

# Minutes

## ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**6:00 PM, TUESDAY 24TH NOVEMBER, 2020**

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI  
ON TUESDAY, 24 NOVEMBER 2020 AT 6:00 PM**

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

**IN ATTENDANCE:** Phil McMurray (General Manager), Kay Whitehead (Interim Deputy General Manager), Tim Swan (Manager Finance), Linda Wiles (Business Coordinator)

**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.

**ADJOURN MEETING FOR OPEN FORUM.**

**2 OPEN FORUM - WAS NOT HELD DUE TO THE COVID-19 PANDEMIC RESTRICTIONS**

Names of submission recipients read out at open forum. All councillors had received and read the submissions prior to the meeting.

One (1) submission 'Against' and one (1) 'For' were randomly selected and read aloud during open forum, these are listed below:

Gary and Simone Wilson – 'Against'

Virginia Wrice – 'For'

**RESOLUTION 335/2020**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

**Council resume the Open Meeting.**

**CARRIED**

**9.5 NOTICE OF MOTION - PROPOSED RAIL TRAIL BETWEEN COOTAMUNDRA AND TUMBLONG**

**RESOLUTION 336/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

**That previous resolution 229/2020 regarding the proposed Rail Trail between Cootamundra and Tumblong be held in abeyance, until such time that**

- 1. A Community Engagement Strategy for the project is prepared and adopted by Council;**

2. A detailed Cost Estimate is prepared for the project, including capital and ongoing maintenance costs, and forms part of any community consultation;
3. A report on the outcomes of community consultation is prepared and submitted to Council.

**CARRIED**

### **3 APOLOGIES**

Cr David Graham and Cr Doug Phillips

### **4 DISCLOSURES OF INTEREST**

Cr Palmer (Deputy Mayor) disclosed a Significant Non-Pecuniary Interest in item 11.2 due to the sale of work vehicles to the proprietor of the business operating at the site.

Cr Kelly disclosed a Significant Non-Pecuniary Interest in item 11.2 due to a family member employed by the proprietor of the business operating at the site.

### **5 CONFIRMATION OF MINUTES**

#### **5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 27 OCTOBER 2020**

##### **RESOLUTION 337/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

**The Minutes of the Ordinary Meeting of Council held on Tuesday 27 October 2020 be confirmed as a true and correct record of the meeting, (minor amendment required).**

**CARRIED**

### **6 MAYORAL MINUTES**

#### **6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT FOR NOVEMBER, 2020**

##### **RESOLUTION 338/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

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

**CARRIED**

**7 REPORTS FROM COMMITTEES****7.1 MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING HELD ON MONDAY 2 NOVEMBER 2020****RESOLUTION 339/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr Leigh Bowden

**The Minutes of the Internal Audit Committee Meeting held on Monday 2 November 2020 (attached) are submitted for adoption.**

**CARRIED**

**7.2 MINUTES OF THE COOTAMUNDRA-GUNDAGAI LOCAL TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 12 NOVEMBER 2020****RESOLUTION 340/2020**

Moved: Cr Charlie Sheahan  
Seconded: Cr Dennis Palmer

- 1. The Minutes of the Cootamundra-Gundagai Local Traffic Committee Meeting held on Thursday 12 November 2020 (attached) are submitted for adoption.**
- 2. Council consider the recommendations contained within the Minutes.**

**CARRIED**

**8 GENERAL MANAGER'S REPORT****8.1 BUSINESS****8.1.1 ANNUAL REPORT****RESOLUTION 341/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr Gil Kelly

- 1. The draft Annual Report for the year ended 30 June 2020 be reviewed by Councillor's with any feedback provided to staff.**
- 2. The draft Annual Report for the year ended 30 June 2020, including any amendments resulting from 1. above, be endorsed, prior to publication on Council's website and submission to the Office of Local Government by 30 November 2020.**
- 3. Council note that the audited Financial Statements are not available at this time, and will be submitted to Council for endorsement when audit is complete.**

**CARRIED**

**8.1.2 DELIVERY PROGRAM/ OPERATIONAL PLAN QUARTERLY PROGRESS REPORT****RESOLUTION 342/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**The Delivery Program incorporating the Operational Plan 2020/21, quarterly progress report, (Q1 1, July – 30 September, 2020) be received and noted.**

**CARRIED**

**8.1.3 NSW ELECTORAL COMMISSION PROPOSED CHANGES TO ELECTORAL DISTRICTS****RESOLUTION 343/2020**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**Council writes to the NSW Electoral Commission supporting the changes proposed for the electoral district of Cootamundra.**

**CARRIED**

**8.1.4 NSW ALGWA CONFERENCE - 18-20 MARCH 2021****RESOLUTION 344/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

- 1. Council support Cr Bowden to attend the ALGWA NSW Conference in 2021.**
- 2. Council encourage attendance from any interested staff or Councillors via Zoom.**

**CARRIED**

**8.1.5 'YOUR HIGH STREET' GRANT PROGRAM****RESOLUTION 345/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Craig Stewart

- 1. The report on 'Your High Street' Grant Program be noted.**
- 2. Projects be scoped and reported for consideration at the December 2020 Ordinary Council Meeting.**

**CARRIED**

#### **8.1.6 CAREFLIGHT REQUEST FOR DONATION**

##### **RESOLUTION 346/2020**

Moved: Cr Abb McAlister  
Seconded: Cr Dennis Palmer

**Council to donate \$1000 from all nine (9) Councillor Fees to Careflight.**

**CARRIED**

#### **8.1.7 THE COOTAMUNDRA ARTS AND CRAFTS CENTRE INC. REQUEST FOR DONATION**

##### **RESOLUTION 347/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr Leigh Bowden

**Council refer the request to be considered in conjunction with other projects at the December 2020 meeting, for funding from the Local Roads and Community Infrastructure Program.**

