

# Minutes

## ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**6:00 PM, TUESDAY 29th September, 2020**

**Administration Centres: 1300 459 689**

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI  
ON TUESDAY, 29 SEPTEMBER 2020 AT 6:00 PM**

**PRESENT:** Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan and Cr Craig Stewart

**IN ATTENDANCE:** Phil McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager), Ganesh Ganeshamoorthy (Manager Assets), Miriam Crane (Manager of Community and Culture), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Glen McAtear (Manager Regulatory Services), Matt Stubbs (Manager Technical Services), Wayne Bennett (Manager Waste, Parks & Recreation Services),

**1 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

**2 OPEN FORUM**

Open Forum is not held due to COVID-19 Restrictions. No submissions for Open Forum were received prior to the meeting.

**3 APOLOGIES**

Nil

**4 DISCLOSURES OF INTEREST**

Cr Phillips disclosed a significant non pecuniary interest in item 11.2 Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest and 11.3 Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest – Late Report

**5 CONFIRMATION OF MINUTES**

**5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 25 AUGUST 2020**

**RESOLUTION 259/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**The Minutes of the Ordinary Meeting of Council held on Tuesday, 25<sup>th</sup> August, 2020 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**6 MAYORAL MINUTES**

**6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT**

**RESOLUTION 260/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

**The information in the Mayoral Minute be received and noted.**

**CARRIED**

**7 REPORTS FROM COMMITTEES**

Nil

**8 GENERAL MANAGER'S REPORT**

**8.1 BUSINESS**

**8.1.1 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT COMMITTEE - MINUTES**

**RESOLUTION 261/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

**The Minutes of the Cootamundra Floodplain Risk Management Committee Meeting held on Thursday 9 September 2020 (attached) are submitted for adoption.**

**CARRIED**

### **8.1.2 AMENDMENTS TO THE MODEL CODES OF CONDUCT AND CODE OF CONDUCT PROCEDURE EFFECTIVE 7TH AUGUST, 2020**

#### **RESOLUTION 262/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

- 1. The following three (3) amended draft Codes of Conduct, attached to the report be adopted:**
  - (a) Code of Conduct for Councillors**
  - (b) Code of Conduct for Staff**
  - (c) Code of Conduct for Delegates and Committee Members**
- 2. The draft Procedures for the Administration of the Code of Conduct, attached to the report be adopted.**
- 3. Council increase the existing \$50 cap on the value of gifts to \$100.**
- 4. The Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures be noted.**

**CARRIED**

### **8.1.3 AMENDMENTS TO THE CODE OF MEETING PRACTICE**

#### **RESOLUTION 263/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

- 1. The report on amendments to the Model Code of Meeting Practice, including amended Model Code of Meeting Practice and Circular 20-31, attached to the report, be received and noted.**
- 2. The amended Model Code of Meeting Practice attached to the report be adopted.**

**CARRIED**

**8.1.4 AMENDMENT TO RESOLUTION 169/2020 LIQUID WASTE CHARGES BILLING PERIOD****RESOLUTION 264/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

**The Liquid Trade Waste Charges incorrectly identified as being charged ‘bi-annually in arrears’, in resolution 169/2020, in respect of the billing period, be amended to be charged ‘quarterly in arrears,’ and be adopted as follows:**

**10. Liquid Trade Waste Charges**

The annual trade waste charges as identified below are charged quarterly in arrears. In accordance with the provisions of Section 535 and 502 of the *Local Government Act, 1993*, Council hereby resolves to make the following trade waste charges for the 2020/21 rating year:

- a) Trade Waste Annual Fee on non-residential land connected to the sewerage service of \$231.00 where liquid trade waste is discharged.
- b) Trade Waste Usage Charge on (Category 2) non-residential land connected to the sewerage service of \$4.00 per kilolitre of the estimated volume of liquid trade waste discharged to the sewerage system with prescribed pre-treatment. The volume of liquid trade waste discharged shall be calculated by multiplying the volume of water measured at the water meter(s) connected to the property, based on actual usage per kilolitre, by the trade waste discharge factors (TWDF) for the predominant use of the property. An indicative list of the applicable trade waste discharge factors is as follows:

