

Minutes

ORDINARY COUNCIL MEETING

ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA

6:00PM, TUESDAY 12th December, 2023

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA
ON TUESDAY, 12 DECEMBER 2023 AT 6:00PM**

PRESENT: Cr Charlie Sheahan (Mayor), Cr Gil Kelly (Deputy Mayor), Cr Leigh Bowden, Cr Les Boyd, Cr Logan Collins (MS-Teams), Cr Trevor Glover, Cr David Graham, Cr Abb McAlister, Cr Penny Nicholson

IN ATTENDANCE: Steve McGrath (Interim General Manager), Paul Woods (Interim Deputy General Manager - CCD), Matt Stubbs (Deputy General Manager - Operations), Linda Wiles (Manager Business), Zac Mahon (Manager Finance), Michael Mason (Interim Manager Sustainable Development)

1 ACKNOWLEDGEMENT OF COUNTRY

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

ADJOURN MEETING FOR OPEN FORUM

RESOLUTION 328/2023

Moved: Cr Leigh Bowden
Seconded: Cr David Graham

Council adjourn for Open Forum.

CARRIED

2 OPEN FORUM

List of Speakers

1. David Harris – Compliance Issue

RESUME OPEN MEETING

RESOLUTION 329/2023

Moved: Cr Penny Nicholson
Seconded: Cr Les Boyd

Council resume the Open Meeting.

CARRIED

Cr Glover entered meeting 6:05pm

3 APOLOGIES AND LEAVE OF ABSENCE**3.1 APOLOGIES**

Nil

3.2 LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTEREST

Nil

5 CONFIRMATION OF MINUTES**5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 28 NOVEMBER 2023****RESOLUTION 330/2023**

Moved: Cr Gil Kelly

Seconded: Cr Abb McAlister

The Minutes of the Ordinary Meeting of Council held on Tuesday 28 November 2023 be confirmed as a true and correct record of the meeting.

CARRIED**6 MAYORAL MINUTES****6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT****RESOLUTION 331/2023**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

The information in the Councillor Engagements Mayoral Minute be received and noted.

CARRIED

The Mayor also acknowledged two young women across the local government area who have achieved outstanding personal endeavours. Those being:

1. Indi Cooper – Gundagai – nomination Marie Claire women of the year award 2023.
2. Grace Neil – Cootamundra – won Bert Evans Apprentice Scholarship 2023.

Amendments to Be Noted:

Cr McAlister attended the 12 December 2023 Ordinary Council Meeting.

Crs Nicholson and McAlister attended the Gundagai High School Presentation function on 8 December 2023.

Crs Bowden and Sheahan (Mayor) did not attend a Co-op AGM on 29th November. This did not take place.

6.2 MAYORAL MINUTE - CORRESPONDENCE FROM SISTER CITY - HEMET CALIFORNIA

RESOLUTION 332/2023

Moved: Cr Abb McAlister

Seconded: Cr Leigh Bowden

That Council acknowledge the correspondence and gift received from the City of Hemet and respond in kind.

CARRIED

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

8.1 GENERAL MANAGER OFFICE

8.1.1 MEETING DATES 2024

RESOLUTION 333/2023

Moved: Cr David Graham

Seconded: Cr Trevor Glover

That:

- 1. The Ordinary Council Meetings take place at 6:00pm on the fourth Tuesday of the Month from January to November.**
- 2. The Workshop Meetings of Council take place at 4:00pm on the second and fourth Tuesday of the Month from February to November.**
- 3. The Ordinary Council Meeting and Workshop held in December take place on the second Tuesday of the Month.**
- 4. The January Workshop Meeting take place on the fourth Tuesday of the Month.**
- 5. The current arrangement of alternating meetings between Cootamundra and Gundagai remain in place for CGRC.**
- 6. Alternatives to the current meeting arrangements be considered if requested.**

CARRIED

8.1.2 NSW ALGWA CONFERENCE 2024**RESOLUTION 334/2023**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

1. The Australian Local Government Women's Association (ALGWA) NSW program, attached to the report, be received and noted.
2. Council support Cr Bowden and Cr Nicholson to attend the ALGWA NSW Conference in 2024.

