

# Minutes

## ORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA**

**6:00 PM, TUESDAY 26th OCTOBER, 2021**

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA  
ON TUESDAY, 26 OCTOBER 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, Cr Doug Phillips, Cr Charlie Sheahan

**IN ATTENDANCE:** Phillip McMurray (General Manager), Ganesh Ganeshamoorthy (Manager Assets), Craig Perrin (Acting Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), John Chapman (Interim Manager Finance), Glen McAtear (Manager Regulatory Services)

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 OPEN FORUM**

There were no speakers at the Open Forum.

**3 APOLOGIES**

Nil

**4 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**5 CONFIRMATION OF MINUTES**

**5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 28 SEPTEMBER 2021**

**RESOLUTION 293/2021**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

**The Minutes of the Ordinary Meeting of Council held on Tuesday 28 September 2021 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**6 MAYORAL MINUTES****6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT SEPTEMBER TO OCTOBER 2021**

Note: the following additional item was offered at the Meeting by Cr Bowden.

14<sup>th</sup> October, 2021

Cr Bowden attended a Cootamundra Development Corporation meeting.

**RESOLUTION 294/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr David Graham

**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 DELEGATIONS TO THE GENERAL MANAGER DURING POST ELECTION RECESS PERIOD****RESOLUTION 295/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**The Report on the Delegations to the General Manager During Post Election Recess Period be received and noted.**

**CARRIED**

**8.1.2 SOUTHERN CROSS GLIDING CLUB SUMMER CAMP 2021/22****RESOLUTION 296/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

1. In accordance with section 610F of the Local Government Act, 1993 the fee of \$100 (one hundred dollars) per registered attending Southern Cross Glider operator for the hire of the Cootamundra Aerodrome for the Southern Cross Gliding Club Summer Camp be placed on public exhibition for a period of twenty eight (28) as a permanent fee.

2. Following the exhibition period further report be prepared and submitted to Council containing any submissions received at the end of the twenty eight day exhibition period.
3. The new fee be adopted pending no submissions be received at the end of the twenty eight day exhibition period.

**CARRIED**

#### **8.1.3 TABLING OF PECUNIARY INTEREST RETURNS**

##### **RESOLUTION 297/2021**

Moved: Cr David Graham  
Seconded: Cr Leigh Bowden

**The tabling of pecuniary interest returns from Councillors and designated persons be noted.**

**CARRIED**

#### **8.1.4 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 298/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr Penny Nicholson

**The Minutes of The Arts Centre Cootamundra s.355 Committee Ordinary Meeting held on 16<sup>th</sup> September, 2021 attached to the report, be received and noted.**

**CARRIED**

#### **8.1.5 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 299/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr Doug Phillips

**The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 23 September 2021, attached to the report, be received and noted.**

**CARRIED**

### **8.1.6 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**

#### **RESOLUTION 300/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**The Minutes and supporting documentation of the Muttama Hall Management s.355 Committee meeting held on 24 September 2021, attached to the report, be received and noted.**

**CARRIED**

### **8.1.7 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES**

#### **RESOLUTION 301/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Charlie Sheahan

**The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held on 2 August, 2021 attached to the report, be received and noted.**

**CARRIED**

### **8.1.8 INFORMATION BULLETIN - OCTOBER 2021**

#### **RESOLUTION 302/2021**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

**1. The Information Bulletin – October, 2021, and attached correspondence, be received and noted.**

**2. Representations be made to The Hon. Paul Toole, Deputy Premier, Minister for Regional NSW and Regional Transport and Roads seeking increased funding for both State Regional Roads.**

**CARRIED**

### **8.1.9 UPDATED COUNCIL MEETING ACTION REPORT**

#### **RESOLUTION 303/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

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

**CARRIED**

## **8.2 FINANCE**

### **8.2.1 REQUEST TO WAIVE RATES ON LOT 586 DP 726192 MIDDLETON DRIVE GUNDAGAI**

#### **RESOLUTION 304/2021**

Moved: Cr Dennis Palmer  
Seconded: Cr David Graham

**The item be deferred to the Ordinary Meeting to be held 30<sup>th</sup> November, 2021 for further information on the lease arrangement with Crown Lands to be brought to Council for consideration.**

