the table drain in the street. No stormwater is to be discharged in such a way that will adversely affect adjoining properties.
 - The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.
 - All finished surface levels shall be shown on the plans submitted for the *Construction Certificate*. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
-

- A 16m wide crossover shall be constructed for vehicular access at the south-western entrance of the development. The crossover design shall include 32MPa reinforced concrete flat slab that is 200mm thick over a 300mm compacted layer of DGS20 sub-base.
- Two 10m wide crossovers shall be constructed for vehicular access on the eastern boundary of the development. These crossovers shall consist of a single cell 450mm reinforced concrete pipe (Class 2) culverts including headwalls and 200mm gravel wearing surface.

Health & Building

Building work is to comply with the Building Code of Australia and a comprehensive building code assessment is to be carried out prior to a Construction Certificate being issued for the development from either Council or an Accredited Certifier.

Summary

Issues of non-compliance/inconsistency with Council's Policies, the Act or Regulation(s):

Yes No

Conclusion

The subject proposal is considered to be generally acceptable with respect to the relevant provisions of the applicable Environmental Planning Instruments, Development Control Plans and Council policies. The proposal is not considered likely to have any significant negative impact upon the environment or upon the amenity of the locality.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

Recommendation

- Consent be granted unconditionally; or
 - Consent be granted subject to condition(s) (detailed in Annexure 'A' *attached*); or
 - Consent be refused (reasons specified in Annexure 'A' *attached*).
-

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

Declaration

Development Application determined by Gilgandra Shire Council under the delegated authority vested in:-

- Council; or
- Council's Development Control Unit; or
- Council's Building Surveyor.

Lindsay Mathieson
Director Planning & Environment

14/06/2019
Date

Annexure "A"

Conditions

1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by Fuelsuite Pty Ltd trading as Black Duck Development, dated 08/02/2019, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:

Plan Title	Drawing No.	Rev.	Date
Architectural Plans by – FUELSUITE Pty Ltd, trading as Black Duck Developments			
Proposed site layout & Fuel set out	BD-WPGIL-0901	2	12/03/19
Proposed Elevations/Sections	BD-WPGIL-0902	2	12/03/19
Fuel Drainage Compliance	BD-WPGIL-1401	2	12/03/19
Pavement/Lighting Concept Plan	BD-WPGIL-0101	2	12/03/19
Hazardous Area Layout	BD-WPGIL-0201	2	12/03/19
Dangerous Goods Layout	BD-WPGIL-0202	2	12/03/19
Vehicle Movement (trucks/cars)	BD-WPGIL-0701	2	12/03/19
Vehicle Movement (trucks/cars)	BD-WPGIL-0702	2	12/03/19
Statement of Environmental Effects	-	-	08/02/19
Underground tank details	JQ-110000-001	A	12/05/16
Certificate of Compliance	Page 1-2		15/03/19

Reason: To ensure compliance with this consent.

2. Compliance with any attached Prescribed Conditions that may be relevant to the proposed development.

Reason: To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

3. All construction work must be carried out in accordance with the requirements of the National Construction Code (NCC).

Reason: Compliance with statutory requirements.

4. A Construction Certificate must be obtained from Council or an accredited certifier for the following work at least two (2) days prior to any construction work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

Reason: Required by Section 81A of the Environmental Planning and

Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.

5. Notice of appointment of a Principal Certifying Authority and Notice of Commencement must be submitted at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.

Reason: Required by Section 4.19 of the Environmental Planning and Assessment Act, 1979 and Clause 135 & 136 of the Environmental Planning and Assessment Regulation, 2000.

6. The occupation or use of the site must not commence until an Occupation Certificate has been issued by the Principal Certifying Authority.

(N.B. All Critical Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: To ensure compliance with the Development Consent and Construction Certificate and to ensure that the building is substantially completed and does not constitute a danger to the occupants.

7. A sign must be erected on the development site showing:
- a) 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.
 - b) Stating that unauthorised entry to the work site is prohibited.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

8. All excavations and backfilling associated with the proposed development must be executed safely and in accordance with appropriate professional standards.

Reason: To ensure safe working practice and to comply with the prescribed conditions as set out under the Environmental Planning and Assessment Act, 1979.

9. Prior to any work commencing toilet facilities must be provided at or in the vicinity of the work site.

Reason: To provide sanitary facilities for workers.

10. Any external lighting shall be shielded and shall not result in the total emission of light of 50,000 lumens or more. Should additional external lighting be required that will exceed this requirement approval from Council must be obtained. Lighting of fascia signage is not permitted.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

11. Road numbers must be affixed to the building or structure, and such numbers must be clearly visible from the street or road.

Reason: To properly identify the property.

12. A hoarding or fence must be erected between the work site and a public place.

Reason: To protect the health and safety of the public

13. The development is located in a Bushfire Prone Area. The owner shall ensure that an Asset Protection Zone (APZ) of 10 metres is provided around the entire development. This Asset Protection Zone (APZ) shall be provided and maintained in accordance with the requirements of the "Planning for Bushfire Protection" guidelines. The asset protection areas are to be measured from the outer walls of the building.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

14. All plumbing, drainage and stormwater work shall be carried out by a licensed person in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice.

Reason: Required by the Local Government (Water, Sewerage and Drainage) Regulation.

15. The design and content of any signage is to be in accordance with State Environmental Planning Policy 64-Advertising and Signage. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that any proposed illuminated signs do not emit a luminance of above 600 Candela per m² and are designed and installed to prevent direct light shining above the horizontal plane in accordance with the principles of good lighting design detailed in the Department of Planning and Environment Dark Sky Planning Guideline, June 2016.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

16. Installation of the above ground tanks and pipework (including gantry area) shall be designed and installed to comply with Australian Standard 1940 (fuel code)
-

Reason: To ensure compliance with relevant Australian Standards and ensure site and community safety

17. Installation of the underground fuel tank and fuel system pipework shall be designed and installed to AS1940 and AS 4897 (underground fuel code

Reason: To ensure compliance with relevant Australian Standards and ensure site and community safety

18. All operational activities shall occur on a concrete (impervious) bunded slab, including tanker loading/unloading and vehicle refuelling areas. This area is to drain to an approved Class 1 treatment device.

Reason: To protect the groundwater on the site and protect the Castlereagh River.

19. The proposed development shall be carried out in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 and relevant Australian Standards.

Reason: To comply with statutory requirements.

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

Reason: To comply with statutory requirements.

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

Reason: To comply with statutory requirements.

22. An underground Petroleum Storage System (UPSS) must have ground water wells installed and tested in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

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

Reason: To comply with statutory requirements.

24. "As built" drawings of the Underground Petroleum Storage Systems (UPSS) shall be provide to Council, in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

25. The applicant is to install a Vapour Recovery (VR2) System is to be installed at the petroleum tank as part of the construction works. The system is to be installed in accordance with the Protection of the Environment Operations (Clean Air) Regulation.

Reason: To comply with statutory requirements.

