



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 26 April 2017

at

2:07pm

at

Walcha Council Chambers

PRESENT: Clr EH Noakes (Chairman) Mayor together with Councillors PR Blomfield, KW Ferrier, WJ Heazlett, JM Kealey, SJ Kermode, CM Lyon and RL Wellings.

IN ATTENDANCE: Mr JG O'Hara, General Manager, Mr DJM Reeves, Director – Engineering Services, and Mrs LJ Latham, Environmental Services Manager.

1. APOLOGIES:

Nil.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 29 MARCH 2017:

165 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that the Minutes of the Ordinary Meeting held on Wednesday, 29 March 2017, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Nil.

4. DECLARATIONS OF INTEREST

6.1 Development Application 10.2016.17 – Demolish three sheds and Construct New Supermarket and Liquor Outlet – 36-40W Fitzroy Street, Walcha – Jeremy Allen Planning & Design WO/2017/00615

Clr Lyon declared a pecuniary interest in this matter as he a direct competitor to the proposed business.

5. MAYORAL MINUTE

Nil.

6. SENIOR OFFICERS REPORT

166 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that the Senior Officers' Reports be **RECEIVED** for further consideration.

6.1 Development Application 10.2016.17 Demolish three sheds and construct new Supermarket and Liquor Outlet – 36W-40W Fitzroy Street, Walcha – Jeremy Allen Planning & Design WO/2017/00615

Clr Lyon left the Meeting and took no part in the debate.

167 **RESOLVED** on the Motion of Councillors Kealey and Blomfield that Council approve Development Application 10.2016.17, being for demolition of three existing sheds and part of a commercial building, consolidation of lots, and construction of a supermarket and liquor outlet with 47 car parks on land known as 36W-40W Fitzroy Street, Walcha, being Lot 2 in DP 779495 and Lot 1 in DP 158212 under the ownership of Walcha Property Pty Ltd subject to the following conditions:



1. PRESCRIBED CONDITIONS

- cl. 98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#) (cf clauses 78 and 78A of EP&A Regulation 1994)**
- 1.1. For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- 1.1.1. that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- 1.2. This clause does not apply:
- 1.2.1. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- 1.2.2. to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) Development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Construction certificate, in every other case

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

- cl. 98A Erection of signs**
- 1.3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- 1.3.1. showing the name, address and telephone number of the principal certifying authority for the work, and
- 1.3.2. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- 1.3.3. stating that unauthorised entry to the work site is prohibited.
- 1.4. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100)

- cl. 98E Condition relating to shoring and adequacy of adjoining property**
- 1.5. For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the



development consent must, at the person's own expense:

- 1.5.1. protect and support the building, structure or work from possible damage from the excavation, and
- 1.5.2. where necessary, underpin the building, structure or work to prevent any such damage.
- 1.6. The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

2. GENERAL CONDITIONS

- 2.1. The development must take place in accordance with the approved plans (bearing the Walcha Council approval stamp) and documents submitted with the application, listed below:

Project No.	Drawing No.	Description	Prepared by	Dated
1119 – 16	1 of 4 (Rev. A)	Site plan	J.A. of Jeremy Allen Planning & Design	5/12/2016
1119 – 16	2 of 4 (Rev. A)	Floor plan	J.A. of Jeremy Allen Planning & Design	7/12/2016
1119 – 16	3 of 4 (Rev. A)	Elevations	J.A. of Jeremy Allen Planning & Design	7/12/2016
1119 – 16	4 of 4 (Rev. A)	Section plan	J.A. of Jeremy Allen Planning & Design	7/12/2016
1119 – 16	-	Statement of Environmental Effects	J.A. of Jeremy Allen Planning & Design	5/12/2016

Also in accordance with any changes shown in red ink on the approved plans, and as amended by the conditions of consent.

- 2.2. All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.

Notification of intention to carryout plumbing and drainage work must be provided on the appropriate 'Notice of Work' form (available for download from the NSW Fair Trading Website) prior to plumbing and drainage work commencing. A 'Certificate of Compliance' (also available for download from the NSW Fair Trading Website) and Sewer Service Diagram (SSD) (template available for download from NSW Fair Trading Website) is to be submitted to Council at completion of the plumbing and drainage work, either prior to or at the time of the inspection. The SSD must comply with the required specifications, further information available from Council upon request.

- 2.3. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with the requirements of Council's Engineering Department, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
- 2.4. Tree removal should be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.