**CARRIED**

### **8.2.2 INVESTMENT REPORT - SEPTEMBER 2021**

#### **RESOLUTION 305/2021**

Moved: Cr David Graham  
Seconded: Cr Penny Nicholson

**The Investment Report for September, 2021 be received and noted.**

**CARRIED**

### **8.2.3 MONTHLY FINANCE REPORT FOR SEPTEMBER, 2021**

#### **RESOLUTION 306/2021**

Moved: Cr Charlie Sheahan  
Seconded: Cr Dennis Palmer

- 1. The Finance Report for September, 2021, and attached reports, be received and noted.**
- 2. Provision be made in the September, 2021 Quarterly Budget Review for expenditure of \$521,877 to fund the proposed Bulk Light Emitting Diode (LED) Upgrade for Street Lighting.**

**CARRIED**

### **8.3 COMMUNITY AND CULTURE**

#### **8.3.1 RIVERINA REGIONAL LIBRARY INTERIM REPORT**

##### **RESOLUTION 307/2021**

Moved: Cr Dennis Palmer  
Seconded: Cr Leigh Bowden

**The Riverina Regional Library Interim Report be received and noted.**

**CARRIED**

#### **8.3.2 COOTAMUNDRA-GUNDAGAI AGRITOURISM DEVELOPMENT STRATEGY ADOPTION**

##### **RESOLUTION 308/2021**

Moved: Cr Charlie Sheahan  
Seconded: Cr Penny Nicholson

- 1. The Cootamundra-Gundagai Agritourism Development Plan 2021-2023 be adopted.**
- 2. Specific activities for the next four years be determined and included in Council's draft Delivery Program and resourced through the associated Resourcing Strategy.**

**CARRIED**

#### **8.3.3 HISTORIC GUNDAGAI RIVER CROSSING TOWN PROJECT**

##### **RESOLUTION 309/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr Gil Kelly

**Council endorse the Creative Capital expression of interest application for \$5,000,000 for the Historic Gundagai River Crossing Town Project.**

**CARRIED**

#### **8.3.4 GUNDAGAI TOURISM ACTION GROUP ADVISORY COMMITTEE - MEETING HELD 11TH OCTOBER, 2021**

##### **RESOLUTION 310/2021**

Moved: Cr Dennis Palmer  
Seconded: Cr Doug Phillips

**The Minutes of the Gundagai Tourism Action Group Advisory Committee meeting held on 11<sup>th</sup> October, 2021 attached to the report, be received and noted.**

**CARRIED**

**8.3.5 COOTAMUNDRA TOURISM ACTION GROUP ADVISORY COMMITTEE - MEETING HELD 7TH OCTOBER, 2021****RESOLUTION 311/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**The Minutes of the Cootamundra Tourism Action Group Advisory Committee meeting held on 7<sup>th</sup> October, 2021 and the Pioneer Park - Tourism Working Group Sub-committee - Meeting Summary - 30.09.2021 attached to the report, be received and noted.**

**CARRIED**

**8.4 DEVELOPMENT, BUILDING AND COMPLIANCE****8.4.1 DA2021/138 NEW SHED - 6 COOPER STREET COOTAMUNDRA****RESOLUTION 312/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

**That Council approve the following development subject to the consent conditions below:**

- **Application Number: DA2021/138**
- **Property:**  
**Lot B DP363649**  
**6 Cooper Street Cootamundra**
- **Proposed Development: To remove existing 123m<sup>2</sup> shed and replace with new 132m<sup>2</sup> shed.**