CARRIED

8.2 BUSINESS**8.2.1 AUSTRALIA DAY 2024****RESOLUTION 335/2023**

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

1. Information on Australia Day Awards 2024 be received and noted.
2. Council acknowledge the overview of the Australia Day Award nominations at its 12 December workshop and also acknowledge the nominated award recipients for the 2024 Australia Day Ceremonies.
3. The submission of the Australia Day 2024 Community Grant be noted.
4. Council include a Community Group Recognition Award for 2024, and future years.

CARRIED

8.2.2 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE AGM MEETING MINUTES AND MEMBERSHIP**RESOLUTION 336/2023**

Moved: Cr Trevor Glover

Seconded: Cr David Graham

1. The Minutes of the Muttama Hall Management s.355 AGM Meeting held on 22 November 2023, attached to the report, be noted.
2. The office bearers and membership of the Muttama Hall Management s.355 Committee, as detailed in the report, be endorsed.

CARRIED

8.2.3 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES

RESOLUTION 337/2023

Moved: Cr Leigh Bowden

Seconded: Cr Abb McAlister

The Minutes of The Arts Centre Cootamundra s.355 Committee Meeting held 16 November 2023 attached to the report, be received and noted.

CARRIED

8.2.4 COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES

RESOLUTION 338/2023

Moved: Cr Les Boyd

Seconded: Cr Trevor Glover

The Minutes of the Cootamundra Heritage Centre Management s.355 Committee Meeting held 6 November 2023, attached to the report, be received and noted.

CARRIED

8.2.5 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES

RESOLUTION 339/2023

Moved: Cr David Graham

Seconded: Cr Les Boyd

The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held 9 October 2023, attached to the report be, received and noted.

CARRIED

8.3 FINANCE

8.3.1 FINANCE UPDATE - NOVEMBER 2023

RESOLUTION 340/2023

Moved: Cr Abb McAlister

Seconded: Cr Trevor Glover

The Finance Update report, be received and noted.

CARRIED

8.3.2 RESTRICTED CASH RECONCILIATION - NOVEMBER 2023

RESOLUTION 341/2023

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

The Restricted Cash Reconciliation report, be received and noted.

CARRIED

8.3.3 INVESTMENT REPORT - NOVEMBER 2023

RESOLUTION 342/2023

Moved: Cr David Graham

Seconded: Cr Trevor Glover

The report detailing Council Cash and Investments as at 30 November 2023, be received and noted.

CARRIED

8.4 SUSTAINABLE DEVELOPMENT

8.4.1 DRAFT SWIMMING POOL INSPECTION POLICY AND PROGRAM

RESOLUTION 343/2023

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. To place the Draft *Swimming Pool Inspection Policy and Program* on public exhibition for a period of 28 days.**
- 2. That, if no submissions are received during the exhibition period that would require material alteration to the draft *Swimming Pool Inspection Policy and Program*, it be adopted.**

CARRIED

8.4.2 DRAFT MODEL CONTAMINATED LAND POLICY

RESOLUTION 344/2023

Moved: Cr Trevor Glover

Seconded: Cr Abb McAlister

That Council resolve:

1. To place the *Draft Model Contaminated Land Policy* on public exhibition for a period of 28 days.
2. That, if no submissions are received during the exhibition period that would require material alteration to the *Draft Model Contaminated Land Policy*, it be adopted.

CARRIED

8.4.3 DA2023/101 - 6 PINKERTON LANE, COOTAMUNDRA

RESOLUTION 345/2023

Moved: Cr Gil Kelly

Seconded: Cr Les Boyd

That Council issue Deferred Commencement Approval for the following development subject to the consent conditions below:

- Application No: DA2023/101
- Property: Lot: 1 DP: 1296902, 6 Pinkerton Lane, Cootamundra
- Erection of a new shed ancillary to existing dwelling and continued use of carport (erected without consent) ancillary to existing dwelling.

