

Minutes

ORDINARY COUNCIL MEETING

STEPHEN WARD ROOMS, COOTAMUNDRA

Tuesday, 31st OCTOBER, 2017

Cootamundra Office: Ph: 02 6940 2100

Gundagai Office: Ph: 02 6944 0200

www.cgrc.nsw.gov.au





MINUTES OF THE ORDINARY MEETING OF THE COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL HELD IN STEPHEN WARD ROOMS, COOTAMUNDRA AT 6:00PM ON TUESDAY 31st OCTOBER, 2017

PRESENT

Clr Dennis Palmer, Deputy Mayor (Chairperson), Clr Leigh Bowden, Clr David Graham, Clr Gil Kelly, Clr Penny Nicholson, Clr Doug Phillips, Clr Charlie Sheahan, , Clr Craig Stewart, Allen Dwyer (General Manager), Phil McMurray (Director Asset Management), Kate Monaghan (Director Corporate Services), Chris Imrie (Director Development & Community), Ray Graham (Director Operations).

Note: in the absence of the Mayor, Clr Abb McAlister, the Deputy Mayor, Clr Dennis Palmer, was Chairperson for the meeting



1 OPEN FORUM

The following people addressed Council in Open Forum:

1. Dave Tullenew – Concern about delay in proposal to implement unsupervised access to Cootamundra Swimming Pool
2. Garry James – Concern about the maintenance of the grounds at the Saleyards
3. Stuart Moorby – Concern about the need for a new Service Station on Hovell Street which is the subject of a planning proposal
4. Betty Brown – Concern about condition of the grounds at the old Hospital and proposed free entry to both town swimming pools through the summer season for consideration.
5. June Irwin – Concern about condition of the grounds at Wallendbeen Cemetery
6. Allen East – Objecting to sealing of Rathmells Lane and related costs
7. James Childs – In support of DA2017/82 for a New Hardware Store, (Hardware and Building Supplies) – Item 7.1.1.5

2 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.

3 APOLOGIES

An apology was received from the Mayor, Councillor Abb McAlister.

04/10/2017 - Resolved – Moved: Clr Phillips– Seconded: Clr Graham

The apology be accepted and leave of absence granted.

4 DISCLOSURES OF INTEREST

Item 7.1.1.5 Application for a New Hardware Store, (Hardware and Building Supplies) – DA2017/82

Councillor Craig Stewart disclosed a significant non-pecuniary interest in this item for the reason that he is an employee of the Mitre 10 Hardware Store in Cootamundra.



6 CONFIRMATION OF MINUTES

05/10/2017 RESOLVED – Moved: Clr Phillips Seconded: Clr Graham

The Minutes of the Ordinary Meeting of Council held on Monday, 7th August, 2017, be confirmed as a true and correct record of the meeting.

06/10/2017 RESOLVED – Moved: Clr Phillips Seconded: Clr Graham

The Minutes of the Extraordinary Meeting of Council held on Thursday, 21st September, 2017, be confirmed as a true and correct record of the meeting.

07/10/2017 RESOLVED – Moved: Clr Phillips Seconded: Clr Graham

The Minutes of the Extraordinary Meeting of Council held on Thursday, 19th October, 2017, be confirmed as a true and correct record of the meeting.

7 MAYORAL MINUTES

04/10/2017 RESOLVED – Moved: Clr Palmer Seconded: Clr Sheahan

1. The Mayoral Minute in relation to the Mayor's engagements and the Southwest Slopes Rural Fire Service Cadets be received and noted.
2. Councillor Sheahan be appointed as Council's delegate to the Cootamundra-Gundagai Local Traffic Committee for the term of Council.
3. Councillor Bowden be appointed as Council's delegate to the Riverina Regional Library Committee for the term of Council.
4. The Mayor, Councillor McAlister and the Deputy Mayor, Councillor Palmer be appointed as Council's delegates to the Riverina Eastern Regional Organisation of Councils (REROC) for the term of Council.
5. Councillor Kelly be appointed as Council's delegate to the Rural Fire Service South West Slopes Zone for the term of Council.

On calling for nominations for a delegate to Goldenfields Water, for the term of Council, nominations were received from the Deputy Mayor, Councillor Palmer and Councillor Sheahan.