**CARRIED**

#### **8.1.8 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - ACCEPTANCE OF GRANT**

##### **RESOLUTION 348/2020**

Moved: Cr Charlie Sheahan  
Seconded: Cr Leigh Bowden

**Council accept the grant offer of up to \$80,000 under the 2020/21 NSW Floodplain Management Program to prepare the Cootamundra floodplain risk management study and plan.**

**CARRIED**

#### **8.1.9 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES**

##### **RESOLUTION 349/2020**

Moved: Cr Charlie Sheahan  
Seconded: Cr Craig Stewart

- 1. The Minutes of the Cootamundra Floodplain Risk Management Committee Meeting held on Wednesday 11 November 2020, attached to the report, be adopted, with amendment on page 2, figure 200mm changed to 300mm.**
- 2. The draft Cootamundra Flood Study, be placed on public exhibition for a period of 28 days.**

**CARRIED**

**8.1.10 ILLABO TO STOCKINBINGAL INLAND RAIL COMMUNITY CONSULTATIVE COMMITTEE**

**RESOLUTION 350/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

**Council nominate Cr Bowden as the representative to sit on the Illabo to Stockinbingal Inland Rail Community Consultative Committee.**

**CARRIED**

**8.1.11 COOTAMUNDRA TOURISM ACTION COMMITTEE REPORT**

**RESOLUTION 351/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

1. The Report containing responses to recommendations included in item 8.1.7 Cootamundra Tourism Action Group s355 Committee Minutes from the Ordinary Meeting held 27<sup>th</sup> October, 2020 be received and noted.
2. The responses to the recommendations referred to in 1 above be considered by Council.
3. Council staff to investigate if the “Best Dry Land Whet Growing Region” sign still exists.

**CARRIED**

**8.1.12 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**

**RESOLUTION 352/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee meetings held on 5 November 2020, attached to the report, be received and noted.
2. The membership of Kim Knox-Thurn onto the Cootamundra Tourism Action Group s.355 Committee as detailed in the report, and attached minutes, be endorsed.

**CARRIED**

**8.1.13 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**

**RESOLUTION 353/2020**

Moved: Cr Craig Stewart

Seconded: Cr Leigh Bowden

1. Council to submit a report to the December 2020, Council meeting, after seeking clarification and guidance in relation to managing the potential conflict of interest situation regarding Councillors holding office bearer position on s.355 Committees.
2. Council to resubmit the Ordinary Meeting minutes and the Annual General Meeting minutes to the December Council Meeting, once 2. above has been actioned.

**CARRIED**

**8.1.14 COOTAMUNDRA SHOWGROUND USERS GROUP S.355 COMMITTEE MEETING MINUTES**

**RESOLUTION 354/2020**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**The Minutes of the Cootamundra Showground Users Group s.355 Committee Ordinary Meeting held on 21 October, 2020, attached to the report, be received and noted.**

**CARRIED**

**8.1.15 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL CHRISTMAS AND NEW YEAR CLOSURE**

**RESOLUTION 355/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

**The report on the Christmas 2020 and New Year 2021 closures for Council's facilities be received and noted.**

**CARRIED**

#### **8.1.16 COUNCILLOR PROFESSIONAL DEVELOPMENT**

##### **RESOLUTION 356/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Charlie Sheahan

**Endorse Cr Bowden's Notice of Motion titled Councillor Professional Development, that being:**

- 1. Council develop a Councillor Professional Development Policy.**
- 2. Council include adequate funding in its budget for Councillor professional development.**

**CARRIED**

#### **9.1 NOTICE OF MOTION - COUNCILLOR PROFESSIONAL DEVELOPMENT**

##### **RESOLUTION 357/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Charlie Sheahan

- 1. Council develop a Councillor Professional Development Policy.**
- 2. Council include adequate funding in its budget for Councillor professional development.**

**CARRIED**

#### **8.1.17 UPDATED COUNCIL MEETING ACTION REPORT**

##### **RESOLUTION 358/2020**

Moved: Cr Charlie Sheahan  
Seconded: Cr Penny Nicholson

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

**CARRIED**

#### **8.1.18 INFORMATION BULLETIN**

##### **RESOLUTION 359/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr Craig Stewart

**The correspondence included in the Information Bulletin, attached to the report, be received and noted.**

**CARRIED**

**8.2 FINANCE****8.2.1 UPDATED MONTHLY MAJOR PROJECTS PROGRAM AND PROJECTS SCHEDULE****RESOLUTION 360/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

1. **The Updated Monthly Major Projects Program Report, and Updated Monthly Major Projects Schedule, attached to the report, be received and noted.**
2. **An ongoing report be prepared only showing what projects are still to be completed, and what the budget outcome predictions are.**

**CARRIED**

**8.2.2 INVESTMENT REPORT - OCTOBER 2020****RESOLUTION 361/2020**

Moved: Cr Craig Stewart

Seconded: Cr Dennis Palmer

**The Investment Report for October 2020 be received and noted.**

**CARRIED**

**8.2.3 MONTHLY FINANCE REPORT FOR OCTOBER 2020****RESOLUTION 362/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

**The Monthly Finance Report for October 2020 be received and noted.**

**CARRIED**

**8.2.4 SEPTEMBER 2020 QUARTERLY BUDGET REVIEW STATEMENT****RESOLUTION 363/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

1. **The September 2020 Quarterly Budget Review Report be received and noted.**
2. **The budget variations listed in the report be adopted.**
3. **Any comments be considered and discussed at the December 2020 Council Meeting.**

