

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00 PM, TUESDAY 30TH NOVEMBER, 2021

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 30 NOVEMBER 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), Mark Ellis (Manager Civil Works), Miriam Crane (Manager of Community and Culture), Sally Atkinson (interim Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), John Chapman (Interim Manager Finance and Customer Service), Glen McAtear (Manager Regulatory Services), Matt Stubbs (Manager Technical Services), Wayne Bennett (Manager Waste, Parks & Recreation Services)

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 OPEN FORUM

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 26 OCTOBER 2021

RESOLUTION 328/2021

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

The Minutes of the Ordinary Meeting of Council held on Tuesday 26 October 2021 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES**6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT NOVEMBER, 2021**

Note: The following additions were made at the Meeting:

24th November, 2021

I attended a Dog on the Tuckerbox Working Party Meeting.

26th November, 2021

Cr Graham and I attended a Softwoods Working Group Meeting.

RESOLUTION 329/2021

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The information in the Mayoral Minute be received and noted.

CARRIED

6.2 MAYORAL MINUTE - FAREWELL TO CR DENNIS PALMER - DEPUTY MAYOR**RESOLUTION 330/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

Council congratulate and thank Cr Dennis Palmer, Deputy Mayor, for his lengthy service and contribution as councillor to the former Cootamundra Shire Council and deputy mayor of the Cootamundra-Gundagai Regional Council.

CARRIED

6.3 MAYORAL MINUTE - FAREWELL AND THANK YOU TO CR DOUG PHILLIPS.**RESOLUTION 331/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

Council congratulate and thank Cr Doug Phillips for his lengthy service and contribution as councillor and mayor of the former Cootamundra Shire Council and as councillor in the inaugural term of office on Cootamundra-Gundagai Regional Council.

CARRIED

7 REPORTS FROM COMMITTEES**7.1 MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING HELD ON THURSDAY 4 NOVEMBER 2021****RESOLUTION 332/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

1. **The Minutes of the Internal Audit Committee Meeting held on Thursday 4 November 2021 (attached) be adopted.**
2. **The name of the Internal Audit Committee be amended to the Audit, Risk and Improvement Committee (ARIC), for the reasons detailed in the report.**

CARRIED

7.2 MINUTES OF THE COOTAMUNDRA AERODROME USERS ADVISORY GROUP MEETING HELD ON WEDNESDAY 10 NOVEMBER 2021**RESOLUTION 333/2021**

Moved: Cr David Graham

Seconded: Cr Gil Kelly

1. **The Minutes of the Cootamundra Aerodrome Users Advisory Group Meeting held on Wednesday 10 November 2021, attached to the report, be received and noted.**
2. **Recommendations in the Minutes, as detailed in the report were noted.**

CARRIED

7.3 MINUTES OF THE COOTAMUNDRA-GUNDAGAI LOCAL TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 11 NOVEMBER 2021**RESOLUTION 334/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

1. **The Minutes of the Cootamundra-Gundagai Local Traffic Committee Meeting held on Thursday 11 November 2021, attached to the report be received and noted.**
2. **The recommendations contained in the Minutes as detailed in the report were noted.**

CARRIED

8 GENERAL MANAGER'S REPORT**8.1 BUSINESS****8.1.1 DELIVERY PROGRAM AND OPERATIONAL PLAN QUARTERLY PROGRESS REPORT****RESOLUTION 335/2021**

Moved: Cr Dennis Palmer
Seconded: Cr Doug Phillips

The Delivery Program incorporating the Operational Plan 2021/22, quarterly progress report, (Q1 1st July – 30th September, 2021) be received and noted.

CARRIED

8.1.2 ANNUAL REPORT INCLUSIVE OF END OF TERM REPORT**RESOLUTION 336/2021**

Moved: Cr David Graham
Seconded: Cr Penny Nicholson

- 1. The draft Annual Report for the year ended 30th June, 2021 be reviewed by Council with any feedback provided to staff.**
- 2. The draft Annual Report for the year ended 30th June, 2021, including any amendments resulting from 1. above, be endorsed, prior to publication on Council's website and submission to the Office of Local Government.**
- 3. The audited Financial Statements not available at this time be submitted to Council for endorsement at such time when the audit is complete.**
- 4. The End of Term report, attached to the report, be received and noted.**
- 5. The State of the Environment report, attached to the report, be received and noted.**

CARRIED

8.1.3 COUNCIL REPRESENTATION THROUGH THE COUNCIL RECESS PERIOD.**RESOLUTION 337/2021**

Moved: Cr Gil Kelly
Seconded: Cr Charlie Sheahan

The Mayor and Deputy Mayor be appointed as Community Delegates of Council to represent Council at Cootamundra and Gundagai through the recess period.