26. If excess soil is produced by the installation of the underground ground tank this must either be retained on site or taken to a licenced land fill for disposal.

Reason: To protect the environment.

27. All roofed and paved areas are to be drained and the water from those areas conveyed to the street drainage system by means of a fully sealed downpipe and stormwater system.

Reason: To ensure a safe and sustainable storm water drainage system.

28. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

29. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

30. No tyres, rubbish or waste of any kind must not be stored between the any storage tank and the buildings or in the rear yard anywhere within 20 metres of the tank or bund.

Reason: To preserve the amenity of the area and reduce risk of fire to above ground storage of fuel

31. Construction works are to be limited as follows:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday 7.00 am to 4.00 pm.
- c) No construction work which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

32. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

33. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

34. Existing services that require reconstruction or adjusting to suit a development (water, sewerage, stormwater, roadworks, kerb and gutter, etc.) are to be done at the developer's expense. Construction is to be in accordance with AUS SPEC and Council's standards.

Reason: To protect existing services.

35. All trafficable areas on site shall be constructed and maintained to minimise dust generation so as not to create a nuisance to adjoining properties.

Reason: Trafficable areas should not generate dust, producing an adverse environmental impact (Section 4.15 (C)).

36. Car parking for the proposed development is to incorporate at least one (1) disabled car parking space. This space shall be clearly identified by sign posting complying with AS1428.1-2009.

Reason: To ensure compliance with Gilgandra Development Control Plan 2011 and The National Construction Code.

37. All vehicle movements to and from the site are to be in a forward direction.

Reason: To provide safe access and egress to the site

38. All activities including unloading of goods associated with the development must be carried out on-site.

Reason: To provide safe access and egress to the site

39. Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site

Reason: To provide safe access and egress to the site

40. The provision by and at full cost to the developer of an industrial standard concrete vehicular cross-over 16m wide shall be constructed for vehicular access at the south west entrance of the development. The cross-over design shall include 32MPa reinforced concrete slab that is 200mm thick over a 300mm compacted layer of DGS20 sub-base. Construction must not interfere with existing road drainage. A detailed plan of works is to be submitted to Council's Director of Infrastructure for approval prior to works commencing.

Reason: To provide safe access and egress to the site.

41. The provision by and at full cost to the developer of two (2) industrial standard concrete vehicular cross-overs not less than 10m wide shall be constructed for vehicular access on the eastern boundary of the development. These cross-overs shall consist of a single cell 450mm reinforced concrete pipe (Class 2) culverts including headwalls and 200mm wearing surface. Construction must not interfere with existing road drainage. A detailed plan of works is to be submitted to Council's Director of Infrastructure for approval prior to works commencing.

Reason: To provide safe access and egress to the site.

42. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments

Reason: Council requirement to prevent contamination of the Environment.

43. The subject land is to be consolidated into one allotment (Lot 8 & 9 DP1185063). Evidence of consolidation is to be provided to Council prior to the issue of a Final Occupation Certificate.

Reason: Construction of the proposed structure will be built over the existing boundary.

Notes

- a) A Separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed building and associated works.
-

- b) The proposed building works must be designed and constructed in conformity with the applicable criteria under the NCC and the *Disability (Access to Premises — Buildings) Standards 2010* of the DDA and in accordance with AS 1428.1-2009 (Design for Access and Mobility).
- c) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Council Development Control Plan (where applicable), the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled facilities should include elevations and floor plans of the facilities drawn to scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- d) A list of Fire safety Measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000. The regulation prescribes that the information to be submitted must include:
- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures provided in relation to the land and any building on the land as a consequence of the building work
- e) On completion of the erection of the subject facility, the owner of the land/building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building- as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificates(s) must be submitted to the PCA prior to occupation or use of the subject building/land.

Copies of the Fire safety Certificates(s) must also be forwarded by the owner to Council (if not appointed as the PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

- f) The owner of the premises is required to submit to Council at least once in each period of 12 Months following completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

statements be forwarded, with their dedicated email address for such statements being: afss@fire.nsw.gov.au

<u>Principal Activity</u>	Legislation and By-laws
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	7.1.1.1 Provide assessments of development and subdivision approvals in a timely manner

RECOMMENDATION

1. That Council approve Development Application 2019/289 (Service Station/ liquid fuel depot) subject to the conditions outlined in Annexure "A".
2. That, in accordance with section 375A of the Local Government and Planning Legislation Amendment (Political Donations Act) 2008, the names of councillors who support and oppose the decision be recorded.

Lindsay Mathieson
Director Environmental Services

SKATE PARK

SUMMARY

To provide an update on progress with the Peter Veness Skate Park upgrade at Hunter Park.

.....

Under the Stronger Country Communities Fund (SCCF) Parks Program there was a component within Hunter Park for the refurbishment and extension of the existing skate park. As a part of the overall grant funding for Hunter Park of \$161,107 (excl.GST), there was an amount of \$59,247 (excl.GST) attributed to the refurbishment and extension of the skate park.

Progressing though the upgrades to Hunter Park, the research, planning and design works associated with the skate park upgrade are well under way and are ongoing.

As a part of the design process, considerable research was conducted on the original concept of modular pre-cast concrete skate park equipment (jumps/obstacles) as well as the possibility of a cast-in-situ concrete skate park extension.

Cast-in-situ simply means that it is formed and poured in place on site, rather than pre-cast (pre-made) and delivered to site. The cast-in-situ concrete skate park extension would be similar and would complement the existing cast-in-situ concrete bowl constructed in 2010.

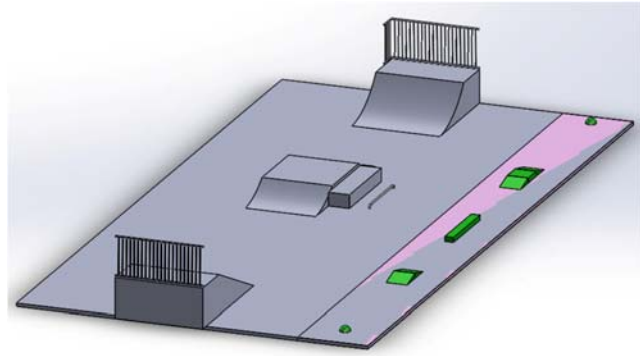
Cast-in-situ design is very popular amongst scooter users and skaters alike and, when constructed properly, can add to the popularity of a skate park, and can often draw in visitors from far afield. This can be demonstrated by the recently completed skate parks in Gulgong and Mudgee, which are both extremely popular additions to the recreational area town. By visiting the Gulgong Skate Park myself, I can certainly see the benefits of such a skate park design.

Modular Concrete Skate Park Equipment

Within the original grant application, a quote from Moodie Outdoor Products was obtained for the supply and installation of modular pre-cast concrete skate park equipment. This quotation (Quote No.SC.42993.6448) totalled \$59,247 (excl.GST) and this cost was directly used in the Grant Application Budget Template.