As there were two nominations for the position, the General Manager conducted a vote by Ordinary Ballot. As a result of the vote each candidate received four (4) votes.

Following the tied vote the Deputy Mayor, as Chairperson, exercised his casting vote.

As a result, the Deputy Mayor, Councillor Palmer was appointed as Council's delegate to Goldenfields Water for the term of Council.

7 GENERAL MANAGERS REPORT

7.1 DEVELOPMENT AND COMMUNITY SERVICES DIVISION

7.1.1 DEVELOPMENT AND BUILDING

7.1.1.1 DEVELOPMENT APPLICATIONS APPROVED AUGUST & SEPTEMBER 2017

05/10/20017 RESOLVED – Moved: Cr Phillips Seconded: Cr Graham

The information on Development Applications Approved in August and September, 2017 be noted.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Bowden Cr Graham Cr Kelly Cr Nicholson Cr Palmer Cr Phillips Cr Sheahan Cr Stewart	
ABSENT	DECLARED INTEREST
Cr McAlister	

7.1.1.2 EXHIBITION OF DRAFT COOLAC AND WALLEND BEEN VILLAGE STRATEGIES

06/10/20017 RESOLVED – Moved: Cr Graham Seconded: Cr Bowden

The Draft Coolac Village Strategy and Draft Wallendbeen Village Strategy be placed on public exhibition for a period of not less than 30 days.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Bowden Cr Graham Cr Kelly Cr Nicholson Cr Palmer Cr Phillips Cr Sheahan Cr Stewart	
ABSENT	DECLARED INTEREST
Cr McAlister	

7.1.1.3 APPLICATION FOR A BOUNDARY REALIGNMENT – DA2017/93

07/10/20017 RESOLVED – Moved: Cr Phillips Seconded: Cr Sheahan

Note:

It was noted the reference to the minimum lot size of 40 hectares on page 16 of the business paper was incorrect and should read 200 hectares.

DA2017/93 be approved subject to the following General Conditions of Consent:

GENERAL CONDITIONS OF CONSENT

(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
1 of 2	Plan of Subdivision	CMS Surveyors	27/6/17
-	Statement of Environmental Effects	CMS Surveyors	9/10/17

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

(3) GEN Condition – Subdivision Boundaries.

For the subdivision of the land and the creation of a Land Title Plan, the following setbacks are required: -

1. From existing outbuildings, i.e. sheds and the like: -
 - a. 10m from all boundaries
2. From on-site sewage management systems, effluent disposal areas: -
 - a. 10m from all boundaries

Reason: Compliance with the Cootamundra LEP and development standards.

(4) GEN Condition – Subdivision on Site Sewerage Management System.

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, is to maintain a minimum six (6) metre clearance from the proposed new boundary. If a six (6) metre clearance cannot be achieved, a Section 68 Application must be submitted to Council to undertake the necessary works to maintain the six (6) metre clearance.

Reason: To ensure on site sewerage management system is adequately located on the proposed new allotment.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)

(1) PSC Condition – Formal Plan of Subdivision.

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA2017/93.

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

(2) PSC Condition – Subdivision Plan Release - Other Authorities.

The requirements of other public utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

Reason: To ensure that the requirements of public authorities are met prior to work commencing.

(3) PSC Condition – Registration of Subdivision Plans.

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Bowden Cr Graham Cr Kelly Cr Nicholson Cr Palmer Cr Phillips Cr Sheahan Cr Stewart	Nil
ABSENT	DECLARED INTEREST
Cr McAlister	

7.1.1.4 REQUEST FOR VARIATION OF COOTAMUNDRA DCP – DA2017/85

08/10/20017 RESOLVED – Moved: Cr Sheahan Seconded: Cr Phillips

The variation to Council’s Development Control Plan (Primary & Secondary Building Line) be granted to permit the proposed front fence to be located on the front and side property boundary aligning Hurley and Ursula Streets, subject to neighbour notification and a full Development Assessment.