CARRIED

8.1.4 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL CHRISTMAS AND NEW YEAR CLOSURE

RESOLUTION 338/2021

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

The Christmas 2021 and New Year 2022 closures for Council facilities be noted.

CARRIED

8.1.5 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLUTION 339/2021

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

The report on Code of Conduct complaint statistics for the period 1st September, 2020 to 31st August, 2021, be received and noted.

CARRIED

8.1.6 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES

RESOLUTION 340/2021

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

The Minutes of The Arts Centre Cootamundra s.355 Committee Ordinary Meeting held on 21st October, 2021 attached to the report, be received and noted.

CARRIED

8.1.7 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**RESOLUTION 341/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

1. The Minutes and supporting documentation of the Muttama Hall Management s.355 Committee meeting held on 20 October 2021, attached to the report, be received and noted.
2. Council consider the Committee's recommendation included in the report and detailed in the attached report on the Community Consultation for suggested colours for the Muttama Hall.
3. The correction made in the Muttama Hall Management s.355 Committee meeting minutes of 24 September 2021, as detailed in the report, be noted.

CARRIED

8.1.8 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES**RESOLUTION 342/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 28 October 2021, attached to the report, be received and noted.

CARRIED

8.1.9 AUSTRALIA DAY 2022**RESOLUTION 343/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

1. Information on Australia Day 2022 Awards be received and noted.
2. The submission of an Australia Day 2022 Community Events Grant application for funding for local Australia Day 2022 activities be endorsed.

CARRIED

8.1.10 UPDATED COUNCIL MEETING ACTION REPORT - NOVEMBER 2021

RESOLUTION 344/2021

Moved: Cr Doug Phillips
Seconded: Cr David Graham

The Updated Council Meeting Action Report be noted.

CARRIED

8.1.11 INFORMATION BULLETIN

RESOLUTION 345/2021

Moved: Cr Charlie Sheahan
Seconded: Cr Dennis Palmer

The Information Bulletin and various attachments be received and noted.

CARRIED

8.2 FINANCE

8.2.1 INVESTMENT REPORT - OCTOBER 2021

RESOLUTION 346/2021

Moved: Cr Penny Nicholson
Seconded: Cr David Graham

The Investment Report for October, 2021 be received and noted.

CARRIED

8.2.2 SEPTEMBER 2021 QUARTERLY BUDGET REVIEW STATEMENT

RESOLUTION 347/2021

Moved: Cr Charlie Sheahan
Seconded: Cr Penny Nicholson

- 1. That the September 2021 Quarterly Budget Review Report be received.**
- 2. The budget variations listed in the report be adopted.**

CARRIED

8.2.3 REQUEST TO WAIVE RATES ON LOT 586 DP 726192 MIDDLETON DRIVE GUNDAGAI**RESOLUTION 348/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

1. Council notes that the land at Lot 586 DP 726192 Middleton Drive Gundagai is rateable as it is leased by the Gundagai Historic Bridges Committee Inc. from the Crown and used for private purposes and, as such, the levied rates cannot be waived.
2. Council donate the amount of \$4,343.67 to the Gundagai Historic Bridges Committee Inc.
3. Council endorse the reduction of the Finance Budget, and increase to the Donations Budget, by the amount of \$4,343.67 to accommodate the donation.
4. The outstanding interest on assessment 11032836 adjusted to 30th November, 2021, being the amount of \$192.98 be written off as part of the donation process.

CARRIED

8.2.4 REFERRAL OF FINANCIAL STATEMENTS FOR AUDIT**RESOLUTION 349/2021**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

1. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be delegated to sign the Statements by Council and Management for the 2021 General Purpose Financial Statements and 2021 Special Purpose Financial Statements for Cootamundra-Gundagai Regional Council.
2. The 2021 Financial Statements be referred for audit.
3. The General Manager be authorised to issue the 2021 Financial Statements upon receipt of the auditor's report.