**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       | Simple Designs                | September 2021 |
| TUMUT-0250         | Side Elevations | Emerald Design & Construction | 12.08.2021     |
| TUMUT-0250         | End Elevations  | Emerald Design & Construction | 12.08.2021     |
| TUMUT-0250         | Plan Elevation  | Emerald Design & Construction | 12.08.2021     |
| TUMUT-0250         | Cross Section   | Emerald Design & Construction | 12.08.2021     |

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 ISSUE OF CONSTRUCTION CERTIFICATE**

**(1) PCC Condition – New Connection: Plumbing and Drainage Works.**

An application shall be lodged and approved by Cootamundra Gundagai Regional Council under Section 68 of the Local Government Act for any new water, sewerage or drainage connection prior to the issue of a Construction Certificate.

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 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 any approval issued under section 68 of the *Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

*Reason: Statutory compliance.*

**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 on the correct 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 – 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 Manager Waste 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 – 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*

**(11) 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.*

#### **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 not being let, adapted or used for separate occupation or commercial purposes.

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

**(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 shed 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) |                           |
| Cr Dennis Palmer         |                           |
| Cr Leigh Bowden          |                           |
| Cr David Graham          |                           |

|                    |                          |
|--------------------|--------------------------|
| Cr Gil Kelly       |                          |
| Cr Penny Nicholson |                          |
| Cr Doug Phillips   |                          |
| Cr Charlie Sheahan |                          |
| <b>ABSENT</b>      | <b>DECLARED INTEREST</b> |
| Nil                | Nil                      |

CARRIED

#### 8.4.2 DA2021/1133 - PROPOSED SHED - 153 HURLEY STREET COOTAMUNDRA

##### RESOLUTION 313/2021

Moved: Cr Doug Phillips

Seconded: Cr Charlie Sheahan

**That Council approve the following development subject to the consent conditions below:**

- **Application Number:** DA2021/1133
- **Property:**  
**Lot 12 DP 808897**  
**153 Hurley Street**  
**Cootamundra NSW 2590**
- **Proposed Development:** New Shed

##### 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                       | Applicant        | September 2021 |
| MAST34967<br>Sheet 1 of 7 | Foundation Plan & Member Layout | Fairdinkum Sheds | 02.09.2021     |

|                           |  |                     |            |
|---------------------------|--|---------------------|------------|
| MAST34967<br>Sheet 2 of 7 | Elevations   | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967<br>Sheet 3 of 7 | Internal Frame Section                             | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967<br>Sheet 4 of 7 | Bored Local Thickening<br>Detail                   | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967<br>Sheet 5 of 7 | Connection Detail<br>Member & Material<br>Schedule | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967<br>Sheet 6 of 7 | Engineering  | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967<br>Sheet 7 of 7 | Elevations   | Fairdinkum<br>Sheds | 02.09.2021 |
| MAST34967                 | Bolt Layout Plan                                   | Fairdinkum<br>Sheds | 02.09.2021 |

**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

H:Office Date/Development Services/General/ADMIN/TEMPLATES/DA Plan Summaries han 2 days before building works

- 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 on the correct 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 – 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 Manager Waste 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 – Driveway and Layback.

The provision of an adequate vehicle access, including the provision of an invert crossing at the kerb and gutter is required to be installed as part of the development. The installation of the vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils 'Typical vehicle kerb and gutter crossing KG 65/1'.

Twenty four (24) hours' notice is to be given to Council's Works & Services group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

**Reason:** *To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.*

**(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 – 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*

**(11) 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.*

**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 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 – 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.*

**(3) 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.*

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

The shed 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)<br>Cr Dennis Palmer<br>Cr Leigh Bowden<br>Cr David Graham<br>Cr Gil Kelly<br>Cr Penny Nicholson<br>Cr Doug Phillips<br>Cr Charlie Sheahan | Nil                       |

| ABSENT | DECLARED INTEREST |
|--------|-------------------|
| Nil    | Nil               |

CARRIED

#### 8.4.3 DA MODIFICATION - MOD2021/98.2 - 2-4 COOPER STREET COOTAMUNDRA

##### RESOLUTION 314/2021

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

1. That Council approve modification request 2021.98.2 to disregard on-site parking requirements of the Cootamundra Development Control Plan.
2. That the developer is to install one on-street disabled car parking space and that the developer is responsible for the provision of any related costs.
3. Conditions of DA 2021/98.2 consent are amended as follows:
  - Application Number: DA 2021/98.2
  - Property:
 