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Bowden Cr Graham Cr Kelly Cr Nicholson Cr Palmer Cr Phillips Cr Sheahan Cr Stewart	Nil
ABSENT	DECLARED INTEREST
Cr McAlister	

7.1.1.5 APPLICATION FOR NEW HARDWARE STORE, (HARDWARE AND BUILDING SUPPLIES) – DA2017/82

09/10/20017 RESOLVED – Moved: Clr Sheahan Seconded: Clr Kelly

Notice of Determination be provided to the applicant for DA2017/82 subject to the following General Conditions of Consent:

GENERAL CONDITIONS OF CONSENT

(1) GEN Condition - Compliance Standards

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

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

(2) GEN Condition - Compliance with Council

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



Document Reference	Description	Author	Date
-	Statement of Environmental Effects & Attachment	Applicant	(Received) 21.09.2017
A101	Ground Floor Plan	NM	(Received) 9.10.2017
A102	Isometric View 1	NM	(Received) 9.10.2017
A103	Isometric View 2	NM	(Received) 9.10.2017
A104	Elevations	NM	(Received) 9.10.2017
A105	Elevations	NM	(Received) 9.10.2017
-	East Elevation (colour)	Unknown	(Received) 9.10.2017

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

(3) GEN Condition - Compliance with Legislation

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

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

(4) GEN Condition - Utilities

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

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



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

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

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

(6) GEN Condition – Public Land Costs

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(1) PCC Condition - Section 94A Contributions.

At the time of submission of a Construction Certificate all owing 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 – Construction Site Management Plan.

The applicant shall submit to Council for approval a "Construction Site Management Plan" for the proposed building works. The plan shall detail the following measures, as applicable to the type of development:

1. Location and construction of protective fencing / hoardings to the perimeter of the site.
2. Location of site storage areas / sheds / equipment.
3. Location of building materials for construction.
4. Provisions for public safety
5. Dust control measures
6. Site access location and construction.
7. Protective measures for street tree preservation.
8. Provisions for temporary sanitary facilities



9. Location and size of waste containers / bulk bins.
10. Details of proposed sediment and erosion control measures
11. Construction noise and vibration management
12. Construction traffic management details.

The “Construction Site Management Plan” must be approved by Council prior to the release of a Construction Certificate by the Principal Certifying Authority (PCA). Approved site management measures are to be implemented prior to the commencement of any site works and shall be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved “Construction Site Management Plan” must be maintained on site and be made available to Council officers upon request.

Reason: Because of the requirement to comply with appropriate standards for environmental control. Section 79C (1)(a), (b) & (e) of the Environmental Planning and Assessment Act, 1979 as amended.

(3) PCC Condition – Onsite Car park Design.

Detailed car parking plan outlining car spacing's, vehicle manoeuvring, exit/entrance points and location and provision for service delivery vehicles in accordance with Australian Standard AS2890 submitted for Council approval. Entry and exit points are to be clearly identified with signage designed and constructed in accordance with Australian Standard AS1743.

Reason: To ensure that adequate and practical off-street and on-street parking and access to the development has been provided.

(4) PCC Condition - Road Opening and Closing Permit.

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

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

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, and
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 – Boundary Location.

Council requires the boundaries of the land to be identified by a registered surveyor prior to work commencing.

Reason: To ensure that no encroachments occur onto neighbouring boundaries.

(6) PCW Condition – Public Safety – Hoardings.

Public safety and convenience must be maintained at all times during the building works. The roadway, footway and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

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

The hoarding or fence is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

The hoarding, fence or awning is to be removed when it is no longer required for the purposes for which it was provided. Restriction of public access to the building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

Reason: Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended and to protect the general public.



(7) PCW Condition – Works Within A Public Road Reserve – Road or Footpath Closure.

All works requiring full or partial road or footpath closure shall be:

- a) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993). Application shall be made to Council's Engineering Department at least one week prior to works being undertaken.
- b) Covered by \$20M public liability insurance, with the policy noting Council as an interested party.
- c) Covered by a Council approved Pedestrian Movement Plan and/or Traffic Control Plan which has been prepared by an authorised person. Traffic shall be controlled by an authorised Traffic Controller, in accordance with the traffic control plan.
- d) At no cost to Council.

Reason: To ensure public safety & Council indemnity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

(8) 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.

(9) 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.

(10) PCW Condition – Construction Safeguards.

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

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



(11) PCW Condition – Excavation Safety.

All excavations and back-filling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. The adjoining property owner is to be given seven (7) days' notice.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

1. Must preserve and protect the building from damage
2. If necessary, must underpin and support the building in an approved manner
3. Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the building being erected or demolished.

In this clause, *allotment of land* includes a public road and any other public place. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: Regulatory compliance.