CARRIED

8.3 COMMUNITY AND CULTURE

8.3.1 MINUTES OF THE ACCESS AND INCLUSION COMMITTEE MEETING HELD ON THURSDAY 28 OCTOBER 2021

RESOLUTION 350/2021

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. The Minutes of the Access and Inclusion Committee Meeting held on Thursday 1 October 2021, attached to the report, be adopted.**
- 2. The recommendations contained within the Minutes were noted.**

CARRIED

8.3.2 COOTAMUNDRA TOURISM ACTION GROUP ADVISORY COMMITTEE - MEETING HELD 4TH NOVEMBER, 2021

RESOLUTION 351/2021

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

- 1. The Minutes of the Cootamundra Tourism Action Group Advisory Committee meeting held on 4th November, 2021 be received and noted.**
- 2. Council consider the recommendation contained within the minutes.**

CARRIED

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE**8.4.1 DEVELOPMENT APPLICATION 2021/149 - 137 HURLEY STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN****RESOLUTION 352/2021**

Moved: Cr Dennis Palmer
Seconded: Cr Leigh Bowden

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

- Application No: DA2021/149
- Property: Lot 4 DP 808897
137 Hurley Street,
COOTAMUNDRA NSW 2594
- Development: To construct a new carport

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
Drawing No. 2021012/01	Elevations, Cross Sections & Roof Plan	C.L.I.	22.08.2021
Drawing No. 2021012/02	Site Plan	C.L.I.	22.08.2021

(3) GEN Condition - Utilities

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

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

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

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

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

PRIOR TO COMMENCEMENT OF WORKS

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

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

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
2. the person having the benefit of the development consent has:
 - a. appointed a principal certifying authority for the building work, and
 - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
 - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - b. notified the principal certifying authority of any such appointment, and
 - c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work .

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

(2) PCW Condition – Signage.

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

1. Statement that unauthorised entry to the site is not permitted
2. Show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours
3. The name, address and telephone contact of the Principal Certifying Authority for the work

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

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

(3) PCW Condition – Notice of Commencement.

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

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

(4) PCW Condition – Builders Toilets.

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

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

(5) PCW Condition – Residential Building Work.

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

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

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

Reason: *Statutory compliance.*

(6) PCW Condition – Siting of Building.

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

Reason: *To ensure the development is carried out 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 – Underground Services.

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

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

DURING CONSTRUCTION

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

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

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

2) DUR Condition – Hours of Construction Site Works.

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

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

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

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

(3) DUR Condition – Footpath Storage.

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

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

(4) DUR Condition – Waste Removal.

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

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

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

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

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

(6) DUR Condition - BCA Compliance.

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

Reason: To ensure the building complies with the BCA.

(7) DUR Condition – Inspections.

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

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

Reason: To ensure that adequate time is given of required inspections.

(8) DUR Condition – Restricted Public Access.

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

Reason: To ensure public safety is maintained.

DUR Condition – Storm Water.

Storm water is to be discharged: -

1. linked to existing storm water drainage line in the rear of the site.

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

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 – Carport Enclosure Prohibited.**

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

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

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.

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

CARRIED

8.4.2 DEVELOPMENT APPLICATION 2021/163 - 42 BOURKE STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN**RESOLUTION 353/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

That Council approved the following development subject to the consent conditions below:

- Application No: DA2021/163
- Property: Lot 2 DP 25773
42 Bourke Street
COOTAMUNDRA
- Development: To make alterations and additions to the existing dwelling and construct a new garage

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	23.10.2020
Drawing No. 1	Floor Plan, Elevations & Engineering – House	Coota Design	23.10.2020
Drawing No. 2	Floor Plan, Elevations & Engineering – Shed	Coota Design	03.11.2020

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 - Section 94A Contributions.**

At the time of submission of a Construction Certificate all owning monies as they relate to Section 94A contributions must be paid in full.

Section 94A 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 - Certificates in Relation to Energy Efficiency.

Prior to obtaining a Construction Certificate, the Applicant shall furnish Council with Certificates in relation to energy efficiency. In general terms, these certificates shall be provided by appropriately qualified persons and reference compliance of the particular element of construction with Part J of the Building Code of Australia. Certificates shall be provided for the following parts of construction:

1. Building Fabric
2. External Glazing
3. Air Movement
4. Air Conditioning and Ventilation Systems
5. Artificial Lighting and Power
6. Hot Water Supply
7. Access for Maintenance

Reason: To ensure the development meets the energy requirements of Section J of the Building Code of Australia.

(3) 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.

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 – 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 – 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.

(8) PCW Condition – Underground Services.

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

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

DURING CONSTRUCTION

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

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

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

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

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

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

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

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

(3) DUR Condition – Footpath Storage.

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

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

(4) DUR Condition – Waste Removal.

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

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

(5) DUR Condition - 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.

(6) DUR Condition - BCA Compliance.

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

Reason: To ensure the building complies with the BCA.

(7) DUR Condition – Inspections.