Lot A DP363649  
2-4 Cooper Street  
Cootamundra NSW 2590
  - Development: To renovate and change the use of building to Dental Clinic with onsite parking

##### 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                              | Coota Design | July 2021  |
| Drawing No. 1      | Floor Plan, Elevations & Cross Section | Coota Design | 17.06.2021 |

**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.

**(6) GEN Condition – New Footpath Construction.**

The Developer shall at their cost, construct a concrete footpath, 1.5 metres wide across the full frontage of the allotment and re-instate the nature strip afterwards to Council's satisfaction along with the entire area under the proposed awning paved or concreted.

**Reason:** To ensure that adequate pedestrian access facilities are provided to the development to be benefit of the community.

**(7) GEN Condition – Public Land Costs**

Costs attributed to all work involved on public land shall be borne by the proponent.

**Reason:** Need for applicants to be reasonable for costs arising as a result of development work

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

**(1) PCC Condition - Section 94A Contributions.**

At the time of submission of a Construction Certificate all owning monies as they relate to Section 7.12 contributions must be paid in full.

Section 7.12 contributions are calculated on the estimated cost of development as specified on the Development Application at time of lodgement and may be subject to change with the coming of a new financial year or revised estimated cost of development.

**Reason:** So that the Section 94A Developer Contributions are paid in accordance with Council's Section 94A policy as adopted 2011.

**(2) PCC Condition – New Connection: Plumbing and Drainage Works.**

An application shall be lodged and approved by Cootamundra Shire Council under Section 68 of the Local Government Act for any new water, sewerage or drainage connection prior to the issue of a Construction Certificate.

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 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 any approval issued under section 68 of the *Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

**Reason:** *Statutory compliance.*

**(3) PCC Condition - Road Opening and Closing Permit.**

If it is proposed to construct a vehicular crossing on the public footpath a road opening permit must be obtained from Council and an appropriate fee paid for Council to assess or to carry out the design and construction of such crossing. No excavation of, or construction on the public footpath is authorised to be carried out by others than Council except in accordance with (a) a design approved by Council and (b) the terms of an appropriate road opening permit.

**Reason:** *To ensure that work carried out on public roads conforms to the requirements of Council, the responsible authority.*

**(4) PCC Condition - Trade Waste Device Required.**

Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste fee may be applicable in accordance with Council's adopted Fees and Charges.

**Reason:** *To comply with Council's Trade Waste Policy*

**(5) PCC Condition - Heritage Design Consideration.**

So that the renovated building design and character is sympathetic with the heritage styles of the surrounding locality. The applicant must ensure that the colour schemes and materials used for the new dwelling complement the existing dwellings in the locality.

Plans and details demonstrating the above shall be submitted to the Principal Certifying Authority upon lodgement of the Construction Certificate Application.

**Reason:** *So that the dwelling located on site appears more in character with the heritage styles of the existing buildings and does not detract from the character of the locality.*

## **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 – 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.*

**(6) 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.*

**(7) PCW Condition – Construction Safeguards.**

Fire precautions during construction are to comply with PART E1.9 Building Code of Australia. Not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit.

*Reason: To provide a minimum standard of fire safety during construction.*

**(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 – 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 Construction.**

All work on the public footpath and roadway shall be carried out with due care and regard for the safety and convenience of the public including pedestrians, cyclists and motorists. Special regard shall be paid to caring for the needs of children, the disabled, the infirm and the elderly.