PROPERTY USE	TWDF %
Concrete Plant, Park Watering and Sewer Well	1
Pool, Bowling Green, Clubhouse and General Business	10
RLPB, Pharmacy, Medical Centre	20
Caravan Park, School and Bakery, Community use (as defined in Community Based Not for Profit Organisations)	25
Motel, Restaurant, Hotel, Club	30
Takeaway food	50
McDonalds	62
Service Station	70
Dentist	80
Hospital	85

Butcher, Hairdresser, Supermarket, Carwash	90
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**CARRIED**

#### **8.1.5 COOTAMUNDRA DEVELOPMENT CORPORATION - NOMINATION FOR SECOND COUNCILLOR BOARD MEMBER**

##### **RESOLUTION 265/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

**Council appoint Cr Stewart to the Cootamundra Development Corporation Board.**

**CARRIED**

#### **8.1.6 UPDATE ON S355 COMMITTEES**

##### **RESOLUTION 266/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**Council receive and note the report, and that**

- 1. Council note the Cootamundra Concert Band's decision not to reconvene as a s355 Committee.**
- 2. Council dissolve the Cootamundra Beach Volleyball s355 Committee, for reasons detailed in the report.**
- 3. The Cootamundra Beach Volleyball Committee be thanked for their long standing and continued efforts.**
- 4. Council acknowledge the community benefits of the Cootamundra Beach Volleyball event and community donations of \$35,000, and**
- 5. Council review any future in-kind support to the Cootamundra Beach Volleyball event during its normal annual budgeting process.**

**CARRIED**

**8.1.7 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES**

**RESOLUTION 267/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

**The Minutes of the Art Centre Cootamundra s355 Committee meeting held on 20 August, 2020, attached to the report, be received and noted.**

**CARRIED**

**8.1.8 THE ART CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**

**RESOLUTION 268/2020**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

- 1. The Minutes of The Art Centre Cootamundra s355 Committee meeting held on 17 September, 2020, attached to the report, be received and noted.**
- 2. The office bearers and membership of The Art Centre Cootamundra s355 Committee as detailed in the report, be endorsed.**

**CARRIED**

**8.1.9 THE COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES**

**RESOLUTION 269/2020**

Moved: Cr Craig Stewart

Seconded: Cr Doug Phillips

**The Minutes of the Cootamundra Tourism Action Group Section 355 Committee meeting held on 3 September 2020, be received and noted.**

**CARRIED**

#### **8.1.10 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 270/2020**

Moved: Cr Craig Stewart

Seconded: Cr Leigh Bowden

**The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 7 September, 2020, attached to the report, be received and noted.**

**CARRIED**

#### **8.1.11 COOTAMUNDRA SHOWGROUND USERS GROUP S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 271/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

**The Minutes of the Cootamundra Showground Users Group s.355 Committee Ordinary Meeting held on 16 September, 2020, attached to the report, be received and noted.**

**CARRIED**

#### **8.1.12 INFORMATION BULLETIN**

##### **RESOLUTION 272/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. The information and correspondence attached to the report, be received and noted.**
- 2. That Council write to the Hon. Mark Coulton, MP thanking him for the first quarterly payment of its Financial Assistance Grant and tell him of some of our local priority projects and stressing that the amount of the Financial Assistance Grant grant is insufficient for Councils local infrastructure.**
- 3. Council correspond with the Hon. Shelley Hancock MP and express interest in having a workshop for Women held in the Cootamundra-Gundagai Local Government Area.**

**CARRIED**

### **8.1.13 UPDATED COUNCIL MEETING ACTION REPORT**

#### **RESOLUTION 273/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**The Updated Council Meeting Action Report be noted.**