Included with the quotation from Moodie Outdoor Products was a proposed layout, which included a "Quarter Pipe" at one end a "Flat Bank" ramp at the other end, a lower "Flat Bank" transition in the middle along with a "Grind Box", as well as a couple of other smaller ramps to the side.

The proposed layout (prepared by Moodie Outdoor Products) for modular pre-cast concrete skate park equipment, costing \$59,247 (excl.GST) is shown at right.



Modular concrete skate park equipment is pre-made and delivered to site. Due to the weight of the concrete, and the associated difficulty with transporting these pieces to site, they are often quite limited in size and shape. These ramps and structures are not sustainable and the skater/ scooter rider's skills quickly outpace the limited design characteristics of these "back and forth" designs.



In addition, modular (pre-made) skate park equipment has a stigma about it and is often shunned by those would-be potential users of the skate park, due to this limitation in size and shape which ultimately limits the variety of manoeuvres that can be performed.

The amount of pre-cast equipment for the price of \$59,247 (excl.GST) appears quite minimal and is, in effect, less than what is currently there in the form of steel equipment.



It is difficult to see where there would be value for money in purchasing pre-cast concrete skate park equipment for the price quoted.

Cast-in-Situ Concrete Skate Parks



Cast-in-Situ Concrete Skate Parks are more of a complete skate park, rather than individual pieces of skate park equipment. They allow users of all ages and various skill levels to flow from one element to another in a number of sweeping manoeuvres in a single run (or pass). They are more transitional and functional, are designed specifically for the area and soil type, and can be cut in and joined to the existing concrete slab.

From the original community consultation, which included direct input from regular users of the skate park at Hunter Park, there were a number of suggestions elements for the upgrade such as a “half pipe”, “spine”, “jump box” and “grind box”. These are all popular skate park elements, and are really only practical through the use of the cast-in-situ method.

Concept Designs - Cast-in-situ Concrete Skate Park Upgrade

In our pursuit to deliver a popular, modern, fit-for-purpose, value for money skate park upgrade to meet the needs of the local users, a cast-in-situ concrete skate park upgrade is being considered as an alternative to the pre-cast concrete skate park equipment. D-Brand Skate Park Design has been engaged to supply concept designs for a cast-in-situ concrete skate park to be constructed on and attached to the existing concrete slab area. Two concept designs have been received from D-Brand and are included as separate attachments to this report. “Concept Plan 1” is more skater-focussed and “Concept Plan 2” is more scooter-focussed. The blue line shown on the concept plans is where each design can be broken into two stages, to allow construction as funding permits.



It is proposed that Council again go out to community consultation, which will include discussions with the regular users of the skate park, to determine which of the Concept Designs would be most suitable.

Once the most popular and suitable design has been established, it is intended to have the structural design completed, and then seek quotations. This will help to determine the actual costs. From there a decision can be made by Council whether to pursue this cast-in-situ construction, whether to do it completely, or in two stages.

<u>Principal Activity</u>	Sense of Place
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	1.1.1.1 Provide a range of recreational sporting facilities which enable the residents of the Shire to pursue active recreational pursuits

RECOMMENDATION

1. That Council undertake community consultation, providing two options for the community to select the preferred option.
2. That a further report be submitted to the Council at the conclusion of the consultation period for final determination.

Brian Irvin
Project Manager

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

MINUTES – COMMITTEE MEETINGS FOR ADOPTION

SUMMARY

To present the following minutes of Committee meetings for consideration and adoption.

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<u>Economic Development Committee</u>	12 June 2019
<u>Tooraweenah Management Committee</u>	29 May 2019

<u>Principal Activity</u>	Community Engagement
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Program Actions</u>	2.1.1.1 Offer opportunities for community members and groups to have input into strategic planning to ensure the community are informed and empowered 2.1.1.4 Recognise the importance of and encourage community members on to Council committees

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

ECONOMIC DEVELOPMENT COMMITTEE

12 June 2019

PRESENT

Cr D Batten (Mayor)
Mr D Clouten
Mr J Jones
Mrs K Reynolds
Cr N Wrigley
Ms G Babbage
Mrs M King
Mrs E McAllister

IN ATTENDANCE

Mr D Neeves (General Manager)
Mr N Alchin (Director Corporate Services)
Mr R Medd (Economic Development Manager)

Proceedings of the meeting commenced at 5.30pm.

APOLOGIES

Cr G Johnson
Mr W Morris

COMMITTEE'S RECOMMENDATION 7/19	K Reynolds/G Babbage
That the apologies submitted be accepted.	

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

COMMITTEE'S RECOMMENDATION 8/19	D Clouten/K Reynolds
That the minutes of the meeting held on 27 February 2019 be confirmed as a true and correct record of the meeting.	

BUSINESS ARISING

Freedom Camping

The Economic Development Manager advised that Council has had individual meetings with the Caravan Park owners and representatives from the Sporties Club and Railway Hotel. In general the Caravan Park owners accept that freedom camping is going to occur and are tolerant of the Sporties and Railway Hotel offering overnight parking areas subject to them not competing in terms of services offered by Caravan Parks i.e. amenities, power etc, should not be made available at those parking areas.

MEETING OF: GILGANDRA SHIRE COUNCIL
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The representatives from the Sporties Club and Railway Hotel acknowledged the Caravan Park owners' concerns and agreed to provide parking areas only, along with limiting their capacity and encouraging any overflow to the local caravan parks.

It was noted that a report would be presented to Council's meeting of 25 June 2019 and volunteers at the Cooee Heritage Centre then advised of Council's position and what information should be provided to visitors looking for Freedom Camping locations in Gilgandra Shire.

Cooee Cash Card

It was noted that \$130k has now been loaded onto Cooee Cash Cards in Gilgandra.

Virginia Paton – Gilgandra CBD Replica

It was noted that Council has inspected Mrs Paton's CBD replica and has not set aside an amount in its 2019/20 draft budget for its purchase.

ECONOMIC DEVELOPMENT MANAGER'S REPORT

It was noted that a further suggestion not listed in the report was that Council look at taking on the running of the Target Country store.

COMMITTEE'S RECOMMENDATION 9/19	E McAllister/G Babbage
That the report be noted.	

Proceedings in Brief

It was noted that the recent visit by Carol Bargaric from Retail Revamp had been well received by local business owners.

WINTER WONDERLAND

SUMMARY

To inform the Committee of the Winter Wonderland project and seek support for some expenditure items.

COMMITTEE'S RECOMMENDATION 10/19	D Clouten/K Reynolds
1. That Council support the Winter Wonderland event and note some expenditure may be needed but will be met from existing budget allocations.	
2. That Council encourage additional food vendors and stall holders to participate in the launch night festivities on 5 July 2019 in the CBD.	

Proceedings in Brief

It was noted that sponsorship is being sought for the Winter Wonderland project and that Carol Bargaric is planning to be in Gilgandra on 4 July to assist with the launch.

ITEMS FOR NOTATION

SUMMARY

The following items are for the information of the Committee.