*Reason: Preservation of the life, health and good will of members of the public.*

**(4) 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.*

**(5) 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.*

**(6) DUR Condition – Driveway and Layback.**

The provision of an adequate vehicle access, including the provision of an invert crossing at the kerb and gutter is required to be installed as part of the development. The installation of the vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils 'Typical vehicle kerb and gutter crossing KG 65/1'.

Twenty four (24) hours' notice is to be given to Council's Works & Services group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

*Reason: To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.*

**(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 - 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.*

**(11) 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*

**(12) 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.*

**(13) 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.*

**(14) 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.*

**(15) DUR Condition – Provide Suitable Access.**

Access is to be constructed to Council specification and location. The access to be constructed and maintained at the owners cost such no soil erosion is caused.

*Reason: To ensure that traffic movement generated by the development does not adversely affect the road system of the locality and that siltation of waterways is minimised.*

**(16) 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.*

**(17) DUR Condition – Dust Free Carpark.**

Carpark area and access driveway shall be constructed to a dust free standard, and maintained in good, dust free condition.

*Reason: To ensure that no dust nuisance occurs.*

**(18) DUR Condition – Carpark Entry.**

Entry and exit from the carpark is to be in a forward direction. Adequate turning space will be required to enable vehicles to leave the carpark in a forward direction.

*Reason: To ensure acceptable standards of safety for both vehicular and pedestrian traffic.*

**(19) 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.*

**(20) 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.*

**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.*

**(3) POC Condition – Property Identification.**

Street numbers of a size and type satisfactory to Council being affixed to the building or fence. Such numbers to be clearly visible from the street.

In rural areas, the number should be affixed near your property entrance at the fence line. The property is 2-4.

**Reason:** To ensure that the development is clearly identifiable and easily found by emergency, trade and other services.

#### **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 – Hours of Operation.**

The development shall only be conducted between the hours of:-

Monday to Saturday from 8.00am to 6.00pm

Sundays and public holidays from 9.00am to 12pm

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

##### **(4) 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.

##### **(5) 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.

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

The Building 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)<br>Cr Dennis Palmer<br>Cr Leigh Bowden<br>Cr David Graham<br>Cr Gil Kelly<br>Cr Penny Nicholson<br>Cr Doug Phillips<br>Cr Charlie Sheahan | Nil                       |
| <b>ABSENT</b>  | <b>DECLARED INTEREST</b>  |
| Nil  | Nil                       |

**CARRIED**

**8.4.4 DEVELOPMENT APPLICATIONS SEPTEMBER 2021**

**RESOLUTION 315/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

**The information on Development Applications approved in September 2021 be received and noted**

**CARRIED**

**8.5 REGULATORY SERVICES**

**8.5.1 REGULATORY REPORT SEPTEMBER 2021**

**RESOLUTION 316/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

**The Regulatory Report for September, 2021 be received and noted.**

**CARRIED**

## **8.6 ASSETS**

### **8.6.1 INTEGRATED WATER CYCLE MANAGEMENT AND BEST PRACTICE GUIDELINES**

Note: it was brought to the attention of the General Manager that on page 322 of the agenda the amount of \$42,000 in the table was referred to as the Water fund twice when one \$42,000 amount should have been referred to the Sewer Fund.

#### **RESOLUTION 317/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr Doug Phillips

- 1. Public Works Advisory be engaged to prepare the Integrated Water Cycle Management Strategy Development.**
- 2. \$42,000 from the Water fund and \$42,000 from Sewer fund be allocated to engage Public Work Advisory to proceed with the development of the Integrated Water Cycle Management Strategy.**

**CARRIED**

### **8.6.2 BUSINESS CASE FOR STOCKINBINGAL SEWERAGE PROJECT**

#### **RESOLUTION 318/2021**

Moved: Cr Dennis Palmer  
Seconded: Cr Charlie Sheahan

**The report on the Business case for the Stockinbingal Sewerage Scheme, attached under separate cover, be received and noted.**