**CARRIED**

### **8.1.14 AUSTRALIA DAY 2021**

#### **RESOLUTION 274/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

- 1. Information on Australia Day Awards 2021 be received and noted.**
- 2. Council support the submission of an application for funding for local Australia Day 2021 activities, from the \$500,000 Australia Day 2021 event branding grants program.**
- 3. Council staff further investigate the viability of Council applying for funding from the \$7.5 million Australia Day 2021 COVIDsafe Events grant program.**

**CARRIED**

## **8.2 FINANCE**

### **8.2.1 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL SEWERAGE FUND REPLENISHMENT LOAN**

#### **RESOLUTION 275/2020**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

**That authority be granted to the General Manager to execute the loan agreement on behalf of Council.**

**CARRIED**

### **8.2.2 MONTHLY FINANCE REPORT FOR AUGUST 2020**

#### **RESOLUTION 276/2020**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

**The Finance Report for August, 2020 be received and noted.**

**CARRIED**

### **8.2.3 INVESTMENT REPORT - AUGUST 2020**

#### **RESOLUTION 277/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

**That the Investment Report as at 31<sup>st</sup> August, 2020 be received and noted.**

**CARRIED**

### **8.2.4 UPDATED MONTHLY MAJOR PROJECTS PROGRAM AND PROJECTS SCHEDULE**

#### **RESOLUTION 278/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

**The Updated Monthly Major Projects Program Report, and Updated Monthly Major Projects Schedule, attached to the report, be received and noted.**

**CARRIED**

## **8.3 COMMUNITY AND CULTURE**

### **8.3.1 COOTAMUNDRA-TUMBLONG RAIL TRAIL DETAILED DEVELOPMENT PLAN**

#### **RESOLUTION 279/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

**That Council allocate an amount of \$10,000 from the existing budget for the Recreational Needs Study to complete initial project consultation with primary producers neighbouring the Cootamundra-Tumblong Rail Corridor.**

**CARRIED**

### **8.3.2 OLD MILL GUNDAGAI STABILISATION WORK REQUEST FOR QUOTATION**

#### **RESOLUTION 280/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The report on the Old Mill Gundagai Stabilisation Work, Request for Quotation and the Old Mill Gundagai Stabilisation Work, Request for Quotation Confidential (under separate cover) be received and noted.**
- 2. Council delegate authority to the General Manager to negotiate with Adaptive Interiors (the preferred supplier) to determine whether all or part of the project can be delivered within existing budget, by utilising local suppliers or different methodology.**
- 3. That further funding be sought to enable the project to proceed, if required.**

**CARRIED**

### **8.3.3 GUNDAGAI TOURISM ACTION S355 COMMITTEE - MINUTES**

#### **RESOLUTION 281/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Charlie Sheahan

- 1. The Minutes of the Gundagai Tourism Action Group S355 Committee attached to the report, be received and noted.**
- 2. That Madeline Ryan be appointed as member of the Gundagai Tourism Action Group s355 Committee as the Gundagai Regional Enhancement Group Representative.**

**CARRIED**

## **8.4 DEVELOPMENT, BUILDING AND COMPLIANCE**

### **8.4.1 DEVELOPMENT APPLICATION - 110/2020 - PUMP TRACK - LOT 7009 DP1021379, BOURKE STREET, COOTAMUNDRA**

#### **RESOLUTION 282/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

**Council approve development application 110/2020 for a pump track on Lot 7009 DP1021379, Bourke Street, Cootamundra, subject to the following conditions:**

**GENERAL****1. Compliance with plans**

The developer shall carry out the development generally in accordance with the following plans and documentation:

Development application form dated 15 July 2020, submitted 17 August 2020				
Summary Environmental Report dated 6 July 2020, submitted 17 August 2020				
The following plans prepared by Trailscapes Pty Ltd:				
<i>Drawing No:</i>	<i>Issue/Version</i>	<i>Content</i>	<i>Date of Plan</i>	<i>Date lodged</i>
20027 SK01	B	Concept Plan	03 July 2020	17 August 2020
20027 SK02	B	Concept Section	03 July 2020	17 August 2020
Survey Plan drawn by CMS Surveyors title 19376 detail dated 18/05/2020				

**Reason:** *To the details of the application as submitted by the applicant and as approved by Council.*

**2. Inconsistencies between approved plans and documents**

In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

**Reason:** *To manage any inconsistencies between the approved plan and documents.*

**3. Inconsistencies between approved plans/documents and conditions of consent**

In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

**Reason:** *To manage any inconsistencies between the approved plan/documents and conditions of consent.*

**PRIOR TO CONSTRUCTION****4. Tree protection**

Existing trees located on site and not identified for removal shall be protected during the construction period.