Local Emergency Management Committee

The General Manager addressed the Committee in regard to the Local Emergency Management Committee's desire to have a discussion with local businesses on the role they could play in the provision of goods and services in the advent of a major disaster.

COMMITTEE'S RECOMMENDATION 11/19	N Wrigley/G Babbage
That the Local Emergency Management Committee be encouraged to organise a presentation directly to local businesses with a view to progressing this matter.	

GENERAL BUSINESS

Local Employment Agencies

It was noted that contact would be made with local employment agencies to request that they offer their services to employees of Target and Gilgandra Poultry if required.

Newell Highway Program Alliance

The General Manager advised that he is currently in discussion with the RMS in regard to procurement processes for the current major road works on the Newell Highway, with a view to ensuring local contractors, including Council, are given the opportunity to compete for involvement in these works.

CBD Activation Workshop

It was noted that Councillors would be having a workshop with an independent consultant in regard to CBD Activation Strategies.

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

Women in Business

Elizabeth McAllister advised that a Women in Business Group had been formed and had held their first meeting at which topics such as the Target closure and networking training/coaching opportunities had been discussed.

It was noted that Council could assist with promotion of meeting dates etc if required.

Brick Structure at Front of Riverview Plaza

Elizabeth McAllister expressed concern that this structure is in a state of disrepair. It was noted that a submission would be made asking Council to consider a budget to replace this structure in 2019/20.

Local Coffee Shops/Cafes Closed on Public Holidays

Kathy Reynolds expressed concern that local coffee shops/cafes are not open on Monday public holidays. It was noted that the Economic Development Manager would hold discussions with CBD food outlet owners with the aim of ensuring that a food outlet is available seven days a week (including public holidays) in the CBD.

Roadside Signage

It was noted that the upgrade of Council's roadside signage is a priority project for 2019/20. It was further noted that a banner promoting 'Winter Wonderland' would be considered.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 7.10PM.

Cr D Batten
Acting Chair

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

TOORAWEEAH MANAGEMENT COMMITTEE

29 May 2019

PRESENT

Mr G Pike (Chairman)
Mrs P Webb
Mr B Gale
Ms A Jenkin
Mrs B Pike (alternate delegate)

IN ATTENDANCE

Cr B Mockler
Mr D Colwell (Director Infrastructure)
Mrs J Prout (Executive Assistant)

Proceedings of the meeting commenced at 6.00pm.

APOLOGIES

Mrs R Dowsett

COMMITTEE'S RECOMMENDATION – 6/19	P Webb/B Gale
That the apologies submitted be accepted.	

ABSENT

Mr J Finn (alternate delegate)

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

COMMITTEE'S RECOMMENDATION – 7/19	P Webb/B Pike
That the Minutes of the meeting held on 27 February 2019 be confirmed.	

BUSINESS ARISING

Nil

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

REPORTS

REVIEW OF BUDGET

SUMMARY

To review the budget at 31 March 2019.

COMMITTEE'S RECOMMENDATION – 8/19	B Gale/P Webb
That the budget review as at 31 March 2019 be noted.	

ITEMS LISTED FOR DISCUSSION BY THE COMMITTEE OR COUNCIL

SUMMARY

To consider items put forward for discussion by the Committee.

Proceedings in Brief

It was noted that the Street Library is not in operation as yet.

COMMITTEE'S RECOMMENDATION – 9/19	A Jenkin/P Webb
That Bev Pike present to the next meeting a list of suggested sites for seats together with a suggested priority ranking.	

OUTSTANDING ITEMS FROM PREVIOUS MEETINGS

SUMMARY

To advise the status of outstanding matters from previous meetings.

Proceedings in Brief

Regarding drainage, it was noted that the last big rain has washed the top off the levy in Corliss Street.

COMMITTEE'S RECOMMENDATION – 10/19	B Gale/A Jenkin
That progress with outstanding matters be noted.	

GENERAL BUSINESS

Catheads at Aerodrome

The issue of catheads at the aerodrome puncturing the tyres of planes was raised, with the committee recognising the importance of tourism to Tooraweenah.

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COMMITTEE'S RECOMMENDATION – 11/19	A Jenkin/B Gale
That consideration be given to call Expressions of Interest to regularly inspect the weed situation at the Aerodrome and spray as necessary.	

Clearing of Scrub on Highway

Ben Gale thanked Council staff for clearing the scrub and improving visibility on the highway.

NEXT MEETING

Wednesday, 28 August - 6pm start

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.52PM.

Geoff Pike
Chairman

RECOMMENDATION

That the above listed Committee minutes be adopted.

David Neeves
General Manager

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

MINUTES – COMMITTEE MEETINGS FOR NOTATION

SUMMARY

To present the following minutes of Committee meetings for notation.

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<u>Health & Safety Committee</u>	13 June 2019
<u>Interagency</u>	30 May 2019
<u>Local Emergency Management Committee</u>	28 May 2019
<u>Orana Joint Organisation</u>	6 June 2019

Principal Activity

Strategic Leadership

Policy Implications

Nil

Budget Implications

Nil

Delivery Program Actions

4.1.2.1

Conduct the business of Council in an open and transparent manner

4.1.2.3

Develop, implement and continually monitor a good governance plan

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

HEALTH & SAFETY COMMITTEE

13 June 2019

PRESENT

C Horan – RMO	K Gibson – Carlinda
T Melville – Indoor	J Watling – Cooee
J Lummis – Management	B Schembri – Outdoor
G McAnally-Elwin – Management	L Tate – Orana Living
Lindsay Mathieson - Management	

Proceedings of the meeting commenced 2.37pm

IN ATTENDANCE

J Campbell – Administration Assistant

APOLOGIES

Wayne Bartlett
Jack Towney Representatives

Proceedings in Brief

Mrs Horan welcomed Lyn Tate as the representative for Orana Living with another representative required on the Committee.

COMMITTEE'S RECOMMENDATION – 1/19	J Watling/L Mathieson
That the apologies submitted be accepted.	

ABSENT

Nil

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

COMMITTEE'S RECOMMENDATION – 2/19	K Gibson/T Melville
That the minutes of the meeting held on 1 November 2018 be confirmed.	

BUSINESS ARISING

Nil

RISK MANAGEMENT OFFICER'S REPORT

(CM.ME.1)

ITEMS FOR NOTATION

SUMMARY

To present information for the Committee's notation.

Proceedings in Brief

Election

Mrs Horan called for nominations for the position of Chairperson and Kylie Gibson was nominated as Chairperson.

PERforM

Mrs Horan advised that training for Infrastructure staff, Planning and Environment, Youth and Fitness, Project staff, Indoor staff, Library, Jack Towney Hostel, Carlginda, Orana Living – 7 employees, Cooee Lodge – 17 employees have been completed.

