

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00 PM, TUESDAY 30TH MARCH, 2021

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 30 MARCH 2021 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.

IN ATTENDANCE: Phil McMurray (Cr), Kay Whitehead (Interim Deputy General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), 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.

ADJOURN MEETING FOR OPEN FORUM

RECOMMENDATION

Council adjourn for Open Forum.

2 OPEN FORUM

There were no speakers at the Open Forum.

RESUME OPEN MEETING

RECOMMENDATION

Council resume the Open Meeting.

3 APOLOGIES

LEAVE OF ABSENCE – CR SHEAHAN

APOLOGY – CR STEWART

APOLOGY – CR PHILLIPS

RESOLUTION 067/2021

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

- 1. A Leave of Absence be granted to Cr Sheahan.**
- 2. The apology from Cr Stewart be accepted and a leave of absence be granted.**
- 3. The apology from Cr Phillips be accepted and a leave of absence be granted.**

CARRIED

4 DISCLOSURES OF INTEREST

Cr Palmer (Deputy Mayor) disclosed a pecuniary interest in 8.4.2 Development Application DA2021/13 - Farm Building 659 Berthong Road, Cootamundra.

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 23 FEBRUARY 2021

RESOLUTION 068/2021

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

The Minutes of the Ordinary Meeting of Council held on Tuesday 23 February 2021 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT FOR MARCH, 2021

RESOLUTION 069/2021

Moved: Cr Leigh Bowden
Seconded: Cr Gil Kelly

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 TABLING OF PECUNIARY INTEREST RETURNS

RESOLUTION 070/2021

Moved: Cr David Graham
Seconded: Cr Dennis Palmer

The tabling of pecuniary interest return from new designated staff be noted.

CARRIED

8.1.2 DOG ON THE TUCKER BOX DEVELOPMENT DRAFT MASTERPLAN STUDY

RESOLUTION 071/2021

Moved: Cr Penny Nicholson
Seconded: Cr David Graham

- 1. The Report on the Dog on the Tucker Box Masterplan be received and noted.**
- 2. The Draft Dog on the Tuckerbox Masterplan be placed on Public Exhibition for no less than 28 days inviting submissions from stakeholders, the community and all interested parties.**
- 3. A further report on the Dog on the Tuckerbox Development will be prepared and submitted for the consideration of Council at a future Meeting.**

CARRIED

8.1.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS**RESOLUTION 072/2021**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

1. The Report on the Australian Local Government Association Call for Motions and the Australian Local Government Association -Working Together for Our Communities - Call for Motions NGA21 -Discussion Paper, attached to the report, be received and noted.
2. Council endorse the Motions submitted by the General Manager for the National General Assembly 2021 a detailed in the Report.
3. Cr Bowden be the Council representative at the ALGWA breakfast being held as part of the National General Assembly 2021 to be held 20-23 June, 2021.

CARRIED

8.1.4 REPORT ON EFFICIENCIES AND COST SAVINGS OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL.**RESOLUTION 073/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The Report on Efficiencies and Cost Savings of Cootamundra-Gundagai Regional Council be received and noted.

CARRIED

8.1.5 TENDER FOR WET AND DRY HIRE OF PLANT**RESOLUTION 074/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

1. The Open Tendering method for the proposed panel contract for Wet and Dry Plant Hire be endorsed.
2. A further report be prepared and submitted for the consideration of Council at the completion of the tendering process.

CARRIED

8.1.6 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS

RESOLUTION 075/2021

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

That Council:

1. Resolves to permit Councillors to attend meetings of Council and Committees of Council remotely by audio video link in exceptional circumstances.
2. Notes that the resolution in 1 above will apply from the date upon which the Regulation is amended to amend the Model Code of Meeting Practice until 31st December, 2021.
3. Notes that members of the public will be permitted to physically attend the gallery at meetings of Council and Committees of Council, with the number of attendees to be up to 25 conditional on the size of the chamber.
4. Make a submission in response to the Office of Local Government consultation paper titled “Remote Attendance by Councillors at Council Meetings” in support of continuing the ability of Councillors to attend meetings of Council and Committees of Council remotely by audio video link in exceptional circumstances.
5. Note that submissions in response to OLG’s consultation paper titled “Remote Attendance by Councillors at Council Meetings” close on 3rd May, 2021.