(12) PCW Condition – Soil Erosion Control.

Details of the proposed sediment control measures are to be detailed in the site management plan which shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy shall be maintained on-site and be made available to Council officers upon request.

Procedures shall be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited anywhere onto the public road reserve from trucks and associated equipment, and the proposed method of cleaning the roadway from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).



Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

Reason: Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(a), (b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

(13) PCW Condition – Impact Assessment on Public Utilities and Underground Services.

The applicant shall locate and identify all existing public utilities and 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.

A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

Reason: Because it is in the public interest that public assets are not damaged. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended and to ensure the utility services are protected.

DURING CONSTRUCTION

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

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

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

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

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

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



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

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

(3) DUR Condition – Footpath Construction.

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

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

(4) DUR Condition – Footpath Storage.

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

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

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

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

These trees shall not be removed, trimmed or disturbed without the prior approval of the Council.

Reason: Trees located within the road reserve remain the property of the Council's and need to be protected as they are important in preserving local climate and appearance.

(6) DUR Condition – Driveway, Layback and Kerb and Gutter.

The provision of adequate vehicle access to the site, including the provision of any new invert crossings at the kerb and gutter is required to be installed as part of the development.

The installation of any new vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils 'Typical vehicle kerb and gutter crossing KG 65/1'.

Any existing kerb laybacks and driveway crossings that do not service the development must be removed and standard 90 degree kerb and gutters be reinstated in addition to Council footways.



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

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

(7) DUR Condition - Pipe Replacement.

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

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

(8) DUR Condition - BCA Compliance.

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

Reason: To ensure the building complies with the BCA.

(9) DUR Condition – Inspections.

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

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

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

(10) DUR Condition – Restricted Public Access.

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

Reason: To ensure public safety is maintained.



(11) DUR Condition – Roof Water Retention, Use and Disposal.

Roof water from the building shall be collected in onsite stormwater retention tanks of a minimum volume of 40,000 litres with the overflow being discharged 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.

All toilets and sanitary fixtures within the building and the water services to the landscaping supplies area shall be sourced from the onsite retention tanks and appropriately signed as “non-potable water source, not suitable for consumption”.

Any cross connections from the retention tanks to the mains water supply shall be protected by a suitably sized backflow prevention device.

Reason: To ensure that adequate stormwater retention is achieved to cater for storm events and roof water is disposed of without nuisance to neighbours, without overloading Council's laneways system and so as to minimise input to the ground water system.

(12) DUR Condition – Disabled Car parking.

The provision of one Disabled Car parking space shall be provided as part of the developments car parking design (on street) and is located as near as practical, adjacent to the premises entrance.

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

(13) DUR Condition – Internal Car Park Entry & Exit Requirements.

Entry and exit from the internal car park is to be in a forward direction only. Adequate turning space will be required to enable vehicles to leave the car park in a left hand only forward direction onto Wallendoon Street, “Left Turn Only” signage shall be installed at the point of exit which is clearly visible to all users. All traffic signage installed is to be designed and constructed to comply with Australian Standard AS1743.

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

(14) DUR Condition – Safe distances to power lines.

A minimum safe distance from electricity supply power lines and the proposed building shall be maintained in accordance with Australian Standard AS7000:2010 and/or Essential Energy's “Structures near Powerlines” Guidelines. If in doubt please contact the local electricity provider to confirm service line type and distance requirements.



Reason: To ensure safe working area and prevent electricity jumping to the building.

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

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

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

Reason: Statutory compliance.

(16) DUR Condition – Undertake Works on Road Reserve.

An application to undertake works on the road reserve is required to be lodged and crossing installed to Council Engineers specifications as part

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

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

POST CONSTRUCTION

(1) POC Condition – Occupation of Building.

A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifying Authority.

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

(2) POC Condition – Compliance Certificates.

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

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



(3) POC Condition – Property Identification.

Street numbers of a size and type satisfactory to Council being affixed to the building. Such numbers to be clearly visible from the street. The property street number is “No. 1 Wallendoon Street”

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

(4) POC Condition – Consolidation/Boundary Adjustment.

The proposed building in question will transverse one or more property boundaries located on the site, being Lot 1 & 2 of Section 31, DP758287.

Prior to the issuing of an Occupation Certificate, a land consolidation or boundary adjustment must be completed to ensure that the structure is contained solely within one allotment.