- 2.5. Incorporation of planting to screen and visually integrate the development with the local environment when viewed from South and Fitzroy Streets as specified in the Site Plan submitted with the Development Application. Further details to be indicated on plan to the satisfaction of the Certifying Authority before the issue of a Construction Certificate for the development.

New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs or roots.

- 2.6. Should Walcha Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:
- after the commencement of the excavation for, and before the placement of, the first footing **
 - prior to covering any stormwater drainage connections **
 - after the building work has been completed and prior to any occupation certificate being issued in relation to the building **

** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out. (Please call 02 6774 2515 to book an inspection).

- 2.7. The Applicant is to decide on the final finishes and colours of the buildings in consultation with Council's Arts Advisory Committee.

3. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE CONDITIONS

- 3.1. The applicant shall consolidate the two lots prior to issue of a Construction Certificate.
- 3.2. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with the requirements of Council's Engineering Department, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
- 3.2.1. A full sewer design will be required to be approved by Council prior to the issue of a Construction Certificate to ensure adequacy. As part of the sewer design, Council must be notified of the projected sewer production to ensure that downstream infrastructure is not overloaded as a result of this development.
- 3.2.1.1. Consideration to be given to liquid trade waste discharge into Council's sewerage system, with approval to be approved by Council prior to issue of a Construction Certificate.
- 3.2.2. A full water provision design will be required to be approved by Council prior to the issue of a Construction Certificate to ensure adequacy. As part of the water provision design, Council must be notified of the projected water usage to ensure that Councils existing infrastructure in the immediate area is sufficient to supply the required water for the development.
- 3.2.3. A full hydraulic design from an appropriately qualified practising



- hydraulic engineer for the premises, including all fire fighting equipment, will be required to be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.
- 3.2.4. A full drainage plan will be required to be approved by Council prior to the issue of a Construction Certificate to ensure infrastructure design is adequate for flood protection and drainage control of the proposed development and / or other property. Stormwater systems must cater, as a minimum, for a stormwater flooding event of 20% Annual Exceedance Probability (AEP) for pipes, and 1% AEP for aboveground flow paths.
 - 3.2.5. All internal driveways and visitor car parking must have an asphalt or reinforced concrete wearing surface. The pavement design is required to be approved by Council prior to the issue of a Construction Certificate to ensure adequacy.
 - 3.3. The detailed plans and specifications submitted with the application for a construction certificate must be certified by an appropriately qualified practicing structural engineer and are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the Building Code of Australia for the appropriate class of building. Amended plans are to be submitted to the Principal Certifying Authority for authentication of BCA compliance and issue of a Construction Certificate. Should the external configuration of the building be modified as a result of achieving BCA compliance, this development consent must also be modified.
 - 3.4. The retaining wall to the north boundary of the development adjacent to the loading dock is to be of a material and height to suitably absorb noise generated from the development.
 - 3.5. Access to the building for the disabled shall be provided in accordance with AS 1428.1 and the Building Code of Australia. Details of the disabled facilities need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the Building Code of Australia.
 - 3.6. 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.
 - 3.7. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.
 - 3.8. The design and construction of food premises must:
 - 3.8.1. be appropriate for the activities for which the premises are used
 - 3.8.2. provide adequate space for the activities to be conducted on the food premises and or the fixtures, fittings and equipment used for those activities
 - 3.8.3. permit the food premises to be effectively cleaned and, if necessary, sanitised
 - 3.8.4. to the extent that is practicable (i) exclude dirt, dust, fumes, smoke and



other contaminants; (ii) not permit the entry of pests; and (iii) not permit any harbourage for pests

In accordance with the Australia and New Zealand Food Safety Authority Food Safety Standards and to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au>.

Details to be submitted for the approval of the Council's Environmental Health Officer before the issue of a Construction Certificate

- 3.9. Floor levels of the proposed development are to be a minimum of 500mm above the calculated 1% flood level, to ensure an acceptable level of flood protection for the development, and is to be shown on the plans submitted with the application for a Construction Certificate.
- 3.10. The tanks be decommissioned and removed in accordance with the requirements of the following legislation and policies as well as using industry best practice wherever possible:
- Clause 174ZF of the Occupational Health and Safety Regulation 2001: Cleaning or decommissioning plant, equipment and containers
 - Code of Practice: Storage and handling of dangerous goods (NSW WorkCover Authority 2005)
 - Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008
 - AS1940-2004: Storage and handling of flammable and combustible liquids
 - AS4976-2008. Removal and disposal of underground petroleum storage tanks

All decommissioning and removal works must be carried out by a 'duly qualified person' as defined in the UPSS Regulation.