DEFERRED COMMENCEMENT CONDITION

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

Testing of the imported fill on which the shed is proposed to be located has been undertaken and shows the material is:

- a) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or
- b) a material identified as being subject to a resource recovery exemption by the NSW EPA; or
- c) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Evidence of the above relevant matter(s) must be produced to the consent authority, within 366 days of the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

General Conditions

- 1 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6. This section does not apply—
 - a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

2 Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3 Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - a. for work that requires a principal contractor to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b. for work to be carried out by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4 Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A.01	C	Site Plan	DA Busters	21/09/2023 received by council 30/11/2023
-	B	Carport Plans	DA Busters	30/11/2023
-	-	Shed Plan and Elevations	Shed Tech	24/03/2023

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Before building work commences

5 Appointment of a Principal Certifier

Prior to the commencement of any construction works, the person having benefit of this Development Consent must appoint a Principal Certifier.

Condition reason: To ensure legislative requirements are met.

6 Construction Certificate

A Construction Certificate must be submitted and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal.

Condition reason: To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation 2021.

7 Erosion and sediment controls in place

Before any site work commences, the Principal Certifier, must be satisfied that erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

8 Notice of intention to commence building work

The proponent must give the Principal Certifier at least 2 days notice of their intention to commence building works. The notice of intention to commence building works must be lodged on the NSW Planning Portal in accordance with Section 6.6 of Environmental Planning and Assessment Act 1979 and Section 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Condition reason: To ensure legislative requirements are met

9 Underground Services

The proponent 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.

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

During building work

10 Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

11 Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection.

12 Approved Plans

A copy of the endorsed plans, specifications, development consent, the construction certificate and any other certificates to be relied upon shall be available on site at all times during construction.

Condition reason: To ensure compliance with relevant plans and approvals

13 Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between—

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm;
- No work permitted on Sundays and Public Holidays.

Condition reason: To protect the amenity of neighbouring properties.

14 Earthworks

No earthworks are permitted to be undertaken beyond those detailed on the approved plans unless otherwise permitted by the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Condition reason: To ensure that the development is consistent with the approval

15 Footpath Storage

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

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

16 Hours of Work

Site work must only be carried out between the following times –

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm; and
- No work is permitted on Sundays and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason: To protect the amenity of the surrounding area.

17 Restricted Public Access

It is the responsibility of the proponent 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 SafeWork NSW Regulations.

Condition reason: To ensure public safety is maintained.

18 Roof Water

Roof water generated by the development must be discharged to the water table or a rainwater tank complying with exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The stormwater outlet or tank overflow outlet must discharge:-

- to the watertable; and
- away from any buildings, structures, property boundaries and effluent disposal area;

The point of discharge from the overflow must be

- protected from being crushed or damaged; and
- provided with scour protection to prevent erosion

Condition reason: To ensure that roof water is disposed of without nuisance to neighbours, damage to property or the environment.

19 Works Near Electricity Infrastructure

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Condition reason: Safety of workers and building occupants.

20 Activities within Electricity Easements and Close to Infrastructure

Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Condition reason: Safety of workers, building occupants and protection of electricity infrastructure.

Before issue of an occupation certificate

21 Repair of infrastructure

Before the issue of an occupation certificate any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.

Condition reason: To ensure any damage to public infrastructure is rectified.

22 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 Certifier.

Condition reason: To ensure the development is completed to a safe standard to allow use or occupation and to ensure compliance with the requirements of this consent.

23 Stabilisation of Earthworks

Prior to the issue of an Occupation Certificate all earthworks must be appropriately retained or battered at a ratio no steeper than 1:3 (vertical: horizontal) and vegetated to prevent erosion. Any retaining wall constructed on-site must comply with the exempt development provisions of State Environmental Planning Policy (Exempt and Complying development Codes) 2007 or have necessary development and construction approval.