**CARRIED**

## **8.7 CIVIL WORKS**

### **8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - OCTOBER 2021**

#### **RESOLUTION 319/2021**

Moved: Cr Charlie Sheahan  
Seconded: Cr David Graham

**The Civil Works and Technical Services Report for the month of October, 2021 be received and noted.**

**CARRIED**

**8.8 TECHNICAL SERVICES**

Nil

**8.9 FACILITIES**

Nil

**8.10 WASTE, PARKS AND RECREATION**

**8.10.1 MACKAY PARK REST AREA WALLENDBEEN LANDSCAPE MASTER PLAN**

**RESOLUTION 320/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

- 1 The Report on the Mackay Park Rest Area Wallendbeen Landscape Master Plan be received and noted.**
- 2 Council consider the development of a Landscape Master Plan for the Mackay Park Rest Area as part of the 2022/2023 budget.**
- 3 Council consider the allocation of \$55,000 for the preparation of the Landscape Master Plan for the Mackay Park Rest Area Wallendbeen as part of the 2022/2023 budget preparation.**

**CARRIED**

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

Nil

**10 QUESTIONS WITH NOTICE**

**10.1 QUESTIONS WITH NOTICE - OCTOBER, 2021**

**RESOLUTION 321/2021**

Moved: Cr David Graham

Seconded: Cr Gil Kelly

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

**CARRIED**

**11 CONFIDENTIAL ITEMS****11.1 CLOSE COUNCIL REPORT****RESOLUTION 322/2021**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

1. **Items 11.2, 11.3, 11.4 and 11.5 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 Items 11.2, 11.3, 11.4 and 11.5 be withheld from the press and public.**

**11.2 TENDER - GUNDAGAI PRESCHOOL AND KINDERGARTEN CONSTRUCTION - RFT2021/27**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..

**11.3 TENDER - CGRC WITH YASS VALLEY COUNCIL - REPLACEMENT OF TIMBER ROAD BRIDGES - DESIGN AND CONSTRUCTION OF SIX (6) CONCRETE BRIDGES - RFT2021/31**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..

**11.4 TENDER - REPLACEMENT OF TIMBER ROAD BRIDGES - DESIGN AND CONSTRUCTION OF FIVE (5) CONCRETE BRIDGES - RFT2021/31**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..

**11.5 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONS**

**Provisions for Confidentiality**

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 discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community..

**CARRIED**

**11.2 TENDER - GUNDAGAI PRESCHOOL AND KINDERGARTEN CONSTRUCTION - RFT2021/27****RESOLUTION 323/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Doug Phillips

1. **Council note that eight (8) conforming tenders were received for the Gundagai Preschool Kindergarten Construction.**
2. **In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, 2021 Council decline to accept any of the tenders for the Gundagai Preschool Kindergarten Construction (RFT2021/27).**
3. **In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, 2021 Council resolve to enter into negotiations with the three (3) highest scoring tenderers with a view to entering into a contract in relation to the subject matter of the tender.**
4. **In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, 2021 Council has declined to invite fresh tenders or applications as referred to in subsection (3)(b)-(d) for the following reason:**
  - All submitted tenders exceeded the budget allocated. Further, a competitive outcome is required to satisfy constraints relating to the upcoming caretaker period.
5. **In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, 2021 Council consider the reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).**
  - An appropriate outcome for the benefit of the community would be reached by negotiating with the three (3) highest scoring tenderers.
6. **The Tender Assessment Panel be authorised to negotiate with the three (3) highest scoring tenderers named in the body of the report.**
7. **Following the negotiation process, and the submission of recommendations from the Assessment Panel, the General Manager be authorised to execute contracts for the Gundagai Preschool Kindergarten Construction (RFT2021/27).**
8. **That all tenderers be advised of the decision of Council.**

**CARRIED**

**11.3 TENDER - CGRC WITH YASS VALLEY COUNCIL - REPLACEMENT OF TIMBER ROAD BRIDGES - DESIGN AND CONSTRUCTION OF SIX (6) CONCRETE BRIDGES - RFT2021/31****RESOLUTION 324/2021**