CARRIED

8.1.7 RIVERINA EASTERN REGIONAL ORGANISATION OF COUNCILS AND RIVERINA JOINT ORGANISATION REPORT

RESOLUTION 076/2021

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The Report on the Riverina Eastern Regional Organisation of Councils and Riverina Joint Organisation and Minutes of the Riverina Eastern Regional Organisation of Councils Board Meeting and Riverina Joint Organisation Board Meeting held 26th February, 2021, attached to the report, be received and noted.

CARRIED

8.1.8 LEGISLATIVE COMPLIANCE FRAMEWORK

RESOLUTION 077/2021

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

1. The Legislative Compliance Framework report be received and noted.
2. The Draft Legislative Compliance Policy, attached to the report, be endorsed.

CARRIED

8.1.9 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES

RESOLUTION 078/2021

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 1 February, 2021, and 1 March, 2021, attached to the report, be received and noted.

CARRIED

8.1.10 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES

RESOLUTION 079/2021

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The Minutes of The Arts Centre Cootamundra s.355 Committee meeting held on 18 February 2021, and 18 March 2021, attached to the report, be received and noted.

CARRIED

8.1.11 COOTAMUNDRA SHOWGROUND USERS GROUP S.355 COMMITTEE MEETING MINUTES

RESOLUTION 080/2021

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The Minutes of the Cootamundra Showground Users Group s.355 Committee Ordinary Meeting held on 17 March 2021, attached to the report, be received and noted.

CARRIED

8.1.12 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**RESOLUTION 081/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

The Minutes of the Muttama Hall Management s.355 Committee meeting held on 17 March 2021, attached to the report, be received and noted.

CARRIED

8.1.13 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**RESOLUTION 082/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 25 February, 2021, attached to the report, be received and noted.**
- 2. The proposed 2021/2022 schedule of hall hire charges for the Stockinbingal Ellwood's Hall, attached to the report, be listed in the 2021/22 CGRC Operational Plan Fees and Charges.**

CARRIED

8.1.14 WALLENDBEEN MEMORIAL HALL S.355 COMMITTEE MEETING MINUTES, MEMBERSHIP AND FEES**RESOLUTION 083/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

- 1. The Minutes of the Wallendbeen Memorial Hall s.355 Committee Ordinary Meeting held on 2 March 2021, attached to the report, be received and noted.**
- 2. The Minutes and supporting documentation of the Wallendbeen Memorial Hall s.355 Committee Annual General Meeting (AGM) held on 2 March 2021, attached to the report, be received and noted.**
- 3. The office bearers and membership of the Wallendbeen Memorial Hall s.355 Committee as detailed in the report and attached AGM minutes, be endorsed.**
- 4. The proposed 2021/2022 schedule of hall hire charges for the Wallendbeen Memorial Hall, attached to the report, be listed in the 2021/22 CGRC Operational Plan Fees and Charges.**
- 5. The letter of appreciation to Council, from the Wallendbeen Memorial Hall s.355 Committee, attached to the report, be received and noted.**

CARRIED

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

RESOLUTION 084/2021

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee Ordinary Meeting held on 4 March 2021, attached to the report, be received and noted.
2. The Minutes of the Cootamundra Tourism Action Group s.355 Committee Annual General Meeting (AGM) held on 4 March 2021, attached to the report, be received and noted.
3. The office bearers and membership of the Cootamundra Tourism Action Group s.355 Committee as detailed in the report and attached AGM minutes, be endorsed.
4. Council consider the Committee recommendations included in the report and detailed in the Ordinary Meeting Minutes.

CARRIED

8.1.16 UPDATED COUNCIL MEETING ACTION REPORT

RESOLUTION 085/2021

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

1. The Updated Council Meeting Action Report, attached, be noted.
2. Consideration be given to attend to and beautify the roundabout at Wallendbeen through the 2021/22 budget.

CARRIED

8.1.17 MARCH 2021 INFORMATION BULLETIN

RESOLUTION 086/2021

Moved: Cr Leigh Bowden
Seconded: Cr Gil Kelly

1. The Correspondence and Information attached to the March, 2021 Information Bulletin be received and noted.
2. Decline request to advertise in Regional Lifestyle Magazine.
3. Council write to the Minister for Local Government, the Hon. Shelley Hancock, MP requesting when will Cootamundra-Gundagai Regional Council be given an answer to the proposed demerge of Council.