Condition reason: To ensure earthworks are appropriately protected.

Occupation and Ongoing use

24 Use of non-habitable structures

The shed shall not be used or adapted for any residential, commercial or industrial purpose unless prior development consent has been obtained.

Condition reason: To ensure the structure is used in accordance with this approval.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Charlie Sheahan (Mayor) Cr Gil Kelly Cr Leigh Bowden Cr Les Boyd Cr Logan Collins Cr Trevor Glover Cr David Graham Cr Abb McAlister Cr Penny Nicholson	Nil
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

8.4.4 DA2023/035 - 190 AND 274 TURNERS LANE, COOTAMUNDRA - PROPOSED SIX (6) LOT SUBDIVISION

RESOLUTION 346/2023

Moved: Cr Leigh Bowden

Seconded: Cr Abb McAlister

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

- **Application No.:** DA2023/035
- **Property:** Lots 5 and 6 DP 1150609
190 and 274 Turners Lane
COOTAMUNDRA NSW 2590
- **Development:** Subdivision – to subdivide the lots into 6 lots of 2 ha, 2.01 ha, 2.01 ha, 2.09 ha, 2.01 ha and 22.53 ha.

CONDITIONS:

PART A – ADMINISTRATIVE CONDITIONS

Terms of approval

A1. The developer shall carry out the development generally in accordance with the following plans and documents:

Drawing name	Sheet No.	Issue	Prepared by	Dated	Submitted
21288subdivision	1 of 7	6	CMS Surveyors	Nov 2023	28.11.2023
21288subdivision	2 of 7	6	CMS Surveyors	Nov 2023	28.11.2023
21288subdivision	3 of 7	6	CMS Surveyors	Nov 2023	28.11.2023
21288subdivision	4 of 7	6	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	1 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	2 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	3 of 12	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	4 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	5 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	6 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	7 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	8 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	9 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	10 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	11 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	12 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	13 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
21288Adetail	14 of 14	5	CMS Surveyors	Nov 2023	28.11.2023
Statement of environmental effects (53 pages), prepared by CMS Surveyors Pty Ltd, Rev03, dated 28/11/2023, submitted 28.11.2023.					

Inconsistencies between documents

A2. In the event of any inconsistency between the documentation referred to in Condition A1, the most recent document shall prevail to the extent of the inconsistency.

A3. In the event of any inconsistency between conditions of this approval and documents referred to in Condition A1, the conditions of this approval shall prevail to the extent of the inconsistency.

Lapsing of approval

A4. This development approval shall lapse five (5) years after the date on which it is granted, unless the works associated with the development have physically commenced.

Statutory Requirements

A5. All licences, permits and approvals must be obtained and maintained as required throughout the life of the development. No condition of this approval remove the requirement to obtain, renew or comply with such licences, permits or approvals.

Cost of works

A6. All works associated with the proposal, or required by this consent, will be at no cost to Council.

Prescribed Conditions

A7. All relevant prescribed conditions under Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021* apply and must be complied with.

PART B – PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

Road design plan

B1. A road design plan shall be prepared by a Civil Engineer or other suitably qualified professional, in accordance with all relevant Austroads "Guide to Road Design". The plan shall be submitted to, and approved by, Council, prior to the issue of a subdivision works certificate. The plan shall include but not be limited to details of design and construction for the following:

- (a) the widening of Turners Lane to achieve a minimum width of 5.5 metres (2 x 2.75 metres lanes), from the common boundary of Lots 10 and 11 DP 1217995 (to west of the site), through to the eastern boundary of Lot 2 DP 1004745 (to the east of the site),
- (b) access to each lot, including type, location and available sight distance (from either the existing road or proposed road extension),
- (c) signage in accordance with Australian Standard AS172 - *Manual of uniform traffic control devices*,
- (d) tree removal and/or pruning.