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

1. Council note that six (6) tenders for the Replacement of Timber Road Bridges – Design and Construction of six (6) Concrete Bridges were received, of which five (5) were conforming.
2. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, 2021 Council decline to accept any of the tenders for the Replacement of Timber Road Bridges – Design and Construction of six (6) Concrete Bridges (RFT2021/31).
3. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, 2021 Council resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
4. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, 2021 Council has declined to invite fresh tenders or applications as referred to in subsection (3)(b)-(d) for the following reason:
  - All submitted tenders exceeded the budgets allocated. Further, a competitive outcome is required to satisfy constraints relating to the upcoming caretaker period.
5. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, 2021 Council has considered the reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).
  - In order to achieve an appropriate outcome prior to the Local Government Election Caretaker Period commencing and to deliver the best value outcome for both Councils, a negotiation with all tenderers and additional persons named in the body of the report is the most appropriate course of action.
6. The Tender Assessment Panel be authorised to negotiate with all tenderers and additional persons named in the body of the report.
7. Following the negotiation process, and the submission of recommendations from the Assessment Panel, the General Manager of Cootamundra-Gundagai Regional Council be authorised to execute contracts for the Replacement of Timber Road Bridges – Design and Construction of five (5) Concrete Bridges and the General Manager of Yass Valley be authorised to execute a contract for the Replacement of Timber Road Bridge – Design and Construction of one (1) Concrete Bridge (RFT2021/31).
8. That all tenderers be advised of the decision of Council.

**CARRIED**

**11.4 TENDER - REPLACEMENT OF TIMBER ROAD BRIDGES - DESIGN AND CONSTRUCTION OF FIVE (5) CONCRETE BRIDGES - RFT2021/31****RESOLUTION 325/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

1. **Council note that six (6) tenders for the Replacement of Timber Road Bridges – Design and Construction of six (6) Concrete Bridges were received, of which five (5) were conforming.**
2. **In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, 2021 Council decline to accept any of the tenders for the Replacement of Timber Road Bridges – Design and Construction of six (6) Concrete Bridges (RFT2021/31).**
3. **In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, 2021 Council resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.**
4. **In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, 2021 Council has declined to invite fresh tenders or applications as referred to in subsection (3)(b)-(d) for the following reason:**
  - All submitted tenders exceeded the budgets allocated. Further, a competitive outcome is required to satisfy constraints relating to the upcoming caretaker period.
5. **In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, 2021 Council consider the reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e).**
  - In order to achieve an appropriate outcome prior to the Local Government Election Caretaker period and to deliver the best value outcome for both Councils, a negotiation with all tenderers and additional persons named in the body of the report is the most appropriate course of action.
6. **The Tender Assessment Panel be authorised to negotiate with the conforming tenderers and additional persons named in the body of the report.**
7. **Following the negotiation process, and the submission of recommendations from the Assessment Panel, the General Manager of Cootamundra-Gundagai Regional Council be authorised to execute contracts for the Replacement of Timber Road Bridges – Design and Construction as detailed in the report (RFT2021/31).**
8. **That all tenderers be advised of the decision of Council.**

**CARRIED**

## **11.5 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONS**

### **RESOLUTION 326/2021**

Moved: Cr Doug Phillips

Seconded: Cr David Graham

- 1. The applicant be advised that the Section 94 Contribution fee of \$44,000 as part of the development must paid in full.**
- 2. The General Manager be authorised to extend a without prejudice offer of \$17,000 to the applicant to settle the civil dispute.**

## **11.6 RESUMPTION OF OPEN COUNCIL MEETING**

### **RESOLUTION 327/2021**

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

**The Open Council meeting resume.**

**CARRIED**

## **11.7 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

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

**The Meeting closed at 8:08pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 30<sup>th</sup> November, 2021.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**