CARRIED

8.2 FINANCE

8.2.1 MONTHLY FINANCE REPORT FOR FEBRUARY 2021

RESOLUTION 087/2021

Moved: Cr Penny Nicholson
Seconded: Cr Leigh Bowden

The Finance Report for February 2021 be received and noted.

CARRIED

8.2.2 INVESTMENT REPORT - FEBRUARY 2021

RESOLUTION 088/2021

Moved: Cr Leigh Bowden
Seconded: Cr Penny Nicholson

The Investment Report for February 2021 be received and noted.

CARRIED

8.3 COMMUNITY AND CULTURE

8.3.1 COOTAMUNDRA-GUNDAGAI AGRITOURISM DEVELOPMENT STRATEGY FOR COMMUNITY CONSULTATION

RESOLUTION 089/2021

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

The Cootamundra-Gundagai Agritourism Development Strategy document be placed on Public Exhibition for the required 28 days.

CARRIED

8.3.2 GUNDAGAI AND COOTAMUNDRA TOURISM COMMUNICATION PLANS

RESOLUTION 090/2021

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

The Gundagai Communications Plan 2021 (Tourism) and the Cootamundra Communications Plan 2021 (Tourism) be adopted.

CARRIED

8.3.3 BUILDING BETTER REGIONS FUND APPLICATION OLD MILL

RESOLUTION 091/2021

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

The application for funding made through the Building Better Regions Fund Round 5 for the amount of \$495,000, with a co-contribution from Council of \$165,000 funded from the New Council Implementation Fund Round2 funds held for the Old Mill be endorsed.

CARRIED

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

8.4.1 DEVELOPMENT APPLICATION DA2020/138 – DWELLING, LOT 12 STOCKINBINGAL ROAD, COOTAMUNDRA

RESOLUTION 092/2021

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

Council approve the following development, subject to the conditions below:

- **Application No.:** DA2020/138
- **Property:** Lot 12 DP 870918
Stockinbingal Road
COOTAMUNDRA NSW 2590
- **Development:** Dwelling – to erect a three (3) bedroom, weatherboard-clad dwelling, and ancillary infrastructure.

ADMINISTRATIVE CONDITIONS

Approved plans

1. The development shall be generally in accordance with the supporting documentation, including, but not limited to, the following:

Following plans prepared by Sowdes				
<i>Number</i>	<i>Version</i>	<i>Title</i>	<i>Dated</i>	<i>Date lodged</i>
0010620-02SITE	A	Site plan	08/12/2020	6/1/2020
0010620-02DEV	A	Development precinct site plan	08/12/2020	6/1/2020
Following plans prepared by Coota design				
1	-	Floor plan and elevations	06/08/2020	04/09/2020
2	-	Elevations and section	24/08/2020	04/09/2020
Bush Fire Hazard Assessment report, prepared by Sowdes, dated 8 December 2020, submitted 6th January 2021				
NatHERS Report, prepared by Energy Raters, dated 16th August 2020, submitted 4th September 2020				
BASIX Certificate No. 1124798S, prepared by Coota design, dated 26th August 2020, submitted 4th September 2020				

and as modified by any conditions of this consent.

2. No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.

Compliance with relevant legislation

3. The development shall be carried out in accordance with the provisions of the *Building Code of Australia, Environmental Planning and Assessment Act, 1979* and the regulations made thereunder, in accordance with the plans and specifications approved by Council.
4. 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*.

Utilities

5. 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.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Payment of section 7.12 contribution

6. Prior to the issuing of a construction certificate, a contribution is required towards the provision of public amenities and services, in accordance with the Cootamundra–Gundagai Regional Council *Section 7.12 Fixed Developer Consent Levy Contributions Plan 2018*.

Onsite Sewerage Management System

7. Prior to the issuing of a construction certificate, a section 68 approval under the *Local Government Act 1993* shall be obtained for the installation of the onsite sewerage management system.

Solid fuel heater

8. Prior to the issuing of a construction certificate, a section 68 approval under the *Local Government Act 1993* shall be obtained for the installation of the solid fuel heater.