**Reason:** *The amount of vegetation in the Cootamundra-Gundagai Regional Council Area should continue to increase to improve climate and appearance.*

**5. Utilities**

Approval is given subject to the location, and protection, of any/or necessary modifications to any existing public utilities situated within or adjacent to the subject property.

**Reason:** *To ensure that public utilities are maintained and protected from damage.*

**6. Section 7.12 Contribution**

The applicant shall pay all monies relating to Section 7.12 Contributions prior to the commencement of works.

Section 7.12 contributions are calculated on the estimated cost of the development as specified on the Development Application at the time of lodgement. The cost of development as lodged is \$165,000; the applicable percentage of contribution under Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan is 0.5% of the development cost. The amount payable is \$825.00.

**Reason:** *To ensure that the applicable developer contributions are paid in accordance with Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan.*

## **7. Imported fill material**

Any and all imported fill material shall be from an approved source. Prior to use of fill on site the applicant shall submit to Council details of the source of fill, haul route and documentary evidence that the fill material is free from contaminants.

**Reason:** *To ensure that all imported fill material transported to the site is not contaminated and is suitable for use.*

## **8. Public Safety**

A hoarding or fence must be erected between the construction site and the public place (street frontage). If necessary, an awning sufficient to prevent any substance from, or in connection with, the works falling onto a public place is also to be erected. Such hoardings required separate approval by Council and must comply with the requirements of SafeWork NSW.

The hoarding or fence is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

The hoarding, fence or awning is to be removed when it is no longer required for the purposes for which it was provided. Restriction of public access to the construction site shall restrict entry by members of the public or equipment to the site when construction work is in progress or the site is otherwise unoccupied.

**Reason:** *To protect the general public.*

## **DURING CONSTRUCTION**

### **9. Hours of construction**

Construction site works including the entering and leaving of vehicles is limited to the following hours:

Monday to Friday 7:00am – 7:00pm

Saturday from 8:00am to 5:00pm

Sunday and public holidays from 8:00am to 12 noon.

**Reason:** *To protect the amenity of the neighbourhood.*

### **10. Waste storage during construction**

Provision shall be made on site for the proper storage and disposal of waste such that no waste shall be left in the open. Specific attention should be given to items which are subject to relation by the action of the wind.

**Reason:** *To ensure the site is not a source of wind-blown litter.*

**11. Soil erosion control**

Site erosion measure shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the construction site by a drainage system. Care shall be taken to ensure that no nuisance is created to adjoining properties or public space by way of sediment run off.

***Reason:** To ensure that adequate measures are in place so that damage from sediment run off to adjoining sites and waterways is minimised.*

**DURING OPERATION****12. Clean and tidy**

The premises are to be maintained in a clean and tidy condition at all times.

***Reason:** So that the development does not reduce the amenity of the area.*

**13. Amenity general**

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

***Reason:** so that the development does not reduce the amenity of the area.*

<b>VOTING RECORD</b>	
<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan Cr Craig Stewart	Nil
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

**CARRIED**

#### 8.4.2 DEVELOPMENT APPLICATION 109/2020 - INTERNAL ROCK CLIMBING WALL - LOT 1 DP7740, ADAMS STREET, COOTAMUNDRA

##### RESOLUTION 283/2020

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

**Council approve development application 109/2020 for an internal rock climbing wall Lot 1 DP758287, Adams Street, Cootamundra, subject to the following conditions:**