**CARRIED**

**8.2.5 REFERRAL OF FINANCIAL STATEMENTS FOR AUDIT****RESOLUTION 364/2020**

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

1. **The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be delegated to sign the Statements by Council and Management for the 2020 General Purpose Financial Statements and 2020 Special Purpose Financial Statements for Cootamundra-Gundagai Regional Council.**
2. **The 2020 Financial Statements be referred for audit.**
3. **The General Manager be authorised to issue the 2020 Financial Statements upon receipt of the auditor's report.**

**CARRIED**

**8.3 COMMUNITY AND CULTURE**

Nil

**8.4 DEVELOPMENT, BUILDING AND COMPLIANCE****8.4.1 MODIFICATION TO DEVELOPMENT APPLICATION 2016/108-2 - CLUBHOUSE AND AMENITIES ON LOT 7009 DP1021379, CLARKE OVAL, WALLENDOON STREET, COOTAMUNDRA****RESOLUTION 365/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

1. **Council approve Modification to Development Application 2016/108-2 Clubhouse and amenities on Lot 7009 DP1021379, Clarke Oval, Wallendoon Street, Cootamundra subject to the following conditions and reasons**

**GENERAL CONDITIONS****(1) GEN Condition - Compliance Standards**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

*Reason: The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**(2) GEN Condition - Compliance with Council**

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
4B	Floor Plan, Elevation and Sections	Coota Design	29.10.20
5B	Elevation and Details	Coota Design	30.10.20
-	Specification		Aug 2020

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

**(3) GEN Condition - Compliance with Legislation**

Regardless of consent the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods (Road and Rail Transport) Act.

**Reason:** This consent does not remove obligations imposed by State and Federal Legislation.

**(4) GEN Condition - Utilities**

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

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

**(5) Gen Condition – Not certify compliance with BCA or NCC**

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

**Reason:** This consent does not certify compliance with the BCA or NCC.

**PRIOR TO COMMENCEMENT OF WORKS**

**(1) PCW Condition - Structural Engineer's Slab/Footing Details Required.**

The applicant shall submit to Council, prior to an inspection of any structural concrete work, plans of such work either certified by a practising Structural Engineer or in accordance with AS2870.

**Reason:** Deemed performance standard.

**(2) PCW Condition - Further Details Required.**

The applicant shall submit to Council, in duplicate, information relating to toilets, covered awning and disabled ramp. No work relating to this detail shall be carried out until the information is supplied and approved by Council.

**Reason:** To minimise further delays on the project.

**(3) PCW Condition – Prior to Building Work Commencing.**

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

1. 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
2. the person having the benefit of the development consent has:
  - a. appointed a principal certifying authority for the building work, and

- b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
  - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - b. 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 to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
  - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - b. notified the principal certifying authority of any such appointment, and
  - c. 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 .

**Reason:** *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

**(4) PCW Condition – 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: -

1. Statement that unauthorised entry to the site is not permitted
2. 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
3. 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 & Assessment Regulation.*

**(5) PCW Condition – 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 & Assessment Regulation.*

**(6) PCW Condition – Builders Toilets.**

Provision being made for temporary WC accommodation on site prior to the commencement of excavation or other associated building works.

**Reason:** *To ensure minimum standards of hygiene for onsite workers.*

**(7) PCW Condition – Public Safety – Hoardings.**

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

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 building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

*Reason: To protect the general public.*

**(8) PCW Condition – 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, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

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

**(9) PCW Condition – Soil Erosion Control.**

Site erosion control measures shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the building 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.*

**(10) PCW Condition – Underground Services.**

The applicant shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

*Reason: To ensure the utility services are protected and satisfactory for the proposed development.*

**DURING CONSTRUCTION****(1) DUR Condition – Works to be undertaken in Accordance with the Approval.**

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

*Reason: ensure all works are carried out in accordance with the development consent.*

**(2) DUR Condition – Hours of Construction Site Works.**

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

Monday to Saturday from 7.00am to 7.00pm  
Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

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

**(3) DUR Condition – Footpath Storage.**

Building materials not to be stored on Council footway or nature strip at any time.

*Reason: To ensure an adequate level of public safety is maintained.*

**(4) DUR Condition – Waste Removal.**

All debris and any waste fill are to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

*Reason: To ensure that the amenity and unsightly condition is minimised.*

**(5) DUR Condition – Tree Protection - Nature Strip.**

Existing trees which are located on the nature-strip shall be protected during the construction period.

*Reason: The Council's concern that the amount of vegetation in the Shire should continue to increase to improve the climate and appearance.*

**(6) DUR Condition - Pipe Replacement.**

Should the proposed building be located over existing vitrified clay sewer pipes then such pipes shall be reinstated in PVC material in the area under the proposed building.

*Reason: To minimise the opportunity for damage to the building as a result of leaking sewage.*

**(7) DUR Condition - 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.*

**(8) DUR Condition – Inspections.**

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

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 that adequate time is given of required inspections.*

**(9) DUR Condition – Restricted Public Access.**

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

**Reason:** *To ensure public safety is maintained.*

**(10) DUR Condition - Asbestos Removal.**

Any quantity of asbestos, whether it be stabilised or non-stabilised (loose), should be undertaken with care. Stabilisation asbestos can include fibro sheets, fibro roofing, fibro water pipes, and bituminous floor tiles. If you are removing more than 10 sq. metres of surface area you will need to have a specially licensed person with WorkCover, authorised to undertake such work. If you are removing stabilised asbestos sheeting, roofing etc, observe the following the following precautions:

1. Remove entire sheets of materials without breaking the product, ie punch nail holes through rather than break the sheet, take down - don't drop
2. Thoroughly wet each sheet of the waste before removing
3. Wrap the sheeting in plastic 200 microns thick
4. When transporting, make sure the top of the trailer is taped over with plastic sheeting and secured
5. Transport to an asbestos authorised disposal area, ie Cootamundra Waste Depot is authorised, provided prior notice has been given so that the disposal pits are specifically opened up and protective gear is worn by the operator of the plant
6. When unloading do not drop on the ground but gently place into the area as directed by the Council operator
7. Do not use power tools which expose the asbestos fibres
8. Do not scrub or water-blast any asbestos cement sheeting
9. Do not slide sheets over other sheets as this will release fibres
10. Wear a protective mask and goggles

Specific websites with additional information are at [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)

**Reason:** *To minimise the risk of asbestosis and to dispose of this harmful product in a safe secure manner at an accredited disposal point.*

**(11) DUR Condition - Demolition of Buildings.**

The following points must be complied with:

1. Building demolition work is to be carried out in accordance with the requirements / provisions of AS2601-2001 - Demolition
2. All existing services are to be disconnected, sealed and made safe prior to the demolition a /or removal of existing structures on site - The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are to be inspected by Council - The requirements of other utility authorities shall be ascertained and adhered to by the applicant
3. The disposal of any asbestos materials in accordance with the requirements of WorkCover NSW and AS 2601-2001 - Demolition of Structures
4. The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public
5. Adjoining neighbours shall be given a minimum of 24 hours' notice of the intention to commence demolition works
6. Ground surface shall be graded and finished flat to ensure ease of maintenance

**Reason:** So that the demolition is conducted in a manner that maintains acceptable safety, environmental and legislative standards.

**(12) DUR Condition - Demolition Works.**

Demolition of existing building or structures is to be carried out in a manner so that the risk of injury to the health and safety of site personnel and public persons will be minimised.

Identify and locate service supply mains - water, electricity and notify the controlling authority to disconnect such services prior to demolition.

All debris is to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's Waste Depot. You should contact Council's Waste Services Officer for an estimate of costs in this regard.

**Reason:** To ensure site safety and to minimise the disruption of services through damage to same.

**(13) DUR Condition – Storm Water.**

Storm water is to be discharged:-

1. Clear of the building and septic tank disposal area
2. To diffusion pit a minimum 3m from any building and in such a position that it does not cause nuisance to neighbours
3. To the roadside gutter, taken through the kerb and the kerb is to be made good or, alternatively, linked to existing storm water drainage which discharges at the roadside gutter
4. To the roadside table drain. The end of the storm water pipe at the table drain shall be suitably protected to avoid damage to the end of the pipe
5. To the requirements of the BASIX Certificate, and any overflows to be without nuisance

**Reason:** To ensure that roof water is disposed of without nuisance to neighbours, without overloading Council's laneways system and so as to minimise input to the ground water system

**(14) DUR Condition – Exit Doors.**

In accordance with Clause D2.20 and Clause D2.21 of the Building Code of Australia, all exit doors must swing in the direction of egress. Exit doors must be readily openable without a key from the side that faces a person seeking egress, by a single handed downward action or pushing action on a single device which is located between 900mm and 1200mm from the floor.

**Reason:** To facilitate exit from the building.

**(15) DUR Condition – Railings and Balustrade.**

Where any ramp or decking area has any level more than 1m above the finished ground level, the construction of the balustrade must be in accordance with the Building Code of Australia 3.9.2.3 Balustrade Construction. Balustrades must be at least 1 metre above the floor of a landing and be constructed so that any opening does not permit a 125mm sphere to pass through it.

**Reason:** Statutory compliance.

**(16) DUR Condition – Water Proofing - Wet Areas.**

An owner/builder will not be permitted to provide water proofing membranes to any wet area unless that person holds a Water Proofing Membrane subcontractor's licence with the Department of Fair Trading. The application of water proof membranes to nominated wet areas is a 'Critical Stage Inspection' requiring mandatory inspection by the Council or an accredited Private Certifying Authority. The standards for compliance are AS 3740 2010 for Water Proofing Internal Wet Areas.

*Reason: To ensure that water proofing of internal wet areas are competently carried out to the required Standard and Code of Practice.*

**(17) DUR Condition – Fire Hazard Index.**

The early fire hazard indices of materials, linings and surface finishes must comply with specification C1.10 of the Building Code of Australia.

*Reason: To suppress fire within places of public entertainment.*

**(18) DUR Condition – Scalding.**

The Hot Water System to the bathroom/ensuite is to be set not to exceed 50°C to prevent accidental scalding of children and the infirm. The licensed Plumber is to complete the attached certificate of compliance for the completed installation.

*Reason: Statutory requirement.*

**(19) DUR Condition – Disabled Fitouts.**

All ramps, hand rails and ablution fitouts shall be installed in accordance with Australian Standard 1428.1-2009 "Design for Access and Mobility, Part 1: General Requirements for Access – Buildings".

*Reason: To provide access for disabled people.*

**(20) DUR Condition – Disabled Carparking.**

Additional Disabled Carparking spaces shall be incorporated in the existing carpark facility and in a position which is located as near as practical, adjacent to the premises entrance.

*Reason: The legal obligations of an applicant to provide access/parking for disabled persons.*

**(21) DUR Condition – Alterations: Plumbing and Drainage Works.**

All plumbing works must be undertaken by a licenced Plumber or Drainer. They must submit their Notice of Work (N.O.W) and pay for any associated inspections 48hrs before the first inspection. They also must submit a Certificate of Compliance (C.O.C) after the work has been completed and also submit a correct Sewer Service Diagram (S.S.D.) for all works. The C.O.C and S.S.D must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A).

The proponent shall comply with all requirements tabled under NSW Fair Trading and The Plumbing Code of Australia.