PRIOR TO WORK/CONSTRUCTION COMMENCING

Inspection/Certification

9. Where Cootamundra-Gundagai Regional Council is nominated as the Principal Certifying Authority, the following requirements shall be satisfied before works commence:
 - the Principal Certifying Authority Service Agreement shall be completed and signed by the applicant; and
 - terms and conditions of the Principal Certifying Authority Service Agreement shall be satisfied,
 - a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection shall be given.

Signs

10. Site signage 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,
 - 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,
 - the name, address and telephone contact of the Principal Certifying Authority.

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.

Notice of Commencement

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

Builders Toilets

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

Residential Building Work

13. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information
 - A. In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act.
 - B. In the case of work to be done by an owner-builder:
 - the name of the owner-builder and,
 - the number of the owner-builder permit (where required).

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.

Prior to Building Work Commencing

14. 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 works commences:
 - notified the consent authority and the council (if the council is not the consent authority) of 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 to 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 work 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 .

Cut and Fill

15. The applicant shall ensure that any cut or fill on site is appropriately graded, drained, retained and revegetated.

Siting of Building

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

Soil Erosion Control

17. Site erosion control measures shall be incorporated into site management prior to work commencing. 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.

Restricted Public Access

18. 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.

DURING CONSTRUCTION

Bushfire Construction level

19. All development shall be constructed to BAL-29 construction standard, in accordance with *Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas*, the provisions of Planning for Bush Fire Protection, 2019, and the Bush Fire Hazard Assessment report referenced in Condition 1.

Works to be undertaken in accordance with the approval

20. 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.

21. The builder shall maintain on the site, at all times a legible copy of the following:

- development consent including plans and related documentation,
- construction certificate including plans, specifications and certificates.

Hours of Construction Site Works

22. 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.

Effluent disposal and plumbing and drainage works.

23. The onsite sewerage management system shall be installed and operated in accordance with the section 68 approval.

24. 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 48 hours before the first inspection. They also must submit a correct Sewer Service Diagram (S.S.D) for all works. The Certificate of Compliance (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 applicant shall comply with all requirements tabled under any approval issued under section 68 of the *Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

Construction waste management

25. Provision shall be made on site for the proper storage 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.

26. All construction waste shall be removed from the site and disposed of to a licenced waste disposal facility, on a regular basis.

Termite Protection

27. The building and immediate surrounds shall be treated be treated in accordance with Australian Standard 3660.1 for protection against subterranean termites, and a copy of the guarantee submitted to Council.

NB: If a chemical system is selected for use as a barrier against termite attack, a durable notice shall be attached to the house providing information relating to the treatment supplied and the chemical used. This notice should be affixed permanently in either the electric meter box or at the entrance to the subfloor area.

Whilst the Building Code of Australia (BCA) and AS 3660.1 prescribe measures for protection in relation to the structural elements of a building, there are many other elements which may be susceptible to termite attack. Council, therefore, encourages builders and owners to take general protective measures against termite attack according to approved industry standards and practices.

No protective measure is permanent. Owners should, therefore, arrange regular inspections of their building by appropriate experts.

Storm Water

28. Storm water from roof and hard stand areas, as well as any overflow from a tank, is to be discharged clear of the building and septic tank disposal area, and in such a position that it does not cause nuisance to neighbours or erosion.
29. Run-off and ground water seepage shall be diverted around the building to the storm water system via a suitable drainage system.

Water Proofing - Wet Areas

30. 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.

Slab on Ground Construction.

31. The following points must be complied with: -
 - internal floor level must be a minimum of 225mm above the external finished surface level adjacent to the building
 - external paths and ground surface adjoining the walls of the building must be graded and drained away from the dwelling in such a manner as not to cause a nuisance

Scalding

32. 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.

Smoke Alarms

33. A smoke alarm system complying with *Australian Standard AS3786 Self Contained Smoke Alarms* or listed in the Scientific Services Laboratory (SSL) *Register of Accredited Products - Fire Protection Equipment* shall be installed. The smoke alarm system must be connected to the mains electrical power supply and must have a standby (battery backup) power supply, and where there is more than one smoke alarm installed, all alarms must be interconnected.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation of Building

34. 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.

Compliance Certificates

35. 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.

BASIX

36. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development.