A Validation Report must be submitted to Council within 60 days of completion of the necessary remediation works and prior to the release of a construction certificate for the development. The Validation Report must be completed in accordance with the Department of Environment, Climate Change & Water *UPPS Technical Note: Site Validation Reporting* to ensure it meets the requirements of clauses 13 and 15 of the UPSS Regulation.

If any damage occurs to Council property / infrastructure / assets as a result of necessary removal and remediation works, full repairs and remediation works are to be carried out by the developer, full cost to be beared by the developer prior to the release of an occupation certificate.

4. PRIOR TO CONSTRUCTION COMMENCING CONDITIONS

- 4.1. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the EP&A Regulation 2000.



- 4.2. The following detailed design drawings and specifications must be submitted and approved by Council prior to the issue of a construction certificate:
- A full sewer design
 - A full water provision design
 - A stormwater drainage plan
 - Pavement design; all internal driveways and visitor car parking must have an asphalt or reinforced concrete wearing surface. Where the existing Kerb or Gutter is impacted by the proposed design, the infrastructure is to be reinstated to Council's standards at full cost by the developer.
 - South Street, directly in front of the loading dock is to be upgraded to a suitable wearing course to ensure truck movements do not damage councils existing bitumen seal. The upgraded wearing course should be asphalt, with the depth to be determined and submitted to Council prior to the release of a Construction Certificate.
 - A designated pedestrian walkway to be created from the supermarket entrance to Fitzroy Street through the removal of carpark 24 transversing east of the Craft Shop building at a width suitable for the safe passage of mobility scooters, trolleys and prams to ensure to ensure continuity with the existing Walcha CBD.
 - Part of the water design is to ensure that firefighting hydrants meet the necessary standard. In the event that the existing hydrant does not, an upright pillar hydrant assembly mid-block may be required. This will need to be assessed and approved by Council at the time of water provision designs assessment and prior to the release of a Construction Certificate to ensure adequacy.
- 4.3. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.

For development involving both building and subdivision work authorised by the same development consent, a separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

- 4.4. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on



the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act 1997.

- 4.5. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenience. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

5. DURING CONSTRUCTION CONDITIONS

- 5.1. Any building work must be carried out between 7.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
- 5.2. Work may be carried out outside the standard hours for construction if the work only generates noise that is:
- 5.2.1. no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
- 5.2.2. no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- 5.3. Work may be carried out outside the standard hours for construction:
- 5.3.1. for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
- 5.3.2. in an emergency, to avoid the loss of lives or property or to prevent environmental harm.
- 5.4. A certificate of survey is to be provided from a registered surveyor to the principle certifying authority indicating the floor level is 500 mm above the 1% flood level.
- 5.5. No part of the structure (including the eaves gutter) to encroach upon adjoining property.
- 5.6. Buildings / structures must not be constructed over sewer mains unless specific approval has been granted by the Council. Approval to construct buildings over the sewer main will only be granted where other methods, such as realignment, are not possible.
- 5.7. An appropriate Management Strategy is to be developed to deal with any potential contamination that may be found.
- 5.8. Roof and surface stormwater from paved and impervious areas is to be collected and directed to drainage easements in accordance with the approved stormwater drainage plan, to protect the site and adjoining



property from effects of flooding. Relevant work to be carried out immediately the roof and guttering is installed

- 5.9. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
- 5.10. A garbage receptacle must be provided at the work site before works begin and must be maintained until works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- 5.11. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site (and must not be burned on site) and then disposed of at a waste management facility, to protect the amenity of the area and avoid the potential of air pollution.
- 5.12. Effective dust control measures are to be maintained during construction to maintain public safety / amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
- 5.13. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5.14. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
- 5.15. All vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 5.16. Retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided where soil conditions are inadequate, ensuring adequate provision is made for drainage.
- 5.17. Any earthworks (including any structural support or other related structure for the purposes of the development):
 - 5.17.1. must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - 5.17.2. must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - 5.17.3. that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#), and
 - 5.17.4. that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the [Protection of the](#)



[Environment Operations \(Waste\) Regulation 2005.](#)

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

- 5.18. Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures
- 5.19. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the [Occupational Health and Safety Regulation 2001](#):
 - 5.19.1. the person having the benefit of the development consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the development consent commences,
 - 5.19.2. any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
 - 5.19.3. if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this clause, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment and Heritage.

6. PRIOR TO OCCUPATION CONDITIONS

- 6.1. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act 1979 and to ensure the health and safety of the building's occupants.

Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).

- 6.2. A Compliance Certificate stating that the necessary design and construction requirements for the food premises have been satisfied is to be obtained from Council's Environmental Health Officer prior to the issue of an Occupation Certificate.
- 6.3. The food business must be notified as required by The Food Act 2003, or licensed as required by the Food Regulation 2010, before an occupation certificate (whether interim or final) for the work is issued.



- 6.4. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.

The Principle Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.

- 6.5. At the completion of the works, the work site must be left clear of waste and debris.
- 6.6. Where the existing kerb and / or gutter is impacted by the development, the infrastructure is to be reinstated to Council's standards, at full cost recovery to Council.
- 6.7. South Street, directly in front of the loading dock to be upgraded to a suitable wearing course to ensure truck movements do not damage councils existing bitumen seal. The upgraded wearing course to be asphalt, with the depth to be determined by Council, at full cost recovery to Council.
- 6.8. The property number shall be clearly and permanently placed at the address site entrance on the side of the road to which it relates, to identify the address to the public and to essential / emergency services. Numbers:
- shall be 50mm wide x 90mm high (minimum),
 - shall be at least 1m above the ground, and
- must be easily readable, high contrast and reflective, and easily distinguishable both day and night from a moving vehicle.
- 6.9. Provision of 47 off-street parking spaces to serve the development (as shown on the approved plans) is to be completed before the issue of an Occupation Certificate. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings.
- 6.9.1. All customer vehicles to enter and exit the site in a forward direction.
- 6.9.2. Site entry and exit to be clearly signposted.
- 6.9.3. Provision of adequate waste disposal bins within the carpark.
- 6.9.4. The car park is to comply with AS 2890.1:2004 Parking facilities – off-street car parking.
- 6.10. Provision of parking for Bicycles to be located near the supermarket entry.
- 6.11. Access / facilities for people with disabilities to be provided in accordance with the Building Code of Australia before the issue of an Occupation Certificate for the development, and maintained thereafter.

The Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Human Rights and Equal Opportunity Commission has released an advisory document entitled Access to Premises. As a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.



- 6.12. A Fire Safety Certificate 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 is to be submitted to Council. Such certificate must be received by Council prior to the occupation or use of the development.
- 6.12.1. Copies of the subject Fire Safety Certificate must be forwarded by the owner of the building to the Commissioner of the NSW Fire Brigades and a copy displayed in a prominent position within the subject building.
- 6.13. Landscaping is to be completed in accordance with an approved landscape plan prior to the issue of an Occupation Certificate for the development, Landscaping is to incorporate shade trees north of the Craft Shop adjacent to carparking area.
- 6.14. A Traffic Management Plan is to be developed by a suitably qualified practising Engineer in consultation with the Local Traffic Committee detailing the operation of the loading bay, to be approved by Council prior to the issue of an occupation certificate, examples of traffic management may include:
- clearly marked signage prohibiting public access to loading dock and warning the public of the loading area
 - reduced speed limits within the vicinity
 - convex mirrors
 - a parking clearway either side of the loading dock driveway in accordance with Council's Engineering Department specifications.
- 6.15. The remaining existing saddlery and craft shop buildings are to be refurbished in keeping with the traditional design of the buildings.

7. OPERATIONAL REQUIREMENTS

- 7.1. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under State Environmental Planning Policy (Codes SEPP) 2008).
- 7.2. An annual fire safety statement shall be provided to Council at least once every 12 months.
- 7.3. The development must not be operated outside the following hours:
- 8.00 am to 7.00 pm Monday to Saturday
 - 9.00 am to 6.00 pm on a Sunday or a public holiday.
- 7.4. Deliveries are to be limited to times between:
- 8.00 am to 7.00 pm Monday to Saturday
 - 9.00 am to 6.00 pm on a Sunday or a public holiday
- 7.4.1. No deliveries are permitted between the hours of 8.30 am and 9.30 am and 3.00 pm and 4.00 pm on school days.
- 7.4.2. No delivery vehicle shall be left idling whilst making a delivery.
- 7.4.3. All delivery vehicles must enter the site from South Street via Fitzroy



Street only. Delivery vehicles shall exit the site onto South Street and proceed in a southerly direction along South Street to Fitzroy Street.

- 7.5. The development must comply with the requirements for industrial premises contained in the Noise Policy.
- 7.6. Noise emitted by the development:
 - 7.6.1. must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
 - 7.6.2. must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.