*Reason: Statutory compliance.*

## **POST CONSTRUCTION**

**(1) POC Condition – Occupation of Building.**

A person must not commence occupation or use of the whole or any part of the buildings 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 said building.*

**(2) POC Condition – Compliance Certificates.**

Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, all relevant compliance certificates must be submitted.

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

## ONGOING USE

**(1) USE Condition – Annual Certificate.**

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 & 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.*

**(2) USE Condition – Discrimination Laws.**

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons.

The *Disability Discrimination Act* (DDA) is commonwealth legislation that aims to increase the economic and social independence of people with a disability.

The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

It should be noted that by the issuing of this consent the Council does not guarantee that all legislative requirements of the DDA or subsequent premises standards have been satisfied and that the owners/operators may still be subject to complaints being made under the DDA. It is advisable that the applicant should satisfy themselves with the requirements of the DDA and seek further professional advice if deemed necessary.

*Reason: To clarify that the issuing of this development consent does not certify that the establishment or operation of the development satisfies all requirements of the Disability Discrimination Act.*

**(3) USE Condition – 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.*

**(4) USE Condition –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, waste water, 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)	Nil
Cr Dennis Palmer	
Cr Leigh Bowden	
Cr Gil Kelly	
Cr Penny Nicholson	
Cr Charlie Sheahan	
Cr Craig Stewart	
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Cr David Graham	Nil
Cr Doug Phillips	

**CARRIED**

**8.4.2 DEVELOPMENT APPLICATION 2020/157 - INSTALLATION OF TOILET BLOCK AT WASTE FACILITY LOT 475, DP753601, TURNERS LANE, COOTAMUNDRA**

**RESOLUTION 366/2020**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

- Council approve Development Application 2020/157 construction of toilet block at Waste Facility Lot 475 DP753601 Turners Lane, Cootamundra subject to the following conditions and reasons:**

**GENERAL CONDITIONS**

**(1) GEN Condition - Compliance Standards**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

**Reason:** *The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**(2) GEN Condition - Compliance with Council**

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
-	Site Plan	-	-
-	Floor Plan	Coly Built	-
-	Specification	Coly Built	-

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

**(3) GEN Condition - Compliance with Legislation**

Regardless of consent the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods (Road and Rail Transport) Act.

*Reason: This consent does not remove obligations imposed by State and Federal Legislation.*

**(4) GEN Condition - Utilities**

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

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

**(5) Gen Condition – Not certify compliance with BCA or NCC**

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

*Reason: This consent does not certify compliance with the BCA or NCC.*

**PRIOR TO COMMENCEMENT OF WORKS**

**1) PCW Condition - Structural Engineer's Slab/Footing Details Required.**

The applicant shall submit to Council, prior to an inspection of any structural concrete work, plans of such work either certified by a practising Structural Engineer or in accordance with AS2870.

*Reason: Deemed performance standard.*

**(2) PCW Condition - Further Details Required.**

The applicant shall submit to Council, in duplicate, information relating to landings and stairs. No work relating to this detail shall be carried out until the information is supplied and approved by Council.

*Reason: To minimise further delays on the project.*

**(3) PCW Condition – Prior to Building Work Commencing.**

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

1. 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
2. the person having the benefit of the development consent has:
  - a. appointed a principal certifying authority for the building work, and
  - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
  - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - b. 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 to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - b. notified the principal certifying authority of any such appointment, and
  - c. 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 .

**Reason:** *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

**(4) PCW Condition – 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: -

1. Statement that unauthorised entry to the site is not permitted
2. 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
3. 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 & Assessment Regulation.*

**(5) PCW Condition – 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 & Assessment Regulation.*

**(6) PCW Condition – Builders Toilets.**

Provision being made for temporary WC accommodation on site prior to the commencement of excavation or other associated building works.

*Reason: To ensure minimum standards of hygiene for onsite workers.*

**(7) PCW Condition – Public Safety – Hoardings.**

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

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 building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

*Reason: To protect the general public.*

**(8) PCW Condition – 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, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

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

**(9) PCW Condition – Soil Erosion Control.**

Site erosion control measures shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the building 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.*

**(10) PCW Condition – Underground Services.**

The applicant shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

*Reason: To ensure the utility services are protected and satisfactory for the proposed development.*

## **DURING CONSTRUCTION**

**(1) DUR Condition – Works to be undertaken in Accordance with the Approval.**

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

**Reason:** ensure all works are carried out in accordance with the development consent.

**(2) DUR Condition – Hours of Construction Site Works.**

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

Monday to Saturday from 7.00am to 7.00pm  
Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

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

**(3) DUR Condition – Footpath Storage.**

Building materials not to be stored on Council footway or nature strip at any time.

**Reason:** To ensure an adequate level of public safety is maintained.

**(4) DUR Condition – Waste Removal.**

All debris and any waste fill are to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

**Reason:** To ensure that the amenity and unsightly condition is minimised.

**(5) DUR Condition – Tree Protection - Nature Strip.**

Existing trees which are located on the nature-strip shall be protected during the construction period.

**Reason:** The Council's concern that the amount of vegetation in the Shire should continue to increase to improve the climate and appearance.

**(6) DUR Condition - 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.

**(7) DUR Condition – Inspections.**

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

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 that adequate time is given of required inspections.

**(8) DUR Condition – Restricted Public Access.**

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

**Reason:** *To ensure public safety is maintained.*

**(9) DUR Condition – Storm Water.**

Storm water is to be discharged to diffusion pit a minimum 3m from any building and in such a position that it does not cause nuisance to neighbours

**Reason:** *To ensure that roof water is disposed of without nuisance to neighbours, without overloading Council's laneways system and so as to minimise input to the ground water system*

**(10) DUR Condition – Railings and Balustrade.**

Where any ramp or decking area has any level more than 1m above the finished ground level, the construction of the balustrade must be in accordance with the Building Code of Australia 3.9.2.3 Balustrade Construction. Balustrades must be at least 1 metre above the floor of a landing and be constructed so that any opening does not permit a 125mm sphere to pass through it.