Prior to an Occupation Certificate being issued, the applicant is to provide certification certificates to the PCA which specifies that all commitments listed in the BASIX Certificate have been completed.

Driveway and Layback

37. A suitably located and constructed vehicle access shall be provided to the site, prior to the issue of an occupation certificate. The vehicle access shall be constructed in accordance with Council's specifications, after making application to and obtaining approval from Council, under Section 138 of the Roads Act 1993.

Property Identification

38. A rural addressing number shall be affixed to the fence adjacent the property entrance, prior to the issuing of an occupation certificate. The rural addressing number shall be allocated upon construction of the access.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Ongoing bushfire protection measures

39. The following bushfire protection measures shall be installed and maintained on site, in accordance with the provisions of Planning for Bush Fire Protection 2019 and the Bush Fire Hazard Assessment report referenced in Condition 1:

- an Asset Protection Zone (APZ) of 25 metres around the development,
- a minimum of 20,000 litres of water shall be provided to be used exclusively for fire-fighting purposes, fitted with a 65 mm Storz outlet (this shall be in addition to any private supply or storage for drinking water purposes),
- internal access road.

REASONS FOR THE CONDITIONS:

- To achieve the objectives of section 1.3 of the *Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in section 4.15 of the Act and the Environmental Planning Instruments applying to the land.
- To ensure compliance with the *Building Code of Australia*, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future.
- To confirm the details of the application and plans submitted by the Applicant.
- To ensure compliance with relevant planning controls.
- To ensure that appropriate environmental protection measures are in place.
- To ensure the development complies with the requirements of Council policies.
- To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

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	Nil
ABSENT	DECLARED INTEREST
Cr Doug Phillips Cr Charlie Sheahan Cr Craig Stewart	Nil

CARRIED

8.4.2 DEVELOPMENT APPLICATION DA2021/13 - FARM BUILDING 659 BERTHONG ROAD, COOTAMUNDRA

Note: Having declared a significant non-pecuniary interest in this item Cr Palmer (Deputy Mayor) left the room.

Note: On page 302 the address where the shed is to be built is referred to as 359 Berthong Road, Cootamundra, however, 659 Berthong Road, Cootamundra (as detailed in the title of the report) is the correct address.

RESOLUTION 093/2021

Moved: Cr Gil Kelly

Seconded: Cr David Graham

Council approve the following development, subject to the conditions below:

Application No.: DA2021/13

Property: Lot 4 DP1085359

659 Berthong Road

COOTAMUNDRA NSW 2590

Development: Farm Building – to erect a 384m² zinicalume clad farm building.

ADMINISTRATIVE CONDITIONS

Approved plans

1. The development shall be generally in accordance with the supporting documentation, including, but not limited to, the following:

▪ Document Reference	▪ Description	▪ Author	▪ Date

▪	▪ Site Plan	▪ Applicant	▪ February 2021
▪	▪ Elevation & Top View	▪ Applicant	▪ February 2021
▪ 2102S03 S-01	▪ Floor Plan	▪ Sheds Design	▪ 09.02.2021
▪ 2102S03 S-02	▪ Elevation Grids 1 & 4	▪ Sheds Design	▪ 09.02.2021
▪ 2102S03 S-03	▪ Elevation Grid C	▪ Sheds Design	▪ 09.02.2021
▪ 2102S03 S-04	▪ Roof Framing	▪ Sheds Design	▪ 09.02.2021
▪ Statement of Environmental Effects, prepared by Applicant, undated, submitted 18 February 2021			

and as modified by any conditions of this consent.

2. No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained writing.

Compliance with relevant legislation

3. The development shall be carried out in accordance with the provisions of the *Building Code of Australia, Environmental Planning and Assessment Act, 1979* and the regulations made thereunder, in accordance with the plans and specifications approved by Council.
4. 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*.

PRIOR TO WORK/CONSTRUCTION COMMENCING

Prior to Building Work Commencing

5. The erection of a building in accordance with the development consent must not commence until:
 - 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
 - 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
 - The principal certifying authority has, no later than 2 days before building works commences:
 - notified the consent authority and the council (if the council is not the consent authority) of 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 to the building work, and
 - 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 work 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.