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

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

Reason: To ensure that adequate time is given of required inspections.

(8) DUR Condition – Restricted Public Access.

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

Reason: To ensure public safety is maintained.

(9) DUR Condition – Termite Protection.

The building and immediate surrounds shall 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.

Reason: To protect the building from attack.

(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
2. To the requirements of the BASIX Certificate, and any overflows to be without nuisance

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

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

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

The standards for compliance are AS 3740 2010 for Water Proofing Internal Wet Areas.

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

(12) DUR Condition – Slab on Ground Construction.

The following points must be complied with: -

1. Internal floor level must be a minimum of 225mm above the external finished surface level adjacent to the building
2. 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

Reason: To ensure minimum requirements for surcharge gully heights are met and to minimise problems caused by flooding.

(13) DUR Condition – Scalding.

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

Reason: Statutory requirement.

(14) DUR Condition – Smoke Alarms.

Install AC operated hard wired smoke alarms as per Australian Standard AS3786 to the building, where there is more than one smoke alarm installed all alarms must be interconnected.

Reason: To provide for fire safety in residential buildings.

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 – BASIX.

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.

Reason: To ensure the development meets State Government energy and water efficiency targets

ONGOING USE

(1) 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.

(2) 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.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor)	
Cr Dennis Palmer	
Cr Leigh Bowden	
Cr David Graham	
Cr Gil Kelly	

Cr Penny Nicholson	
Cr Doug Phillips	
Cr Charlie Sheahan	
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

8.4.3 DEVELOPMENT APPLICATION 2021/171 - 63 PINKERTON ROAD, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

RESOLUTION 354/2021

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

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

- Application No: DA2021/171
- Property: Lot 371 DP 753601
63 Pinkerton Road,
COOTAMUNDRA NSW 2590
- Development: To construct a 180m² shed as ancillary to the existing dwelling.

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	October 2021
Job No. 34985	Elevations and Floor Plan	MA Steel	October 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
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 Works Operations Manager for an estimate of costs in this regard.

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

(5) DUR Condition - 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.

(6) 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.

(7) 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.

(8) DUR Condition – Storm Water.

Storm water is to be discharged: -

1. To diffusion pit a minimum 3m from any building and in such a position that it does not cause nuisance to neighbours
2. To the roadside table drain. The end of the storm water pipe at the table drain shall be suitably protected to avoid damage to the end of the pipe

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

(9) 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 shed 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.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Abb McAlister (Mayor)	Nil

Cr Dennis Palmer Cr Leigh Bowden Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan	
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

8.4.4 REQUEST FOR EXTINGUISHMENT OF EASEMENT - 101-173 COWCUMBLA STREET, COOTAMUNDRA

RESOLUTION 355/2021

Moved: Cr Doug Phillips
Seconded: Cr Leigh Bowden

1. Council authorise the extinguishment of the Easement for Transmission Line – Dealing G2050, located on Lot 14 DP 753601, Cowcumbla Street, Cootamundra.
2. The General Manager be authorised to sign any documentation necessary to complete the above matter
3. Authority the granted to affix the common seal of Council to any documentation necessary to complete the above matter.
4. The Property owner be responsible for all associated costs.

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

CARRIED

8.4.5 DEVELOPMENT APPLICATIONS OCTOBER 2021

RESOLUTION 356/2021

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

The information on Development Applications approved in October, 2021 be received and noted

CARRIED

8.5 REGULATORY SERVICES

8.5.1 REGULATORY REPORT OCTOBER 2021

RESOLUTION 357/2021

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

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

CARRIED

8.6 ASSETS

8.6.1 IRRIGATION TO DOG OFF LEASH PARK AND RECYCLED WATER MANAGEMENT SYSTEM, COOTAMUNDRA

RESOLUTION 358/2021

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

The report on Irrigation to Dog Off Leash Park and Recycled Water Management System Cootamundra be deferred for consideration of the new council.

CARRIED

8.6.2 SEWAGE PUMPING STATION (SPS) AND RISING MAIN INVESTIGATION AND DESIGN**RESOLUTION 359/2021**

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

1. **The Preliminary Investigation Report, provided separately to Council be received and noted.**
2. **Council approve \$150,000 from Sewer funds to commence survey, investigation, option, and concept design development for sewage pumping station (SPS) and rising main renewal program.**

CARRIED

8.7 CIVIL WORKS**8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - NOVEMBER 2021****RESOLUTION 360/2021**

Moved: Cr David Graham

Seconded: Cr Dennis Palmer

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

CARRIED

8.7.2 PROPOSED PROJECTS FOR LOCAL ROADS COMMUNITY INFRASTRUCTURE PROGRAM**RESOLUTION 361/2021**

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

The proposed Cootamundra-Gundagai projects, as listed in the table below, be approved for inclusion in the Local Roads and Community Infrastructure (LRCI) program – Phase 3.