**Reason:** *Statutory compliance.*

**(11) DUR Condition – Water Proofing - Wet Areas.**

An owner/builder will not be permitted to provide water proofing membranes to any wet area unless that person holds a Water Proofing Membrane subcontractor's licence with the Department of Fair Trading. The application of water proof membranes to nominated wet areas is a 'Critical Stage Inspection' requiring mandatory inspection by the Council or an accredited Private Certifying Authority. The standards for compliance are AS 3740 2010 for Water Proofing Internal Wet Areas.

**Reason:** *To ensure that water proofing of internal wet areas are competently carried out to the required Standard and Code of Practice.*

**(12) DUR Condition – Fire Hazard Index.**

The early fire hazard indices of materials, linings and surface finishes must comply with specification C1.10 of the Building Code of Australia.

**Reason:** *To suppress fire within places of public entertainment.*

**(13) DUR Condition – Scalding.**

The Hot Water System to the bathroom/ensuite is to be set not to exceed 50°C to prevent accidental scalding of children and the infirm. The licensed Plumber is to complete the attached certificate of compliance for the completed installation.

**Reason:** *Statutory requirement.*

**(14) DUR Condition – Alterations: Plumbing and Drainage Works.**

All plumbing works must be undertaken by a licenced Plumber or Drainer. They must submit their Notice of Work (N.O.W) and pay for any associated inspections 48hrs before the first inspection. They also must submit a Certificate of Compliance (C.O.C) after the work has been completed and also submit a correct Sewer Service Diagram (S.S.D.) for all works. The C.O.C and S.S.D must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A).

The proponent shall comply with all requirements tabled under NSW Fair Trading and The Plumbing Code of Australia.

*Reason: Statutory compliance.*

## POST CONSTRUCTION

### (1) POC Condition – Occupation of Building.

A person must not commence occupation or use of the whole or any part of the buildings 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 said building.*

### (2) POC Condition – Compliance Certificates.

Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, all relevant compliance certificates must be submitted.

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

## ONGOING USE

### (1) USE Condition – Annual Certificate.

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 & 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.*

### (2) USE Condition – Discrimination Laws.

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons.

The *Disability Discrimination Act* (DDA) is commonwealth legislation that aims to increase the economic and social independence of people with a disability.

The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

It should be noted that by the issuing of this consent the Council does not guarantee that all legislative requirements of the DDA or subsequent premises standards have been satisfied and that the owners/operators may still be subject to complaints being made under the DDA. It is advisable that the applicant should satisfy themselves with the requirements of the DDA and seek further professional advice if deemed necessary.

**Reason:** To clarify that the issuing of this development consent does not certify that the establishment or operation of the development satisfies all requirements of the Disability Discrimination Act.

**(3) USE Condition – 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.

**(4) USE Condition –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, waste water, 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 Gil Kelly Cr Penny Nicholson Cr Charlie Sheahan Cr Craig Stewart	Nil
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Cr David Graham Cr Doug Phillips	Nil

**CARRIED**

**8.4.3 DEVELOPMENT APPLICATION 2020/160 - 199 SUTTON STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN**

**RESOLUTION 367/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

**That Council approve DA2019/160 for a carport and garage on Lot 2 DP DP580350, 199 Sutton Street Cootamundra subject to the following conditions:**

**GENERAL CONDITIONS**

**(1) GEN Condition - Compliance Standards**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

**Reason:** *The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**(2) GEN Condition - Compliance with Council**

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
	Statement of environmental effects	Simple designs	September 20
1.1	New freestanding and open carport & detached garage	Simple designs	September 20
1.2	New freestanding and open carport & detached garage- Carport plans	Simple designs	September 20

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

**(3) GEN Condition - Utilities**

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

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

**(4) Gen Condition – Not certify compliance with BCA or NCC**

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

**Reason:** *This consent does not certify compliance with the BCA or NCC.*

**PRIOR TO COMMENCEMENT OF WORKS**

**(1) PCW Condition – Prior to Building Work Commencing.**

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

1. 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
2. the person having the benefit of the development consent has:
  - a. appointed a principal certifying authority for the building work, and
  - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
  - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- b. 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 to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
  - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - b. notified the principal certifying authority of any such appointment, and
  - c. 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 .

**Reason:** *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

**(2) PCW Condition – 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: -

1. Statement that unauthorised entry to the site is not permitted
2. 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
3. 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 & Assessment Regulation.*

**(3) PCW Condition – 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 & Assessment Regulation.*

**(4) PCW Condition – Builders Toilets.**

Provision being made for temporary WC accommodation on site prior to the commencement of excavation or other associated building works.

**Reason:** *To ensure minimum standards of hygiene for onsite workers.*

**(5) PCW Condition – Residential Building Work.**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information

1. In the case of work for which a principal contractor is required to be appointed:
  - a. In the name and licence number of the principal contractor, and

- b. The name of the insurer by which the work is insured under Part 6 of that Act.
2. In the case of work to be done by an owner-builder:
  - a. The name of the owner-builder and,
  - b. If the owner builder is required to hold an owner builder permit under the Act, the number of the owner-builder permits.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

*Reason: Statutory compliance.*

**(6) PCW Condition – Siting of Building.**

The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan.

*Reason: To ensure the development is carried out correctly on the allotment.*

**(7) PCW Condition – 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, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

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

**(8) PCW Condition – Soil Erosion Control.**

Site erosion control measures shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the building 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.*

**(9) PCW Condition – Second Hand Materials.**

No second hand materials are to be used on any external surface of the building unless made available for inspection and separately approved by Council prior to erection.