In this clause, the Noise Policy means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

- 7.7. All new external lighting must:
 - 7.7.1. Comply with AS 11583.1 Pedestrian Area Lighting.
 - 7.7.2. Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
 - 7.7.3. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- 7.8. Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces Set
- 7.9. All driveways and parking areas must be unobstructed at all times.
- 7.10. Driveways and car spaces must not be used for the manufacture, storage or display of goods, materials or any other equipment, and must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.
- 7.11. A waste minimisation and management program is to be developed and implemented so as to limit waste going to the landfill for disposal.
 - 7.11.1. All waste to be stored in a contained area, not accessible by the general public (within the loading dock area). Disposal to be to a licenced landfill facility.
- 7.12. Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- 7.13. All landscaped areas on the site must be maintained on an on-going basis.
- 7.14. No signs (including sandwich boards) are to be displayed on the public footway or any external pedestrian areas, to maintain the visual amenity of the locality and to ensure public safety.
- 7.15. The supermarket operator is to ensure compliance with the requirements of the NSW Food Authority.



8. COUNCIL ADVICE ONLY

- 8.1. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
- 8.2. Any structures are to erected / installed / constructed in accordance with the manufacturer's instructions.
- 8.3. Dial Before You Dig: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 8.4. Telecommunications Act 1997 (Commonwealth); Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Being a Planning matter a **Division** was called prior to voting on this matter and the result was as follows:

For: Councillors: Noakes, Blomfield, Ferrier, Kealey, Kermode and Wellings.
Against: Councillors: Heazlett.
Absent: Lyon.

Clr Lyon returned to the Chambers and the Chairperson informed him on the resolution.

6.2 Quarterly Review of 2016/2017 Budget as at 31 March 2017

WO/2017/00578

168 **RESOLVED** on the Motion of Councillors Ferrier and Kermode that Council **ADOPT** the March 2017 Quarterly Budget Review Statements **FURTHER THAT** Council **APPROVE** the variations in Income and Expenditure votes as detailed.



6.3 Request for Permission to Keep More than Two Dogs WO/2017/00600

It was **MOVED** Councillor Ferrier **SECONDED** Councillor Kealey that Council defer the consideration of the matter until the information requested by the Environmental Services Manager has been received from the applicant

On being put to the **VOTE** the **MOTION** was **LOST**.

169 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council approve the application for the applicant to keep more than two dogs subject to the following conditions:

1. As a dog owner, you have a responsibility to look after your dog's basic welfare needs, including:
 - a. Provide your dogs with an appropriate balanced diet and clean, cool water at all times
 - b. Ensure your dogs have adequate shelter suitable for all weather conditions
 - c. Ensure your dogs are well socialised, trained and exercised
 - d. Ensure your dogs good health with regular veterinary check ups, working, tick and flea treatments
2. Vehicles, caravans, portable crates and the crawl space under any dwelling must not be used as permanent housing for the dogs.
3. Dog housing must be designed, constructed, serviced and maintained in a way that provides for the good health and well being of the animals, which prevents the transmission of infectious disease agents, the escape of animals and does not cause injury to either animals or humans.
4. The dogs must be provided with protection from rain and wind, direct sunlight or other adverse weather conditions and must be provided with a clean and dry dedicated sleeping area.
5. The dogs must not be able to escape except in circumstances that cannot reasonably be foreseen and guarded against.
6. All waste products such as faeces, bedding, and food wastes should be disposed of promptly and hygienically.
7. Council must inspect the property, prior to the keeping of more than two (2) dogs on the property.
8. Should any disturbance be caused by roaming, excessive noise, the waste produced by the dogs or any other issues contained in relevant legislation administered by Council, Council reserves the right to revoke the permission to keep the animals in such a number and manner.

Afternoon Tea

Council adjourned for afternoon tea at 3:35pm and resumed Council Meeting at 4:45pm. During afternoon tea, the Executive Officer of Namoi Councils gave a short presentation.



6.4 Council Assistance with the Construction of the Walcha Cenotaph

WO/2017/00596

170 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council allocate the 2016/2017 Arts Capital Works vote to the Walcha Memorial Cenotaph project and the remainder be met from Council Working Funds **FURTHER THAT** Council write to the Walcha RSL Sub-Branch in particular, Mrs Liz Gill and Mr Roy Westfold, thanking them for their initiative and all their hard work to raise \$31,000 for the project so far.