NOTE: If the detailed engineering plans identify that additional tree removal (not approved as part of this consent) is required, a modification application for the additional tree removal, must be lodged and approved, prior to a subdivision works certificate being issued.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Subdivision works certificate

C1. A subdivision works certificate must be obtained from Council or an Accredited Certifier prior to work commencing, for all road construction works.

C2. Full engineering design plans, prepared in accordance with Part B conditions, shall accompany the applications for a subdivision works certificate, and shall cover all civil works.

Notice to be Given Prior to Commencement

C3. The Principal Certifier (PC) and Council shall be given written notice, at least 48 hours prior to the commencement of works on the site.

C4. Seven days prior to commencement of engineering works on the site, the person having the benefit of the consent shall notify Council and the PC of:

- (a) the appointed Project Manager
- (b) the appointed Construction Contract
- (c) the intention to start site works,
- (d) a 24 hour telephone number, for contact with the construction manager, to be operated for the duration of the construction works.

C5. The Project Manager shall arrange an on-site meeting with the nominated Contractor, Council's Engineering Representative and PC, prior to work commencing.

Application to carry out works in road reserve.

C6. Any works constructed or undertaken on public roads dedicated in the name of Cootamundra-Gundagai Regional Council or utilised for the carrying out of work on adjacent properties, shall not be undertaken until an approval under the *Roads Act, 1993* (works within the road reserve application), has been obtained.

C7. The following documentation and plans shall accompany the application for approval under the Roads Act 1993:

- a Traffic Control Plan (TCP prepared by an accredited person, which contains their Certification Number, origin of issue and the date of issue),
- the approved road design plans and accompanying construction certificate (where Council has not issued the construction certificate).

Site notice

C8. A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of development details including, but not limited to:

- details of the PC;
- the approved hours of work;
- the name of the site/project manager and the primary contact the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries; and
- a statement that unauthorised entry to the site is not permitted.

Sedimentation and erosion controls

C9. Where necessary, site erosion control measures shall be incorporated into site management, prior to work commencing. Care shall be taken to ensure that no nuisance is created to adjoining properties or public space by way of sediment run off.

PART D – DURING CONSTRUCTION

Hours of construction

D1. Construction hours shall be limited to the following:

- Mondays to Fridays – 7:00 am to 6:00 pm
- Saturdays – 8:00 am to 1:00 pm
- Sundays and public holidays – Nil
- Any other times – only with the prior written consent of Council.

Noise management

D2. All activities on the site shall be undertaken with the objective of minimising noise emissions from plant and equipment, by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers.

Dust management

D3. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from leaving the site, including wind-blown and traffic-generated dust. Should such visible dust emissions occur at any time, the Developer shall identify and implement all practicable dust mitigation measures, including cessation of relevant works or dampening of site roads and work areas, as appropriate, such that emissions of visible dust cease.

Construction waste

D4. The storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin/skip.

D5. Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

D6. The Developer shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the development, to minimise the need for treatment or disposal of those materials outside the site.

Tree removal and protection measures

D7. Approval is granted for the removal of the following trees/shrubs located in the Turners Lane Road reserve:

- two eucalyptus trees located at the proposed location of the access to Lots 104 and 105,
- removal of the exotic shrub/bush immediately to the east of the proposed location of the access to Lots 104 and 105,
- removal of the exotic shrub/bush at the proposed location of the access to Lots 101 and 102,
- removal of the exotic shrub/bush located approximately 17 metres to the east of the proposed location of the access to Lots 101 and 102.

D8. Approval is granted for the pruning of the low-hanging branches on the following trees/shrubs located in the Turners Lane Road reserve, to a height of approximately eight (8) metres:

- eucalyptus tree located approximately 15 metres to the west of the access to Lots 101 and 102,
- kurrajong tree located approximately 20 metres to the east of the access to Lots 101 and 102.