An example of issues identified from Parks and Gardens are as follows:

- Discomfort from using a pole saw - possible solution – use a bucket harness and the possibility of a scissor lift/cherry picker hire once a year to trim all the trees.
- Discomfort from wiper snipping for long periods of time:
Change rotation of work eg not four hours of whipper snipping,
- Carlginda picking up cardboard off the floor and loading into press –
Leave a trailer near press to save bending.
- Jack Towney Hostel - Unpacking linen – supplier requested to provide linen in smaller bundles
- Making beds – adjust height or two people make beds.

Plant Safety Audit

KAS Consulting and Training has been engaged to assist with plant process audit outcomes.

How do we purchase plant? The whole process is being looked at with possibility of trialling equipment to be included before purchase to ensure it is adequate for the work.

Return to Work Program

This program has been reviewed to meet the new State Insurance Regulatory Authority (SIRA) requirements. Committee members were asked to read and report feedback to Mrs Horan on any suggested changes before the Consultative Committee meets in two weeks time.

MEETING OF: GILGANDRA SHIRE COUNCIL
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UV Exposure and Sun Protection Policy

Will be amended to include the rating of UV400 sunglasses in this policy.

Injury Reports

Some of the Orana Living injuries are being investigated and this is ongoing to improve practices.

COMMITTEE'S RECOMMENDATION – 3/19	M Wilson/J Watling
That the information presented be noted	

GENERAL BUSINESS

Mr Mathieson informed the Committee that the new fire indicator panel at Jack Towney Hostel was up and running. Training for staff will need to be conducted.

Mrs Lummis said that Mr Quayle used to do small maintenance jobs and produced a list which was created in 2002 of what maintenance staff could and couldn't do and asked that Mr Mathieson review accordingly. Mr Mathieson advised Mrs Lummis to discuss with the Maintenance staff to refine/update the list.

It was noted that cleaning of the wheelchairs will be deleted as it is included in the stand-up staff duties.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.03PM.

An inspection was then carried out at:

- 59 Waugan Street – B Schembri and C Horan

Proceedings in Brief

Mrs Horan informed the Committee that Council's second Safety Improvement conference on Health and Wellbeing will be held on 24 and 25 October 2019.

NEXT MEETING

The next meeting of the Health and Safety Committee will be held on 8 August 2019.

K Gibson
Chairperson

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

INTERAGENCY

30 May 2019

PRESENT

Barnardos – Gina Johnson (Chair)
Anglican Church – Grahame Yager
Barnardos – Mandii Lesslie
Centacare – Krystel Sutherland
Carer's NSW – Robyn Howard
Gilgandra Preschool – Kristy Hyndes, Joanne Buckland
Gilgandra Public School – Patricia Howard
Gilgandra Shire Council – Guy McAnally-Elwin
NSW Health – Sarah Cruickshank, Erin Blanch
St Vincent de Paul – Paul Dolan
Western NSW Community Legal Centre – Tayla Gillespie
Gilgandra Youth Services – Helen Naef, Monica Mudford
Disability Advocacy – Lea Callan

Proceedings of the meeting commenced at 12.12pm

APOLOGIES

Aboriginal Affairs
Cooee Lodge Hostel – Angelena Thompson
FACS – Raymond Quigley
Family & Community Services – Elicia Irvin
Family & Community Services - Raymond Quigley
Gilgandra High School – Neal Reed
Gilgandra Shire Council – Cr Doug Batten, Julie Prout
Gilgandra Shire Library – Liz McCutcheon
Jack Towney Hostel – Del Gordon
NSW Health – Sarah Webb
St Joseph's School
WACHS – Jinnaya Tyson and Bec Lee
Western NSW Community Legal Centre - Julia Adamski

COMMITTEE'S RECOMMENDATION 5/19	H Naef/P Howard
That the apologies be accepted.	

CONFIRMATION OF MINUTES

COMMITTEE'S RECOMMENDATION 4/19	G Yager/T Gillespie
That the proceedings of the previous Interagency meeting held on 28 March 2019 be confirmed.	

BUSINESS ARISING

National Families week

It was decided to hold this every year in May, however look at changing times and perhaps use a school as a venue.

SERVICE UPDATES

Gilgandra Preschool

New renovation/extension happening

Centacare

- After school hub
- Yarning hub
- 3 surveys

Barnardos

New worker – Brighter Futures

Anglican Church

Drought assistance continuing – really biting.

Gilgandra Public School

Hear our Heart done

Gilgandra Youth Service

New worker – Monica Mudford
Number of families homeless
National Families Day held
Breakfast club increased to 32
Training – Public interest advocacy centre

Western NSW Community Legal Centre

Visiting monthly to Gilgandra – clients have increased

Disability Advocacy

NDIS biggest issues and Centrelink pensions knocked back. Servicing Dubbo to Walgett/Lightning Ridge.

MEETING OF: GILGANDRA SHIRE COUNCIL
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St Vincent de Paul

Services to people in financial difficulties – food vouchers, electricity bills. Drought relief - \$2m in the last 2-3 months.

Carers NSW

NDIS changes to Carers program are ending. Tendered for the service with NDIS.

Western NSW Local Health District

Flu season, shot available – free for children, seniors and Aboriginals, \$20 for others.

Whooping cough – it is recommended to have a booster every 10 years.

NEXT MEETING

Thursday, 25 July 2019 – 12 noon

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.40 PM.

G Johnson
Chair

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

LOCAL EMERGENCY MANAGEMENT COMMITTEE

28 May 2019

PRESENT

Mr D Neeves (Gilgandra Shire Council) - Chair
Mr D Colwell (Gilgandra Shire Council - LEMO)
Sgt N Campbell (NSW Police - LEOCON)
Mr L Mathieson (Fire & Rescue NSW)
Mr S Beaton (NSW Ambulance)
Mr G Bunyan (NSW Rural Fire Service)
Mr S Basham (Rural Fire Service)
Mr K Wise (NSW Police – REMO)
Mr G Kiehne (Gilgandra SES)
Mr C Riley (Gilgandra SES)
Ms B Bignell (Gilgandra MPS)
Mr M Colwell (Essential Energy)
Ms A Whiley (Local Land Services)

IN ATTENDANCE

Mrs J Prout (Gilgandra Shire Council)

Proceedings of the meeting commenced at 5.00pm
at the NSW Rural Fire Service, Deri Street, Gilgandra

APOLOGIES

Cr D Batten (Mayor, Gilgandra Shire Council)
Mr C Philip (NSW Rural Fire Service)
Mr M Harris (Gilgandra MPS)

COMMITTEE'S RECOMMENDATION 6/19	S Basham/N Campbell
That the apologies submitted be accepted.	

CONFIRMATION OF MINUTES

COMMITTEE'S RECOMMENDATION 7/19	S Basham/G Bunyan
That the minutes of the meeting held on 26 February 2019 be accepted as a true record of proceedings.	

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

BUSINESS ARISING

Starship Enterprise Exercise

The Committee worked through the recommendations and actions for Starship Enterprise

EMplan

COMMITTEE'S RECOMMENDATION 8/19	N Campbell/S Beaton
That, noting the additions listed in the Starship Enterprise Exercise, the revised Emplan be adopted and signed.	