Inspection/Certification

6. Where Cootamundra-Gundagai Regional Council is nominated as the Principal Certifying Authority, the following requirements shall be satisfied before works commence:
 - the Principal Certifying Authority Service Agreement shall be completed and signed by the applicant; and
 - terms and conditions of the Principal Certifying Authority Service Agreement shall be satisfied,
 - a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection shall be given.

Signs

7. Site signage 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,
 - 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,
 - the name, address and telephone contact of the Principal Certifying Authority.

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.

Notice of Commencement

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

Builders Toilets

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

Siting of Building

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

Soil Erosion Control

11. Site erosion control measures shall be incorporated into site management prior to work commencing. 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.

- **Second Hand Materials**
-
- 12. 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.

Restricted Public Access

13. 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.

DURING CONSTRUCTION

Works to be undertaken in accordance with the approval

14. 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.
15. The builder shall maintain on the site, at all times a legible copy of the following:
 - development consent including plans and related documentation,
 - construction certificate including plans, specifications and certificates.

Hours of Construction Site Works

16. 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 12.00pmThe applicant is responsible to instruct and control subcontractors regarding hours of work.

Construction waste management

17. Provision shall be made on site for the proper storage 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.
18. All construction waste shall be removed from the site and disposed of to a licenced waste disposal facility, on a regular basis.

Storm Water

19. Storm water from roof and hard stand areas, as well as any overflow from a tank, is to be discharged clear of the building and septic tank disposal area, and in such a position that it does not cause nuisance to neighbours or erosion.
20. Run-off and ground water seepage shall be diverted around the building to the storm water system via a suitable drainage system.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation of Building

21. 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.

Compliance Certificates

22. 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.

ONGOING USE

23. The shed is not to be, nor adapted to be capable of being, used for residential occupation

REASONS FOR THE CONDITIONS:

- To achieve the objectives of section 1.3 of the *Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in section 4.15 of the Act and the Environmental Planning Instruments applying to the land.
- To ensure compliance with the *Building Code of Australia*, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future.
- To confirm the details of the application and plans submitted by the Applicant.
- To ensure compliance with relevant planning controls.
- To ensure that appropriate environmental protection measures are in place.
- To ensure the development complies with the requirements of Council policies.
- To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

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

CARRIED

8.4.3 DEVELOPMENT APPLICATIONS APPROVED FEBRUARY 2021

RESOLUTION 094/2021

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

The information on Development Applications approved in February 2021 be received and noted.

CARRIED

8.5 REGULATORY SERVICES

8.5.1 REGULATORY REPORT FEBRUARY 2021

RESOLUTION 095/2021

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The Regulatory Report for February, 2021 be received and noted.

CARRIED

8.6 ASSETS

8.6.1 ROAD ASSETS CONDITION ASSESSMENT AND VALUATION

RESOLUTION 096/2021

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

The Report on Road Assets Condition Assessment and Valuation and the Report Following the Survey of Road Assets for Cootamundra-Gundagai Regional Council – June 2020 attached to the report, be received and noted.

CARRIED

8.6.2 GUNDAGAI SEWAGE TREATMENT PLANT - FEBRUARY 2021 PROGRESS REPORT

RESOLUTION 097/2021

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

The Gundagai Sewage Treatment Plant Progress Report, Gundagai Sewerage Augmentation Construction of 3000EP Wastewater Treatment Plant and Associated Works Progress Report dated 11.03.2021, Appendix B Gundagai STP Construction Program and Project Summary, Appendix C Project Financial Summary and Appendix D Gundagai Sewage Treatment Plant Treat Effluent Monitoring Report February 2021, attached to the report, be received and noted.

CARRIED

8.7 CIVIL WORKS

8.7.1 TENDER FOR WINNING AND CRUSHING OF GRAVEL

RESOLUTION 098/2021

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

- 1. Council endorse the Open Tendering method for the proposed panel contract for the supply of winning and crushing of gravel.**
- 2. A further report be prepared and submitted for the consideration of Council at the completion of the tendering process.**

CARRIED

8.7.2 COOTAMUNDRA AERODROME ANNUAL COSTS

RESOLUTION 099/2021

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

The report on the Cootamundra Aerodrome Annual Costs be noted.

CARRIED

8.7.3 CIVIL WORKS AND TECHNICAL SERVICES REPORT - MARCH 2021

RESOLUTION 100/2021

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

The Civil Works and Technical Services report for the month of March, 2021 be received.