D9. No approval is granted for the removal of any other trees on the site or in the road reserve as a result of the subdivision.

D10. All trees on the site and on Council land, and that may be threatened by the works, are to be suitably protected in accordance with AS 4970-2009 Protection of trees on development sites, by way of tree guards, barriers or other measures as necessary in order to protect tree root systems, trunks and branches, during construction.

Fencing

D11. A rural stock proof fence shall be erected along all allotment boundaries (internal and external). The developer shall ensure that the fence lines adjacent to public roads are on the correct boundary alignment, by having the boundaries marked by a Registered Surveyor, and a written statement shall be lodged by the Surveyor, confirming that all fencing is erected and on the correct alignment.

D12. All fencing shall be located to avoid tree removal, with any minor deviations in the fencing to be reflected on the final plan of subdivision.

Approved Plans to be On-site.

D13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification, and all relevant environmental approvals, shall be always kept on the site, and shall be made available for perusal by any officer of Council or the PC on request.

Unexpected finds

D14. The applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Setting out of Infrastructure / Structures

D15. The engineering works shall be set out by a registered surveyor to verify the correct position of the infrastructure in relation to property boundaries and the approved alignment levels. A report from the registered surveyor shall be furnished to the PC and Council for verification prior to any inspections being carried out by the PC.

Certification and inspection of subdivision works.

D16. The subdivision works must be inspected and tested by the PC, at each relevant stage of construction to demonstrate compliance with the approved plans. Where Council is not the PC, documentary evidence shall be provided by the PC to Council, demonstrating compliance.

D17. Where Council is nominated as the PC, Council shall be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the PC.

Installation of services

D18. Service conduits for electricity and telecommunications cabling shall not be trenched across any road pavements.

State Survey Marks

D19. The developer shall ensure that any existing State Survey Marks will not be disturbed. If it so happens that any SSMs falls within any works associated with the development it shall be relocated at the developer's cost or if it is disturbed, reinstatement costs shall also be borne by the developer.

PART E – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Completion of engineering works

E1. All engineering works (roadworks) shall be completed in accordance with the approved plans and subdivision works certificate, prior to the issue of a subdivision certificate.

Water supply

E2. Evidence shall be supplied to Council in the form of a works as executed plan, demonstrating that the private water supply line proposed to be relocated, has been relocated in accordance with the approved plans.

Utility services

E3. Prior to the issue of a Subdivision Certificate, a copy of the Notice of Arrangement (NOA) from Essential Energy, which states that satisfactory supply arrangements have been made for the provision of electricity to each of the lots in the subdivision, shall be provided to Council.

E4. Prior to the issue of a Subdivision Certificate written advice shall be obtained from an approved telecommunications carrier stating that satisfactory arrangements have been made to ensure the provision of adequate services to the development.

Damage to infrastructure or services

E5. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the developer prior to the release of any subdivision certificate.

Street addressing

E6. Rural addressing numbers shall be purchased from Council and erected for each lot, in accordance with the *NSW Addressing User Manual* prepared by the Geographical Names Board of NSW, as follows:

Lot No.	Primary number
101	186 Turners Lane, Cootamundra
102	188 Turners Lane, Cootamundra
103	200 Turners Lane, Cootamundra
104	218 Turners Lane, Cootamundra
105	220 Turners Lane, Cootamundra
106	274 Turners Lane, Cootamundra

NOTE: Rural addressing numbers to be confirmed when entrances constructed, which may result in changes to the above numbers.

Defects Liability Period and bond

NOTE: These following conditions only apply in respect of works carried out by a contractor other than Cootamundra-Gundagai Regional Council.

E7. For a period of twelve (12) months after the subdivision certificate is issued, the subdivider must remedy any defects or omissions in the subdivision works.

NOTE: Defects do not include reasonable wear and tear or damage caused to the works by inappropriate use (e.g. damage or abuse from traffic accidents or vandalism).