##### GENERAL

##### 1. Compliance with plans

The developer shall carry out the development generally in accordance with the following plans and documentation:

Development application form dated 23 July 2020, submitted 17 August 2020				
Summary Environmental Report dated 22 July 2020, submitted 17 August 2020				
The following plans prepared by Summit Climbing Walls:				
Drawing No:	Issue/Version	Content	Date of Plan	Date lodged
-	-	Project Proposal	03 July 2020	17 August 2020
Floor Plan, undated, submitted 17 August 2020				

**Reason:** To the details of the application as submitted by the applicant and as approved by Council.

##### 2. Inconsistencies between approved plans and documents

In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

**Reason:** To manage any inconsistencies between the approved plan and documents.

##### 3. Inconsistencies between approved plans/documents and conditions of consent

In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

**Reason:** To manage any inconsistencies between the approved plan/documents and conditions of consent.

##### PRIOR TO CONSTRUCTION

##### 4. Prior to work commencing

The erection of a building in accordance with the development consent must not commence until:

- a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- b) the person having the benefit of the development consent has:
  - appointed a principal certifying authority for the building work, and

- notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority has, no later than 2 days before building commences:
  - notified the consent authority and the council (if the council is not the consent authority) or his or her appointment, and
  - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - appointed a principal contractor for the building who must be the holder of a contractor licence if any residential work is involved, and
  - notified the principal certifying authority of any such appointment, and
  - unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work.
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**Reason:** *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation.*

## 5. Site signage

Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction. The signage must include:

- statement that unauthorised entry to the site is not permitted
- show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours, and
- the name, address and telephone contact of the principal certifying authority for the work.

Any structures erected to meet the requirements of this condition must be removed when it is no longer required for the purpose for which it was erected.

**Reason:** *to meet the minimum requirements of the Environmental Planning and Assessment Regulation.*

## 6. Notice of commencement

Prior to work commencing a 'Notice of Commencement of Building Work and Appointment of Principal Certifying Authority' shall be submitted to Council at least 2 days prior to work commencing.

**Reason:** *To meet the minimum requirements of the Environmental Planning and Assessment Regulation.*

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 7. Additional details

The applicant shall submit to Council prior to issue of a construction certificate a structural engineer is to provide a design for any structural changes to the existing building and for the proposed climbing wall.

**Reason:** *To ensure the structural adequacy of the building is maintained.*

#### **8. Payment of developer contributions**

The applicant shall pay all monies relating to Section 7.12 Contributions prior to the commencement of works. Section 7.12 contributions are calculated on the estimated cost of the development as specified on the Development Application at the time of lodgement. The cost of development as lodged is \$200,000; the applicable percentage of contribution under Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan is 0.5% of the development cost. The amount payable is \$1,000.00.

**Reason:** *To ensure that the applicable developer contributions are paid in accordance with Cootamundra-Gundagai Regional Council Section 7.12 Contributions Plan.*

#### **9. Clause 94 consideration**

In determining the development application Council has considered it would be appropriate to require the existing building to be partially upgraded to meet the Building Code of Australia. In this regard the building will require a current annual fire safety statement, egress paths, door hardware and fire services to be upgraded on the ground floor of the building. A plan demonstrating this is to be submitted prior to the issue of a construction certificate.

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

#### **10. Construction management and egress plan**

If the building is to be used or occupied whilst construction is underway a detailed construction management and egress plan is to be submitted to Council prior to the issue of a construction certificate.

**Reason:** *To ensure safety of occupants.*

### **DURING CONSTRUCTION**

#### **11. Waste storage during construction**

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind.

**Reason:** *To ensure that the site is not a source of wind blown litter.*

#### **12. Hours of construction**

Construction site works including the entering and leaving of vehicles is limited to the following hours:

Monday to Friday 7:00am – 7:00pm

Saturday from 8:00am to 5:00pm

Sunday and public holidays from 8:00am to 12 noon.