CARRIED

8.8 TECHNICAL SERVICES

Nil

8.9 FACILITIES

Nil

8.10 WASTE, PARKS AND RECREATION

8.10.1 COOTAMUNDRA LANDFILL OPERATING HOURS REVIEW

RESOLUTION 101/2021

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

1. **The report on the proposed changes to the Cootamundra Landfill Operating Hours Review be received and noted.**
2. **The proposed changes to the Cootamundra Landfill operating hours of Monday to Friday 7:30am – 3:30pm, and Saturday and Sunday 9:00am – 2:00pm be endorsed for public exhibition.**
3. **The proposal to close the Cootamundra Landfill on all public holidays or predetermined public holidays, be endorsed for public exhibition.**
4. **The proposed changes to the Cootamundra Landfill operating hours be placed on public exhibition for a period of 21 days inviting submissions from any interested persons.**
5. **A further report be prepared and submitted to the Ordinary Meeting to be held 27th April, 2021 for the consideration of Council following the 21 day public exhibition period.**

CARRIED

8.10.2 COOTAMUNDRA, STOCKINBINGAL, WALLENDBEEN AND GUNDAGAI LANDFILL REHABILITATION COST ESTIMATE REPORT

RESOLUTION 102/2021

Moved: Cr David Graham
Seconded: Cr Penny Nicholson

1. The Landfill Preliminary Cost Estimation Report and Landfill Rehabilitation and Preliminary Cost Estimation Report, attached, be received and noted.
2. The Landfill Preliminary Cost Estimate Report, attached, be adopted.

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

9.1 NOTICE OF MOTION - THAT MINUTES OR BRIEFING NOTES BE SUPPLIED TO ALL COUNCILLORS UNABLE TO ATTEND COUNCILLOR WORKSHOPS IN A TIMELY MANNER WHEN THESE MEETINGS HAVE NOT BEEN RECORDED.

RESOLUTION 103/2021

Moved: Cr Gil Kelly
Seconded: Cr Leigh Bowden

That Minutes or briefing notes be supplied to all Councillors unable to attend Councillor Workshops in a timely manner when such meetings have not been recorded.

9.2 NOTICE OF MOTION - THAT COUNCIL LIAISE WITH THE RELEVANT GOVERNMENT AGENCIES TO UNDERTAKE THE PROCESS NECESSARY TO COMMENCE CLEANING AND REMOVAL OF EXOTIC TREES ALONG THE MUTTAMA CREEK.

That Council liaise with the relevant government agencies to undertake the processes necessary to commence cleaning and removal of exotic trees along the Muttama Creek.

Note: The Motion was withdrawn

10 QUESTIONS WITH NOTICE**10.1 Questions With Notice**

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

10.2 AMENDED QUESTIONS WITH NOTICE**RESOLUTION 104/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

1. **The Amended Questions with Notice from Councillors and related responses from Council officers be noted.**
2. **A further report on the status of the Gundagai Administration Office upgrade be prepared and submitted to the Ordinary Meeting scheduled to be held 27th April, 2021.**

CARRIED

11 CONFIDENTIAL ITEMS**11.1 CLOSED COUNCIL REPORT****RESOLUTION 105/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

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 THE FIVE BRIDGE REPLACEMENT PROJECT REPORT**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 publication of all tendered amounts would discourage potential tenderers from submitting commercial information in the future and therefore prejudice Council's ability to secure the optimum outcome for the community..

CARRIED

11.2 THE FIVE BRIDGE REPLACEMENT PROJECT REPORT

RESOLUTION 106/2021

Moved: Cr David Graham

Seconded: Cr Gil Kelly

1. **GHD Pty Ltd be approved to undertake the preliminary investigation and concept design works scheduled on five bridges for the quoted price of \$161,724.20 (Exc. GST).**
2. **The Evaluation Report and Request for Quotation – 2012/5 Concept Design of Five Bridge Replacement Projects Report attached to the report, be received and noted.**

CARRIED

11.3 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 107/2021

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The Open Council meeting resume.

CARRIED

11.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

The Meeting closed at 9:15PM

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 April 2021.

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CHAIRPERSON

.....
GENERAL MANAGER