6.5 McHattan Park Upgrade Project

WO/2017/00596

171 **RESOLVED** on the Motion of Councillors Wellings and Kealey that Council allocate an additional \$10,000 from Working Funds to the McHattan Park Upgrade Project to complete the project so it includes the Combination Swing, a Rocker, a G-Pod Spinner, a Concord Rotator, Climbing Rings, Shop Panel with Posts, Pommel Stepping Stones and a replacement Dome as stated in the report.

6.6 Innovation Fund (Round 2) Application – Local Government Solutions Financial Control Centre

WO/2017/00608

172 **RESOLVED** on the Motion of Councillors Heazlett and Kermode that Council apply for an Innovation Fund Grant of \$24,250 to acquire the LG Solutions Integrated Financial Management & Reporting suite of 'icloud' applications.

6.7 Innovation Fund (Round 2) Application – Internal Audit Project with Uralla Shire Council

WO/2017/00610

173 **RESOLVED** on the Motion of Councillors Heazlett and Kermode that Council apply for an Innovation Fund Grant of \$30,000 to run a training course for Walcha and Uralla Council staff and to conduct workshops for Councillors and staff of both Councils in order to implement a reciprocal Internal Audit function.

6.8 Committee of the Whole Referral – Walcha Tourism Advisory Committee Membership Nominations

WO/2017/00603

174 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of "Tourism Advisory Committee Membership" be referred to be discussed in Committee of the Whole for the reason that it relates to personnel matters concerning particular individuals (other than Councillors) AND the matter of "Upgrade John Oxley Oval Lights Offer" be referred to be discussed in Committee of the Whole for the reason that it relates to commercial information of a



confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

COMMITTEE OF THE WHOLE

175 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council resolve into Committee of the Whole and that the press and public be excluded from the entire proceedings of the Meeting of the Committee of the Whole for the reason that it relates to personnel matters concerning particular individuals (other than Councillors) AND that it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

176 The Meeting resumed in **OPEN** Council on the Motion of Councillors Kermode and Blomfield.

The Mayor reported whilst in Committee of the Whole the following matters were discussed.

PRESENT: Present and IN Attendance were the same as listed in the Minutes of the Ordinary Meeting with the exception of the press and the public.

2.1 Walcha Tourism Advisory Committee Membership Nominations

WO/2017/0065

The Committee **RECOMMENDED** on the Motion of Lyon and Ferrier that Council appoint all three applicants as community representatives to the Walcha Tourism Advisory Committee and amend the Structure of the Committee as proposed.

2.2 Upgrade of John Oxley Oval Lights Offer

WO/2017/00634

The Committee **RECOMMENDED** on the Motion of Lyon and Kealey that Council agree to the offer of 43 lights and two 30 metre poles for John Oxley Oval and investigate appropriate grants to fund the installation of the lights.

ADOPTION OF COMMITTEE OF THE WHOLE

177 **RESOLVED** on the Motion of Councillors Kermode and Blomfield that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 26 April 2017 be **ADOPTED** by Council.

The Chairman publicly declared the recommendations passed by the Committee whilst in Committee of the Whole.



7. NOTICE OF MOTION

Nil.

8. MATTERS OF URGENCY

Nil.

9. MANAGEMENT REVIEW REPORTS

WO/2017/00563

178 **RESOLVED** on the Motion of Councillors Lyon and Kermode that items included in the Management Review Report, numbered 1 to 16 inclusive, be **NOTED** by Council.

10. COMMITTEE REPORTS

10.1 Minutes of the Walcha Town & District Beautification & Tidy Towns Committee Meeting held on Wednesday, 5 April 2017 at the Walcha Council Chambers.

WO/2017/00612

Nivison Fountain

179 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council place the Nivison Fountain Project in the 2017/2018 Budget at a cost of \$35,000.

Garden Competition Awards

180 **RESOLVED** on the Motion of Councillors Blomfield and Lyon that Council donate three prizes – first, second and an encouragement award for the Garden Competition Awards **FURTHER THAT** the future winners be rewarded by the Committee placing an article in the Apsley Advocate in relation to their success.

Long Term Tree Plan for Walcha

181 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council provide trees free of charge from the Walcha Depot for local landholders to utilise to beautify their roadside environment **FURTHER THAT** the trees to be selected by the Walcha Town & District Beautification & Tidy Towns Committee.



10.2 Minutes of the Walcha Council Community Care Advisory Committee Extra Ordinary Meeting held on Friday, 7 April 2017 at the Walcha Day Centre Room. WO/2017/00531

182 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council **ADOPT** the amended Walcha Council Community Care and Walcha Council Early Intervention Policy Manual.

11. DELEGATE REPORTS

Nil.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:18PM.