*Reason: To ensure the external appearance of the building is maintained to an acceptable standard.*

**(10) PCW Condition – Underground Services.**

The applicant shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

*Reason: To ensure the utility services are protected and satisfactory for the proposed development.*

## **DURING CONSTRUCTION**

**(1) DUR Condition – Works to be undertaken in Accordance with the Approval.**

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

*Reason: ensure all works are carried out in accordance with the development consent.*

**(2) DUR Condition – Hours of Construction Site Works.**

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

Monday to Saturday from 7.00am to 7.00pm  
Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

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

**(3) DUR Condition – Footpath Storage.**

Building materials not to be stored on Council footway or nature strip at any time.

*Reason: To ensure an adequate level of public safety is maintained.*

**(4) DUR Condition – Waste Removal.**

All debris and any waste fill are to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

*Reason: To ensure that the amenity and unsightly condition is minimised.*

**(5) DUR Condition – Tree Protection - Nature Strip.**

Existing trees which are located on the nature-strip shall be protected during the construction period.

*Reason: The Council's concern that the amount of vegetation in the Shire should continue to increase to improve the climate and appearance.*

**(7) DUR Condition - Pipe Replacement.**

Should the proposed building be located over existing vitrified clay sewer pipes then such pipes shall be reinstated in PVC material in the area under the proposed building.

*Reason: To minimise the opportunity for damage to the building as a result of leaking sewage.*

**(8) DUR Condition - 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.*

**(9) DUR Condition – Inspections.**

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

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 that adequate time is given of required inspections.*

**(10) DUR Condition – Restricted Public Access.**

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

*Reason: To ensure public safety is maintained.*

**(11) DUR Condition - Asbestos Removal.**

Any quantity of asbestos, whether it be stabilised or non-stabilised (loose), should be undertaken with care. Stabilisation asbestos can include fibro sheets, fibro roofing, fibro water pipes, and bituminous floor tiles. If you are removing more than 10 sq. metres of surface area you will need to have a specially licensed person with WorkCover, authorised to undertake such work. If you are removing stabilised asbestos sheeting, roofing etc, observe the following the following precautions: -

1. Remove entire sheets of materials without breaking the product, ie punch nail holes through rather than break the sheet, take down - don't drop
2. Thoroughly wet each sheet of the waste before removing
3. Wrap the sheeting in plastic 200 microns thick
4. When transporting, make sure the top of the trailer is taped over with plastic sheeting and secured
5. Transport to an asbestos authorised disposal area, ie Cootamundra Waste Depot is authorised, provided prior notice has been given so that the disposal pits are specifically opened up and protective gear is worn by the operator of the plant
6. When unloading do not drop on the ground but gently place into the area as directed by the Council operator
7. Do not use power tools which expose the asbestos fibres
8. Do not scrub or water-blast any asbestos cement sheeting
9. Do not slide sheets over other sheets as this will release fibres
10. Wear a protective mask and goggles

Specific websites with additional information are at [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)

*Reason: To minimise the risk of asbestosis and to dispose of this harmful product in a safe secure manner at an accredited disposal point.*

**(12) DUR Condition – Storm Water.**

Storm water is to be discharged: -

1. To the roadside gutter, taken through the kerb and the kerb is to be made good or, alternatively, linked to existing storm water drainage which discharges at the roadside gutter

**Reason:** To ensure that roof water is disposed of without nuisance to neighbours, without overloading Council's laneways system and so as to minimise input to the ground water system

**(13) DUR Condition – Storm Water / Ground Water Diversion.**

Run-off and ground water seepage shall be diverted around the building to the storm water system via a suitable ag drain or dish drain.

**Reason:** To minimise the opportunity for ponding and flooding.

**(14) DUR Condition – Alterations: Plumbing and Drainage Works.**

All plumbing works must be undertaken by a licenced Plumber or Drainer. They must submit their Notice of Work (N.O.W) and pay for any associated inspections 48hrs before the first inspection. They also must submit a Certificate of Compliance (C.O.C) after the work has been completed and also submit a correct Sewer Service Diagram (S.S.D.) for all works. The C.O.C and S.S.D must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A).

The proponent shall comply with all requirements tabled under NSW Fair Trading and The Plumbing Code of Australia.

**Reason:** Statutory compliance.

## POST CONSTRUCTION

**(1) POC Condition – Occupation of Building.**

A person must not commence occupation or use of the whole or any part of the buildings 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 said building.

## ONGOING USE

**(1) USE Condition – Business Use.**

The carport & rear detached garage not being let, adapted or used for separate occupation or commercial purposes.

**Reason:** Development consent is required for any activity other than residential.

**(2) USE Condition – Carport Enclosure Prohibited.**

The open sides of the carport are not to be enclosed at any point in time without the prior consent of Council.

**Reason:** Statutory compliance with the fire separation requirements of the Building Code of Australia.

**(3) USE Condition – 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.

**(4) USE Condition –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, waste water, 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.*

**(5) USE Condition – Non Habitable Use.**

The detached garage and carport is not to be used for residential occupation without prior consent of Council.