LLS Exercise

Alicia Whiley provided details of the LLS exercise to be held in Gilgandra on 30 May 2019, noting that a previous exercise had been undertaken in Condobolin. These animal evacuation exercises are as a result of the experiences with the St Ivan and Tinga fires. It was noted that the Gilgandra Showground could be added to the EMplan as an evacuation centre for animals.

AGENDA ITEMS

REMO'S REPORT

Kel Wise spoke to his report.

Proceedings in Brief

It being 5.35pm, Scott Beaton received a call out and left the meeting.

COMMITTEE'S RECOMMENDATION 9/19	K Wise/G Kiehne
That the REMO's report be noted.	

CORRESPONDENCE RECEIVED REQUIRING DISCUSSION

It was noted all correspondence should be addressed to council@gilgandra.nsw.gov.au rather than to any individuals at Council.

EVENTS

Gilgandra Races, 1 June 2019

UPDATE OF EMERGENCY CONTACT DETAILS

Minor amendments were noted for update.

GENERAL BUSINESS

REMC Minutes

The significant damage caused by recent storm activities and the real disconnect with information sharing across agencies was noted. Local Government needs to be informed of any damage to roads or public assets. Agencies are requested to advise LEOCON or REMO in order to determine whether a relief fund is likely. If serious, unusual or newsworthy – email to let them know of the event.

A critical incident health check will be pushed out at LEMC level in the next 12 months.

It was noted not many LEMC members had completed training and this training is recommended.

SES

Geoff Kiehne sought support from the Committee for the upgrade of the current Medium Rescue vehicle to a Heavy Rescue vehicle, noting the number of incidents the SES has been called to involving heavier vehicles.

COMMITTEE'S RECOMMENDATION 10/19	G Kiehne/S Basham
That the membership of the Gilgandra LEMC acknowledge the significant number of calls for the Gilgandra SES Unit for road crash rescue involving heavy vehicles and that the Committee gives in principle support to the recommendation for the Gilgandra SES Unit rescue capability to be upgraded from medium to heavy rescue with the impending replacement of their primary rescue vehicle.	

Rural Fire Service

Graham Bunyan advised the RFS has moved to a centralised dispatch system with all calls initially going to Sydney. This is providing a more co-ordinated approach and quicker response and has been implemented as an improvement since the Tathra fires.

MEETING OF: GILGANDRA SHIRE COUNCIL
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2019 MEETINGS

Tuesday, 27 August 2019 (Ambulance Training Centre)
Tuesday, 26 November 2019 (Gilgandra Shire Council)

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.51PM.

David Neeves
Chairman

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

ORANA JOINT ORGANISATION

6 June 2019

MEETING OF: Orana Joint Organisation
DATE: 6 June 2019
TIME: 9.00 am
VENUE: Bogan Shire Council Chambers

ATTENDEES:

Clr C Davies (Chair)	Mayor, Narromine Shire Council
Clr D Todd	Mayor, Warrumbungle Shire Council
Clr M Quigley	Mayor, Warren Shire Council
Clr D Kennedy	Mayor, Mid-Western Regional Council
Clr A Walker	Deputy Mayor Gilgandra Shire Council
Clr Ray Donald OAM	Mayor, Bogan Shire Council
David Neeves	General Manager, Gilgandra Shire Council
Glenn Wilcox	General Manager, Warren Shire Council
Derek Francis	General Manager, Bogan Shire Council
Brad Cam	General Manager, Mid-Western Regional Council
Jane Redden	General Manager, Narromine Shire Council
Ashley Albury	NSW Premier and Cabinet, Director Western NSW
Belinda Barlow	Interim Executive Officer Orana Joint Organisation
Melissa Salter	Bogan Shire Council (Minute Taker)

APOLOGIES:

Roger Bailey	General Manager, Warrumbungle Shire Council
Clr Doug Batten	Mayor Gilgandra Shire Council and Chair Orana JO

GUESTS:

Gavin Priestley	NSW Public Works Advisory, Western NSW
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In the absence of the Orana JO Chair Clr Doug Batten, Interim Executive Officer Belinda Barlow opened the meeting at 9.00 am and called for nominations for a Chair for the meeting.

Clr Milton Quigley nominated Clr Craig Davies who accepted the nomination.

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

APPOINTMENT OF CHAIR FOR ORANA JO BOARD MEETING

2019/019 RESOLVED Clrs Quigley/Todd that Clr Davies be appointed Chair.

CARRIED

Clr Craig Davies assumed the Chair at 9.02 am

The Chair welcomed all to the Orana JO Board Meeting and thanked Gavin Priestley for his attendance. Clr Donald welcomed all present to the Bogan Shire.

BOARD MEETING ITEMS

1. APOLOGIES:

2019/020 RESOLVED Clrs Walker/Todd that the apologies of Clr D Batten and Mr Roger Bailey be accepted and that leave of absence be granted to Clr D Batten until 12 June 2019.

CARRIED

2. GUESTS

Mr Gavin Priestley was warmly welcomed to the Orana JO Board Meeting.

3. DECLARATIONS OF INTEREST

NIL

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 ORDINARY MEETING HELD 4 MARCH 2019

2019/021 RESOLVED Clrs Todd/Kennedy that the Minutes of the Orana JO Board Meeting held 4 March 2019 be adopted as a true and correct record of the meeting.

CARRIED

4.2 EXTRA ORDINARY MEETING HELD 29 APRIL 2019

2019/022 RESOLVED Clrs Donald/Kennedy that the Minutes of the Orana JO Extra Ordinary Board Meeting held 29 April 2019 be adopted as a true and correct record of the meeting.

CARRIED

It was noted that Mr Ashley Albury was in attendance at this meeting.

5. MATTERS ARISING FROM MINUTES

5.1 Consideration of state funding contribution for the future operation of Orana JO

2019/023 RESOLVED Clrs Donald/Walker that the report and information supplied to the Orana JO Board from the outcomes of the NSW Network of JO Chairs workshop held on 30th May 2019 at NSW Parliament House was noted and acknowledged.

CARRIED

5.2 Draft Orana JO Code of Meeting Practice

2019/024 RESOLVED Clrs Donald/Walker that the draft Code of Meeting Practice for the Orana JO dated May 2019 be adopted and that such updated Code of Meeting Practice be made available on the Orana Joint Organisation's website.

CARRIED

2019/025 RESOLVED Clrs Todd/Walker that the Orana JO move into Closed Business to consider Agenda Item 6 at 9.35 am in accordance with the provisions of Section 10A(2)(c) of the Local Government Act because the information would, if disclosed, confer a commercial advantage on a person with whom the council (JO) is conducting (or proposes to conduct) business.

CARRIED

Mr Priestley left the meeting at 9.35 am.

OPEN MEETING

Mr Priestley returned to the meeting.

At this juncture Mr Gavin Priestley NSW Public Works was invited to present to the Board, and provided an update on the role of Public Works Advisory and its relevance to local government in the regions of Central, Western and Far Western NSW.