E8. The defects liability bond must be submitted with the subdivision certificate application. The bond must be in the form of cash or unconditional bank guarantee (no lapse date) for an amount of 5% of the agreed value of the subdivision works or \$ 5,000, whichever is the greater.

E9. At any time during the defects liability period, the consent authority may direct the subdivider to rectify any omission or defect in the subdivision works. The direction will identify the scope of works to rectification and state the time by which the subdivider shall complete the work of rectification (or stages of the rectification) and may state the time by which rectification shall commence.

E10. If the subdivider fails conforming to the direction or part of the direction, the consent authority may perform the works and charge costs to the subdivider. The Council will deduct any costs incurred from the defects liability bond.

E11. At the expiry of the defects liability period the subdivider shall arrange Council to carry out an inspection of the subdivision works, and request a return of the defects liability bond.

E12. If Council determines that the subdivision works are satisfactory, Council will refund the balance of the defects liability bond.

E13. If unremedied subdivision work defects or omissions are detected by the Council during the inspection, the subdivider must remedy these works and re-apply for an off defects liability inspection. Council may retain some or all of the defects liability bond for a further period of twelve (12) months.

Final subdivision plans

E14. The submission of a final plan of subdivision suitable for registration at the Land Titles Office.

Registration of easements and restriction as to users

E15. Easements shall be created over all services to the satisfaction of the relevant authority, and/or wherever Council deems necessary to allow unrestricted access to the service, and restrictions as to user created, under section 88B of the Conveyancing Act 1919, including, but not limited to, the following:

- a) release of the existing power easement on Lot 5 DP 1150609 (created by DP 1062169), and creation of a new power easement over the power lines on-site,
- b) release of the existing restriction as to user on Lot 5 DP 1150609 (created by DP 1004745),
- c) release of the existing water supply easement on Lot 5 DP 1150609, that benefits Lot 2 DP 850604 (created by DP 1004745), and creation of a new water supply easement over the relocated water supply line, benefiting Lot 2 DP 850604,
- d) right of access over Lot 102 to benefit Lot 101,
- e) a reciprocal right of access over the combined access to Lots 104 and 105,
- f) restriction as to user on proposed Lots 101, 102, 104 and 105), that requires the installation/provision of water storage with a minimum capacity of 20,000 litres for fire-fighting purposes with an appropriately sized Storz fitting.

E16. The 88B Instrument shall be submitted to the PCA with the final plan of subdivision as a prerequisite to the endorsement of the subdivision certificate.

E17. Council is not to be nominated as the prescribed authority in the 88B instrument, in relation to any restrictions imposed by the developer relating to buildings and improvements (e.g building materials, setbacks, design matters, etc).

REASONS FOR THE CONDITIONS:

- To confirm the details of the application as submitted by the applicant and as approved by Council.
- To manage any inconsistencies between the approved plan/documents and conditions of consent.
- To achieve the objectives of section 1.3 of the *Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in section 4.15 of the Act and the Environmental Planning Instruments applying to the land.
- To ensure that adequate access is provided to each lot, and the road network is upgraded to cater for the additional traffic generated by the development.
- To ensure works are carried out to the appropriate standard.
- To ensure the lots are adequately serviced.
- To protect the existing trees.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure the development complies with all relevant approvals.

SCHEDULE 1, DIVISION 4, CLAUSE 20 - REASONS FOR THE DECISION:

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in making the decision. The reasons for the decision and how community views were taken into account, as it relates to this development application are:

- the proposed development is not inconsistent with the objectives of the zone,
- the proposed development is permitted in the zone,
- the proposed development does not compromise the relevant Environmental Planning Instruments,
- any potential concerns have been ameliorated by appropriate conditions,
- the proposal is not inconsistent with the key planning provisions contained within the applicable environmental planning instruments,