**Reason:** *To protect the amenity of the neighbourhood.*

### **13. BCA Compliance**

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

**Reason:** *To ensure the building complies with the BCA.*

## **POST CONSTRUCTION**

### **14. Occupation certificate**

A person must not commence occupation or use of the whole or any part of the building unless an occupation certificate has been issued by the appointed Principal Certifying Authority.

**Reason:** *So that the development is substantially completed to a safe standard to allow use or occupation of the building.*

## **ONGOING USE**

### **15. Annual Certification**

The owner of the building shall submit to Council an 'Annual Fire Safety Statement' (Form 1) by 1 July each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning and Assessment Regulation 2000. Forms for this purpose can be collected from Council's offices.

**Reason:** *To ensure that fire and other safety measures are maintained in a proper working condition.*

### **16. Hours of operation**

The development shall only be conducted between the hours of:

Monday to Sunday – 8:00am to 10:00pm

### **17. Clean and tidy**

The premises are to be maintained in a clean and tidy condition at all times.

**Reason:** *So that the development does not reduce the amenity of the area.*

#### 18. Amenity general

The development is to be conducted in a manner that will not interfere with the amenity of the locality be reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

**Reason:** So that the development does not reduce the amenity of the area.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan Cr Craig Stewart	Nil
ABSENT	DECLARED INTEREST
Nil	Nil

**CARRIED**

#### 8.4.3 ACTIVITIES APPROVAL POLICY

##### RESOLUTION 284/2020

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

1. Council place the draft Activities Approval Policy on public exhibition for a period of 28 days.
2. Council endorse the adoption of the Activities Approval Policy without a further report to Council if there are no submissions received during the exhibition period.

**CARRIED**

#### **8.4.4 DEVELOPMENT APPLICATIONS APPROVED AUGUST 2020**

##### **RESOLUTION 285/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

**The information on Development Applications Approved in August, 2020 be noted.**

**CARRIED**

#### **8.5 REGULATORY SERVICES**

Nil

#### **8.6 ASSETS**

##### **8.6.1 CONSTRUCTION OF WATER SUPPLY EXTENSION TO DOG ON THE TUCKER BOX, GUNDAGAI**

##### **RESOLUTION 286/2020**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The report on the construction of Water Supply Extension to the Dog on the Tucker Box, Gundagai be noted.**
- 2. In accordance with section 55(3)(i) of the Local Government Act, 1993, Council resolve that the requirements for tendering do not apply to this contract due to extenuating circumstances as detailed in the report.**
- 3. Council enter into a contract as detailed in the Water Supply Extension documentation, circulated under Confidential Cover in this unique circumstance.**

**CARRIED**

#### **8.7 CIVIL WORKS**

##### **8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - SEPTEMBER 2020**

##### **RESOLUTION 287/2020**

Moved: Cr David Graham

Seconded: Cr Craig Stewart

**The Civil Works and Technical Services Report for the month of September 2020 be received.**

**CARRIED**

## **8.8 TECHNICAL SERVICES**

### **8.8.1 REPLACEMENT OF MEDIUM RIGID TIPPER - PLANT 3204**

#### **RESOLUTION 288/2020**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The Report for the replacement of 2014 Hino FD1124 Truck, Plant No 3204 be received and noted.**
- 2. The quotation of \$151,961.28 (ex. GST) received from Wagga Trucks for the purchase of a 2020 Hino GH1828 500 series Truck (with fitted tipping body) be accepted.**
- 3. The trade in offer of \$40,909 (ex. GST) received from Wagga Trucks for the 2014 Hino FD1124 Truck, Plant No 3204 be accepted.**
- 4. The additional funds of \$21,052.28 required above the plant reserve allocation be funded from within the Gundagai operational component of the plant fund.**