The Chair thanked Mr Priestley for his time. Mr Priestley left the meeting 11.10am.

It is noted the following was resolved in Closed Business.

6.1 Electricity Contracts – Mass Market Sites

2019/026 RESOLVED Clrs Donald/Walker:

1. That the Orana JO Board engage Energy and Management Services to prepare a pricing request on behalf of Member Councils for energy (small sites) commencing 1 January 2020.

2. That the Orana JO would formally invite the Namoi JO and two former Councils (Coonamble and Brewarrina) to participate in the energy contract commencing 1 January 2020.

CARRIED

6.2 Submission to the Australian Energy Regulator

2019/027 RESOLVED Clrs Todd/Donald

1. That Energy and Management Services Pty Ltd be engaged to represent the Orana JO on Essential Energy's Street Lighting Consultative Committee.
2. That each member council proceed to complete the relevant correspondence nominating Energy and Management Services Pty Ltd as its representative to the Essential Energy Street Lighting Consultative Committee.
3. That the fee of \$9000 be accepted by the Orana JO to undertake the work and analysis for LED Street Lighting upgrade functions between Essential Energy and the 6 Orana JO member councils.
4. That the newsletter supplied by Energy and Management Services Pty Ltd in respect to LED Street Lighting be noted.

CARRIED

6.3 Report from Joint Organisation Leadership Team (JOLT) Meeting held 24 May 2019

2019/028 RESOLVED Clrs Todd/Kennedy that the Orana JO Board note the minutes of the Joint Organisation Leadership Team held on Friday 24th May 2019.

CARRIED

6.4 Report Landcare Coordinator role

2019/029 RESOLVED Clrs Quigley/Walker that Orana JO does not take up a hosting role for a Landcare Coordinator.

CARRIED

2019/031 RESOLVED Clrs Kennedy/ Donald that the Orana JO move into Closed Meeting and suspend the standing orders to discuss a matter relating to Agenda Item 5.1. This Item is to be discussed in Closed Business in accordance with the provisions of *Section 10A (2) (a) of the Local Government Act 1993 because it contains personnel matters concerning the Interim Executive Officer.*

CARRIED

The Executive Officer left meeting at 11.50 am

OPEN MEETING

The Interim Executive Officer returned to the meeting.

The following resolution was READ from the Closed Business:

2019/032 RESOLVED Clrs Kennedy/Donald that:

1. The Orana JO Board adopt the following organisational structure:
One x Executive Officer; Two x Sponsoring General Managers with administrative, financial and human resource support provided under the current Service Level Agreement with Narromine Shire Council.
2. That the Orana JO offer the position of Executive Officer to the current incumbent under the following terms:
 - a) 25 hours per week permanent/part time SES Level 1 pro rata, performance based contract.
 - b) A contract term effective from 14.6.2019 for up to a twelve month period subject to review, based on funding from the State Government.
 - c) Narromine Shire Council General Manager is to act as the sponsoring General Manager for the term of contract.
3. That Clr Doug Batten (Chair Orana JO) and one other nominated Orana JO Board member being Mayor Narromine Shire Council, Clr Craig Davies, together with two nominated General Managers being Gilgandra Shire Council General Manager and Narromine Shire Council General Manager work with the Executive Officer to develop a performance agreement.
4. That Orana JO write to the Office of Local Government advising of the appointment of the EO for a twelve month period.

7. EXECUTIVE OFFICER'S REPORTS

2019/034 RESOLVED Clrs Todd/Donald that the Orana Joint Organisation Board note the Executive Officer's Reports.

CARRIED

7.1 Emergency Services Levy

2019/035 RESOLVED Clrs Donald/Todd that the Orana JO prepare relevant correspondence to the Minister for Emergency Services and to the President of Local Government NSW, noting that timing and the lack of consultation in respect to the increased contribution is unsatisfactory and that the levy is not implemented and Councils defer their payment of the levy.

CARRIED

7.2 NSW Planning and Environment Delivery Coordination and Monitoring Committee (Central West Orana Regional Plan 2036)

2019/036 RESOLVED Clrs Walker/Kennedy that Orana JO Board supports Narromine Shire Council's Executive Manager, Planning to represent the Orana JO region at the Central West and Orana Regional Plan Delivery, Coordination and Monitoring Committee.

CARRIED

7.3 Orana Water Utilities Alliance Report

2019/037 RESOLVED Clrs Todd/Walker that the OWUA report be received and noted and that Mid-Western Regional Council be commended for the work undertaken to establish and direct the Alliance.

CARRIED

7.4. Regional Drought and Water Allocation Report

2019/038 RESOLVED Clrs Donald/Walker that the Regional Drought and Water Allocation Report be received and noted.

CARRIED

7.5. Orana Infrastructure Subcommittee Report

2019/039 RESOLVED Clrs Walker/Kennedy that the Orana Infrastructure Subcommittee Report be received and noted.

CARRIED

8. CORRESPONDENCE

2019/040 RESOLVED Clrs Quigley/Todd that the correspondence be received and noted.

CARRIED

9. SUBMISSION OF QUESTIONS FOR THE NEXT MEETING

9.1 Clr Donald recommended that the Orana JO offer an invitation to the Coonamble Shire Council to attend the next meeting of the Orana JO Board.

There being no further business the meeting closed at 12.38pm.

Next Meeting: 30 September 2019, venue: Narromine Shire Council

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

RECOMMENDATION

That the above listed Committee minutes be noted.

David Neeves
General Manager

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

REPORTS FOR INFORMATION AND NOTATION

SUMMARY

To present reports for information and notation.

.....

- Statement of Bank Balances (Local Government (Financial Management) Regulation No. 93) and Investment Balances
- Matters Outstanding from Previous Council Meetings
- Development Applications

Any questions which Councillors may have in relation to these reports and/or issues to be raised, should be brought forward at this time.

STATEMENT OF BANK BALANCES AND INVESTMENT BALANCES

SUMMARY

To present the following information relative to the above report headings:

.....

1. Statement of Bank Balances (Local Government Financial Management Regulation No. 19) - Month of May 2019.
2. Certificate of Bank Reconciliation – Month of May 2019.
3. Details of investments as at 31 May 2019 (Local Government Financial Management Regulation No. 19).