**Reason: Health and safety prohibition.**

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

**CARRIED**

**8.4.4 ADOPTION OF APPROVALS POLICY POST PUBLIC EXHIBITION**

**RESOLUTION 368/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Craig Stewart

**Council adopt the amended Activities Approval Policy with the amendments being made as outlined in this report as a result of the public exhibition of the draft Policy.**

**CARRIED**

#### **8.4.5 NEW HERITAGE ACT STANDARD EXEMPTIONS**

##### **RESOLUTION 369/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr Charlie Sheahan

**The new Heritage Act Standard Exemptions report, be received and noted.**

**CARRIED**

#### **8.4.6 DEVELOPMENT APPLICATIONS APPROVED OCTOBER 2020**

##### **RESOLUTION 370/2020**

Moved: Cr Dennis Palmer  
Seconded: Cr Charlie Sheahan

**The Information on Development Applications Approved in October 2020 be noted.**

**CARRIED**

#### **8.5 REGULATORY SERVICES**

Nil

#### **8.6 ASSETS**

##### **8.6.1 GUNDAGAI WATER RESTRICTIONS**

##### **RESOLUTION 371/2020**

Moved: Cr Penny Nicholson  
Seconded: Cr Leigh Bowden

**Council endorse the General Manager's actions under the Delegation of Authority to ease Water Restrictions in accordance with Council Policy.**

**CARRIED**

#### **8.7 CIVIL WORKS**

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

##### **RESOLUTION 372/2020**

Moved: Cr Leigh Bowden  
Seconded: Cr Craig Stewart

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

**CARRIED**

**8.8 TECHNICAL SERVICES**

Nil

**8.9 FACILITIES**

Nil

**8.10 WASTE, PARKS AND RECREATION**

**8.10.1 URGENT MAINTENANCE WORKS PIONEER PARK COOTAMUNDRA**

**RESOLUTION 373/2020**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

1. The Condition of Pioneer Park report be accepted and noted.
2. Council consider including the proposed Pioneer Park maintenance works and associated funding of \$175,000 as part of the Local Roads and Community Infrastructure Program to be prepared by the Manager Civil Works and submitted to the December Council meeting for consideration.

**CARRIED**

**8.10.2 REFURBISHMENT BRADMAN OVAL CRICKET NETS**

**RESOLUTION 374/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Craig Stewart

1. The Bradman Oval Cricket Nets report, as presented be accepted and noted.
2. Council note that the value of \$16,022.35 is currently not covered within the existing Cootamundra Sportsfield maintenance budget for 2020/21 financial year.
3. Council refer consideration of possible funding for the project from the Local Roads and Community Infrastructure Fund to the December meeting for the purpose of repairs and refurbishment to the existing Bradman Oval cricket nets.

**CARRIED**

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

**9.1 determined after 8.1.16**

**9.2 NOTICE OF MOTION - LOCAL ROAD MAINTENANCE REMAINING WITH LOCAL COUNCILS**

**RESOLUTION 375/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

Cootamundra-Gundagai Regional Council formally write to the NSW Minister for Regional Transport and Roads, Hon. Paul Toole seeking a commitment guaranteeing local road maintenance remaining with local councils.

**CARRIED**

**9.3 NOTICE OF MOTION - REINSTATEMENT OF AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION TO THE NATIONAL CABINET**

**RESOLUTION 376/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

Council formally write to our Federal member Hon. Michael McCormack deputy PM requesting him to strongly advocate for the reinstatement of ALGA to the National Cabinet.

**CARRIED**

**9.4 NOTICE OF MOTION - LETTER OF THANKS TO CR LINDA SCOTT**

**RESOLUTION 377/2020**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

Council write to Cr Linda Scott congratulating her on her election to the position of President of the Australian Local Government Association and thanking her for her tireless work as the President of Local Government NSW.

**CARRIED**

**9.5 moved to start of Council meeting.**

**10        QUESTIONS WITH NOTICE****10.1      QUESTIONS WITH NOTICE****RESOLUTION 378/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

**The Questions with Notice from Councillors and related responses from Council officers be noted.**

**CARRIED**

**11        CONFIDENTIAL ITEMS****11.1      CONFIDENTIAL REPORTS****RECOMMENDATION**

1. **Item 11.2 and 11.3 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 and 11.3 be withheld from the press and public.**

**11.2      OPERATION AND MANAGEMENT OF THE GUNDAGAI WASTE FACILITY****RESOLUTION 379/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

**Provisions for Confidentiality**

Section 10A (2) (d(i)) – The Confidential Report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**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.

**RECOMMENDATION**

1. **The Report on Expressions of Interest for the Operation and Management of the Gundagai Waste Facility be received and noted.**
2. **The quotation received from JLW Services for the Operation and Management of the Gundagai Waste Facility be accepted.**

3. Council enter into a Contract with JLW Services for the Operation and Management of the Gundagai Waste Facility for an initial period of one (1) year with the possibility of two (2) one (1) year extensions, under the condition that JLW Services can obtain adequate insurance as required by Council.

CARRIED

### **11.3 FLOODPLAIN MITIGATION REQUEST**

#### **RESOLUTION 380/2020**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

### **11.3 FLOODPLAIN MITIGATION REQUEST**

#### Provisions for Confidentiality

Section 10A (2) (a) – The Confidential Report contains personnel matters concerning particular individuals (other than councillors); and

Section 10A (2) (g) – The Confidential Report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

#### 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.

#### **RECOMMENDATION**

**Council write to the requestor of the flood mitigation works in line with councils decision as follows;**

1. **Council commit to cleaning out culvert infrastructure leading into Muttama Creek and clean the creek environment where practical.**
2. **Council not enter into the supply of installation of flood proof doors at this stage.**
3. **Council contribute an amount of \$20000 for the flood plan risk management flood study program, and advice further that the flood study has been escalated at the cost of \$100000, to be placed on public exhibition for completion at earliest available opportunity.**

CARRIED

**11.4 RESUMPTION OF OPEN COUNCIL MEETING**

**RESOLUTION 381/2020**

Moved: Cr Charlie Sheahan

Seconded: Cr Craig Stewart

**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 8.53PM.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 8 December 2020.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**