**CARRIED**

### **8.8.2 REPLACEMENT OF VOLVO BACKHOE - PLANT 2102**

#### **RESOLUTION 289/2020**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report for the replacement of the Volvo BL71 backhoe, Plant No 2102 be received and noted.**
- 2. The quotation of \$181,900 (ex. GST) received from Westrac Pty Ltd for the purchase of a 2020 CAT 432F2 backhoe loader be accepted.**
- 3. The trade in offer of \$33,000 (ex. GST) received from Westrac Pty Ltd for the Volvo BL71 backhoe, Plant No 2102 be accepted.**
- 4. The additional funds of \$21,900 required above the plant reserve allocation be funded from within the Gundagai operational component of the plant fund.**

**CARRIED**

### **8.8.3 NSW ROAD CLASSIFICATION REVIEW AND TRANSFER**

#### **RESOLUTION 290/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

- 1. That Council proceed to nominate Annie Pyers Drive for reclassification.**
- 2. The merits of nominating Muttama Road for reclassification be discussed by Council's Operations and Finance staff with a further report to come to Council for consideration if reclassification is recommended.**

**CARRIED**

### **8.9 FACILITIES**

Nil

### **8.10 WASTE, PARKS AND RECREATION**

Nil

## **9 MOTION OF WHICH NOTICE HAS BEEN GIVEN**

### **9.1 ACQUISITION OF LAND FOR RESIDENTIAL AND INDUSTRIAL EXPANSION AT GUNDAGAI**

#### **RESOLUTION 291/2020**

Moved: Cr Abb McAlister

Seconded: Cr Charlie Sheahan

- 1. That Council investigate the purchase of suitable industrial and residential land for expansion of North and South Gundagai.**
- 2. That Council consult local developers and real estate agents about opening up further blocks for residential growth in Cootamundra.**
- 3. That Council fast track the provision of services to the Turners Lane industrial blocks and list them with the local real estate agents.**

**CARRIED**

**9.2 COUNCIL MEET WITH THE COOTAMUNDRA HOSPITAL BOARD TO DISCUSS LOBBYING THE STATE GOVERNMENT FOR A NEW HOSPITAL****RESOLUTION 292/2020**

Moved: Cr Abb McAlister

Seconded: Cr Dennis Palmer

Arrangements be made for Council to meet with the Cootamundra Hospital Board and discuss a proposal of lobbying the State Government for a new hospital to be built in Cootamundra.

**CARRIED****10 QUESTIONS WITH NOTICE**

Nil

**11 CONFIDENTIAL ITEMS**

Having disclosed a significant non pecuniary interest in the items in the Confidential Report Cr Phillips left the room.

**11.1 CONFIDENTIAL****RESOLUTION 293/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

1. Item 11.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.
2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 11.2 be withheld from the press and public.

**11.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSIONS OF INTEREST**Provisions for Confidentiality

Section 10A (2) (c) – The Confidential Report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**CARRIED**

**11.2 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSIONS OF INTEREST****RESOLUTION 294/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

1. The report on the Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest be received and noted.
2. Council hold an Extraordinary Meeting following negotiations with shortlisted firms in order to make a timely decision about operating arrangements for the Cootamundra Aquatic Centre prior to the peak summer season on Tuesday 6<sup>th</sup> October, 2020 in Gundagai at 4:00pm.

**CARRIED**

**11.3 COOTAMUNDRA AQUATIC CENTRE AND SPORTS STADIUM EXPRESSION OF INTEREST - LATE REPORT****RESOLUTION 295/2020**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

1. The report on the Cootamundra Aquatic Centre and Sports Stadium Expressions of Interest be received and noted.
2. Council hold an Extraordinary Meeting following negotiations with shortlisted firms in order to make a timely decision about operating arrangements for the Cootamundra Aquatic Centre prior to the peak summer season on Tuesday 6<sup>th</sup> October, 2020 in Gundagai at 4:00pm.

**CARRIED**

**11.4 RESUMPTION OF OPEN COUNCIL MEETING****RESOLUTION 296/2020**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**The Open Council meeting resume.**

**CARRIED**

**11.5 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

Note: The Chairperson announced the resolutions made in Closed Council.

**The Meeting closed at 8:53:00PM .**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 October 2020.**

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**CHAIRPERSON**

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**GENERAL MANAGER**