- the proposal will have an acceptable environmental impact,
- the proposal is consistent with the zone and desired future character of the area,
- notification of the application in accordance with the relevant environmental planning instrument and/or policy was carried out, and no submission were received, and the issues raised in the submission have been addressed during the assessment and through the imposition of conditions of consent.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Charlie Sheahan (Mayor)	Nil
Cr Gil Kelly	
Cr Leigh Bowden	
Cr Les Boyd	
Cr Logan Collins	
Cr Trevor Glover	
Cr David Graham	
Cr Abb McAlister	
Cr Penny Nicholson	
ABSENT	DECLARED INTEREST
Nil	Nil

CARRIED

8.5 ENGINEERING COOTAMUNDRA

8.5.1 CGRC ENGINEERING REPORT - DECEMBER 2023

RESOLUTION 347/2023

Moved: Cr Penny Nicholson

Seconded: Cr Abb McAlister

The CGRC Engineering Report for the month of December 2023 be noted.

CARRIED

8.5.2 PROPOSED STREET NAME FOR THE BOUNDARY ROAD SUBDIVISION DEVELOPMENT COOTAMUNDRA**RESOLUTION 348/2023**

Moved: Cr Leigh Bowden

Seconded: Cr Trevor Glover

1. The report on the Proposed Street Name for the Boundary Road Subdivision Development Cootamundra be received and noted.
2. The following proposed street name for the Boundary Road Subdivision Development, Cootamundra be noted:

2.1 Acacia Street**CARRIED****8.6 ENGINEERING GUNDAGAI**

Nil

8.7 REGIONAL SERVICES GUNDAGAI**8.7.1 REGIONAL SERVICES GUNDAGAI WORKS REPORT FOR NOVEMBER 2023****RESOLUTION 349/2023**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

Regional Services Gundagai Report for December 2023, be received and noted.

CARRIED**8.8 REGIONAL SERVICES COOTAMUNDRA****8.8.1 MOA FOR THE SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP****RESOLUTION 350/2023**

Moved: Cr Trevor Glover

Seconded: Cr David Graham

That Council:

1. Endorse the proposed Memorandum of Agreement, attached to the report, and
2. Delegates authority to the Interim General Manager to execute all associated documentation.

CARRIED

8.8.2 REGIONAL SERVICES DEPARTMENT MONTHLY WORKS REPORT

RESOLUTION 351/2023

Moved: Cr Gil Kelly

Seconded: Cr Les Boyd

The Cootamundra Regional Services Department, Monthly Works Report be received and noted.

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL ITEMS

11.1 CLOSED COUNCIL REPORT

RESOLUTION 352/2023

Moved: Cr David Graham

Seconded: Cr Les Boyd

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

CARRIED

Interim General Manager and the two Deputy General Managers left the meeting at 6.32pm.

RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 353/2023

Moved: Cr Leigh Bowden

Seconded: Cr David Graham

The Open Council meeting resume.

CARRIED

ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

11.2 MAYORAL MINUTE - INTERIM GENERAL MANAGER ROLE

RESOLUTION 354/2023

Moved: Cr Trevor Glover

Seconded: Cr Leigh Bowden

1. **The conclusion of Stephen Charles McGrath's twelve-month contract of employment from 9 January 2023 to 8 January 2024 is acknowledged.**
2. **Mr Stephen Charles McGrath be offered the position of Interim General Manager with a contract of employment for up to a twelve-month period commencing on 22 January 2024.**
3. **The contract of employment mentioned in 2. above is to be offered on the terms and conditions as they exist under the current contract of employment, noting the additional inclusion:**
 - 3.1. The contract make provision for Steve to generally undertake a four (4) week working cycle, where he works three (3) weeks out of the offices located at Cootamundra/Gundagai with the fourth week being worked from his home in Coffs Harbour.***
4. **Mr Matt Stubbs be appointed to the position of Acting General Manager for the period 9 January 2024 to 22 January 2024.**

CARRIED

The Meeting closed at 7:08pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 January 2024.



CHAIRPERSON



GENERAL MANAGER