CASH BOOK BALANCE AS AT	30-Apr-19	\$1,733,148.74
Plus: Receipts		\$3,180,446.96
Less: Payments		<u>\$3,707,393.28</u>
CASH BOOK BALANCE AS AT	31-May-19	<u>\$1,206,202.42</u>

STATEMENT BALANCE AS AT	30-Apr-19	\$1,726,264.03
Plus: Receipts		\$3,095,445.21
Less: Payments		<u>\$3,544,503.46</u>
STATEMENT BALANCE AS AT	31-May-19	<u>\$1,277,205.78</u>

Plus: Unpresented Receipts		\$43,436.14
Less: Unpresented Payments		<u>\$114,439.50</u>
RECONCILED BALANCE AS AT	31-May-19	<u>\$1,206,202.42</u>

Cashbook balance as at 31 May 2019:	\$1,206,202.42
Investments held as at 31 May 2019:	<u>\$21,538,830.13</u>
Total Cash & Investments Held as at 31 May 2019:	<u>\$22,745,032.55</u>

MEETING OF: GILGANDRA SHIRE COUNCIL
 HELD ON: 25 JUNE 2019

The bank balances in each of the funds as at 31 May 2019 are:

General Fund	\$8,307,779.43
Water Fund	\$2,390,281.11
Sewer Fund	\$1,282,712.28
Orana Living	\$3,426,094.95
Carlinda Enterprises	\$361,559.05
Cooee Villa Units	\$1,220,473.45
Cooee Lodge	\$4,687,853.63
Jack Towney Hostel	\$796,632.20
Trust Fund	\$271,646.45

Balance as per Total Cash & Investments Held: \$22,745,032.55

Details of Council's investments are as follows:

(a)	\$1,000,000.00	For 275 days @	2.80%	Due on 12-Dec-19	With AMP Bank
(b)	\$1,000,000.00	For 274 days @	2.70%	Due on 03-Sep-19	With AMP Bank
(c)	\$500,000.00	For 217 days @	2.75%	Due on 08-Nov-19	With AMP Bank
(d)	\$1,500,000.00	For 189 days @	2.55%	Due on 29-Nov-19	With AMP Bank
(e)	\$1,000,000.00	For 183 days @	2.75%	Due on 24-Jul-19	With AMP Bank
(f)	\$500,000.00	For 125 days @	2.55%	Due on 09-Jul-19	With Bankwest
(g)	\$1,000,000.00	For 90 days @	2.35%	Due on 26-Jun-19	With Bankwest
(h)	\$1,000,000.00	For 120 days @	2.55%	Due on 03-Jul-19	With Bankwest
(i)	\$500,000.00	For 274 days @	2.55%	Due on 03-Sep-19	With Bendigo
(j)	\$1,000,000.00	For 214 days @	2.40%	Due on 06-Dec-19	With Bendigo
(k)	\$1,000,000.00	For 275 days @	2.50%	Due on 04-Jan-20	With Bendigo
(l)	\$500,000.00	For 183 days @	2.45%	Due on 04-Oct-19	With Bendigo
(m)	\$500,000.00	For 183 days @	2.40%	Due on 11-Oct-19	With Bendigo
(n)	\$1,000,000.00	For 182 days @	2.65%	Due on 16-Sep-19	With BoQ
(o)	\$1,000,000.00	For 182 days @	2.80%	Due on 11-Jul-19	With BoQ
(p)	\$500,000.00	For 184 days @	2.35%	Due on 06-Nov-19	With IMB
(q)	\$1,000,000.00	For 120 days @	2.20%	Due on 25-Sep-19	With IMB
(r)	\$1,000,000.00	For 184 days @	2.35%	Due on 20-Nov-19	With ME Bank
(s)	\$1,500,000.00	For 120 days @	2.65%	Due on 27-Jun-19	With ME Bank
(t)	\$500,000.00	For 181 days @	2.74%	Due on 29-Jul-19	With NAB
(u)	\$1,000,000.00	For 272 days @	2.76%	Due on 02-Sep-19	With NAB
(v)	\$1,000,000.00	For 210 days @	2.75%	Due on 02-Jul-19	With NAB
(w)	\$1,000,000.00	For 91 days @	2.40%	Due on 05-Aug-19	With NAB
(x)	\$1,000,000.00	For 272 days @	2.45%	Due on 20-Jan-20	With NAB
(y)	\$38,830.13		1.67%	At Call	With TCorp
Total Investments:					
\$21,538,830.13					

OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

SUMMARY

To provide an update in relation to matters previously resolved at Council Meetings requiring further action to be taken.

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<u>Res. No.</u>	<u>Subject</u>	<u>Action</u>
<u>August 2014</u>		
233/14	Aero Park Shed Lease	Land will be cleared by end August
<u>February 2016</u>		
26/16	Industrial Subdivision Stormwater - Pines Industrial Subdivision	Still awaiting signature from one owner
<u>September 2017</u>		
264/17	Mudfords Road	Still awaiting response from the Minister
<u>March 2018</u>		
55/18	Flora Reserve	Local service clubs, community organisations and interested individuals to be canvassed for their willingness to provide assistance following creation of a plan of management for the site.
<u>June 2018</u>		
126/18 248/18	Rising Sun Structure	Report to future meeting
<u>September 2018</u>		
205/18	Staff Uniform	Quotations close 21/6/19
<u>December 2018</u>		
264/18	Purchase of Land for NSW Rural Fire Service	Subdivision created. Currently with Solicitor.

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

February 2019

7/19	Possible land exchange	Offer made – awaiting response from interested party
8/19	Preferred trade supplier arrangements	Tender being prepared
9/19	Fire damaged dwelling	Awaiting legal advice
16/19	Ecotourism/Geotourism Accommodation project	To be further considered as time permits

April 2019

46/19	Organisational structure review	Report to this meeting
48/19	Code of Meeting Practice	Report to this meeting

May 2019

67/19	Library upgrade	Report to this meeting
117/18 73/19	Rural Fire Service Zoning Agreement	To be updated in due course

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 25 JUNE 2019

DEVELOPMENT APPLICATIONS

The following applications were received from 1-31 May 2019.

DA Number	Received	Applicants Name	Application Description of Work	Property Address	Certificate Number	Decision	Decision Date
2019/289	29/04/2019	WOODHAM PETROLEUM SERVICES PTY LTD	FUEL DEPOT	14 ENTERPRISE DRIVE GILGANDRA			
2019/290	07/05/2019	GILGANDRA DISTRICT SPEEDWAY CLUB INC	AMENITIES BLOCK	6090 NEWELL HIGHWAY GILGANDRA	LA2019/290		
2019/291	07/05/2019	DIANE GAY IRVIN	STORAGE SHED/GARAGE	1 BENSLEY CLOSE GILGANDRA	CC2019/291	APPROVED	03/06/2019
2019/292	16/05/2019	GILGANDRA SHIRE COUNCIL	CONSTRUCTION OF MASONRY BLOCK TENNIS HIT UP WALL	Lot 1 MURRAY STREET TOORAWEEAH	CC2019/292	APPROVED	24/05/2019
2019/293	16/05/2019	BRETT HARVEY DESIGNS	NEW RESIDENTIAL DWELLING	19 HOLLAND CLOSE GILGANDRA	CC2019/293		
2019/294	28/05/2019	JOHN JOSEPH THOMS	PATIO COVER	10 MERRI STREET GILGANDRA	CDC2019/294	APPROVED	05/06/2019
TOTAL FOR MAY 2019				\$1,028,888.00			
TOTAL FOR 2019				\$2,427,240.00			

RECOMMENDATION

That the reports be noted.

David Neeves
General Manager