CARRIED

8.8 TECHNICAL SERVICES**8.8.1 COMMUNITY BUS FUNDING OPPORTUNITY****RESOLUTION 362/2021**

Moved: Cr David Graham
Seconded: Cr Doug Phillips

1. **Advice be provided to the Gundagai Neighbour Hood Centre regarding Council's position on the community bus.**
2. **The community bus be sold through public auction with the income to be allocated to Council's Plant Reserve.**

CARRIED

8.9 FACILITIES**8.9.1 THE ARTS CENTRE COOTAMUNDRA - GOODS AND SERVICES TAX REPORT****RESOLUTION 363/2021**

Moved: Cr Leigh Bowden
Seconded: Cr Dennis Palmer

The General Manager and Interim Manager of Finance and Customer Service develop a payment plan for the Arts Centre Cootamundra to repay their Goods and Services Tax debt while continued operations at the Arts Centre Cootamundra remain in place.

CARRIED

8.9.2 COOTAMUNDRA DEPOTS 1 AND 2 MINOR UPGRADES**RESOLUTION 364/2021**

Moved: Cr Gil Kelly
Seconded: Cr David Graham

1. **The allocation of \$55,000 from the Building Operations Budget being allocated to undertake the refurbishment of the former gas works building at Depot 2, Hovell Street Cootamundra to a multipurpose facility be endorsed.**
2. **The allocation of \$30,000 from the Building Operations Budget being allocated for the extension of the stores building at Depot 1, Hovell Street Cootamundra be endorsed.**

CARRIED

8.10 WASTE, PARKS AND RECREATION**8.10.1 PRICES FOR SALE OF RECYCLABLE ITEMS.****RESOLUTION 365/2021**

Moved: Cr Leigh Bowden
Seconded: Cr Gil Kelly

1. The charges for the sale of recyclable items be placed of Public Exhibition for twenty eight days inviting public submission.
2. Electrical items not be included.
3. Pending no submissions being received during the public exhibition period The recyclable item classifications, and associated sale prices as detailed in this report be adopted and incorporated into Council's 2021/2022 fees and charges policy.
4. All funds generated from the sale of recyclable items at Cootamundra-Gundagai Regional Council's waste facilities be allocated to the waste reserves.

CARRIED

8.10.2 JUBILEE PARK REDEVELOPMENT**RESOLUTION 366/2021**

Moved: Cr Charlie Sheahan
Seconded: Cr Penny Nicholson

The development of Jubilee Landscape Master Plan over four (4) stages and in accordance with Council's Procurement Policy be approved.

CARRIED

8.10.3 COOTAMUNDRA AQUATIC CENTRE & STADIUM ANNUAL REPORT**RESOLUTION 367/2021**

Moved: Cr Charlie Sheahan
Seconded: Cr Dennis Palmer

The 2020/2021 Annual Operating Report for the Cootamundra Aquatic Centre and Sports Stadium from Leisure & Recreation Group be received and noted.

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

9.1 NOTICE OF MOTION - FIRST NATIONS CULTURAL AWARENESS TRAINING BE INCLUDED AS A PERMANENT PART OF THE INDUCTION PROGRAM FOR EACH NEW COUNCIL TERM OF OFFICE.

RESOLUTION 368/2021

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

First Nations Cultural Awareness Training be included as a permanent part of the Induction Program for each new Council term of office.

CARRIED

10 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL ITEMS**11.1 CLOSED COUNCIL REPORT****RESOLUTION 369/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

- 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.**
- 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 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONSProvisions 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 SOUTH WEST FUELS ELECTRICITY PROVISION FINANCIAL CONSIDERATIONS

RESOLUTION 370/2021

Moved: Cr Charlie Sheahan

Seconded: Cr David Graham

With the outstanding section 94 contribution amount of \$44,000 paid to Council in full, an offer of \$26,400 made by Mr Graham be accepted on a without prejudice basis to settle the ongoing dispute between Council and South West Fuels Cootamundra.

CARRIED

11.3 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 371/2021

Moved: Cr Doug Phillips

Seconded: Cr Dennis Palmer

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 8:01 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2021.

.....
CHAIRPERSON

.....
GENERAL MANAGER