Reason: To ensure that all structures on the site are contained within a single allotment so that fire separation requirements of the Building Code of Australia are satisfied.

ONGOING USE

(1) USE Condition – Annual Certificate.

The owner of the building shall submit to Council an 'Annual Fire Safety Statement' (Form 1) by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation 2000. Forms for this purpose can be collected from Council's offices.

Reason: To ensure that fire and other safety measures are maintained in a proper working condition.

(2) USE Condition – Discrimination Laws.

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

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

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



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

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

(3) USE Condition – Hours of Operation.

The development shall only be conducted between the hours of:-
Monday to Friday from 7:30am to 5:30pm
Saturday, Sundays and public holidays from 8:00am to 5:00pm

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

(4) USE Condition – Clean and Tidy.

The premises are to be maintained in a clean and tidy condition at all times.

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

(5) USE Condition –Amenity General.

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

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

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Graham Cr Kelly Cr Nicholson Cr Palmer Cr Phillips Cr Sheahan	Cr Bowden
ABSENT	DECLARED INTEREST
Cr McAlister	Cr Stewart (Significant Non- Pecuniary)

7.2 CORPORATE SERVICES DIVISION

7.2.1 FINANCIAL MANAGEMENT

7.2.1.1 CASH RESERVES

10/10/2017 RESOLVED – Moved: Cr Stewart Seconded: Cr Nicholson

- 1. The cash and investments final report for the year ended 30 June 2017 be accepted and that the actual reserve balances as at 30 June 2017 are confirmed.**
- 2. The unexpended budgets from the 2016-17 financial year, as detailed in the attached report, be reinstated in the current financial year, and that this form part of the September Quarterly Budget Review.**

7.2.1.2 INVESTMENT REPORT

11/10/2017 RESOLVED – Moved: Cr Phillips Seconded: Cr Sheahan

That the Investment Reports for the month ended 31 August 2017 and for the month ended 30 September 2017 be received.

7.2.2 GOVERNANCE AND BUSINESS

7.2.2.1 PECUNIARY INTEREST REGISTER

Note: The Pecuniary Interest Returns of the Administrator, Stephen Sykes and General Manager, Allen Dwyer for the period 1st July, 2016 to 30th June, 2017 were tabled at the meeting.

12/10/2017 RESOLVED – Moved: Cr Kelly Seconded: Cr Stewart

The tabling of pecuniary interest returns of the Administrator, Stephen Sykes and General Manager, Allen Dwyer for the period 1st July, 2016 to 30th June, 2017 be noted.

7.2.2.2 DRAFT PROCUREMENT POLICY

13/10/2017 **RESOLVED – Moved: Cr Bowden** **Seconded: Cr Sheahan**

The draft Procurement Policy attached to the report be adopted

7.3 OPERATIONS DIVISION

7.3.1 OPERATIONS

7.3.1.1 COOTAMUNDRA SALEYARDS FEES AMENDMENT

14/10/2017 **RESOLVED – Moved: Cr Sheahan** **Seconded: Cr Graham**

The new fee structure for the Cootamundra Saleyards, replacing the annual agents fee of \$10,300 (Inc. GST) with a per head of sheep charge of \$0.10 (Inc. GST), be adopted.

7.4 ASSET MANAGEMENT DIVISION

7.4.1 ASSET MANAGEMENT

7.4.1.1 FIXING COUNTRY ROADS BRIDGE ASSESSMENTS OUTCOME

15/10/2017 **RESOLVED – Moved: Cr Phillips** **Seconded: Cr Nicholson**

1. Council make provision within its draft budget estimates for regional road allocations of:
 - \$69,600 for Native Dog Creek Bridge on Nangus Road, for backfill to abutments,
 - \$168,121.50 for Culvert over Mooney Mooney Creek on Muttama Road, for underpinning and strengthening works, and
 - \$151,770 for Reef Creek Bridge on Muttama Road, for scour, backfill to abutments, spray and chip and new expansion joints.

2. An application be made in a future Fixing Country Roads program, or similar, targeting at least a 50% contribution towards costs of the budget allocations for repairs to Native Dog Creek Bridge, culvert over Mooney Mooney Creek, and Reef Creek Bridge.

7.4.1.2 B DOUBLE PERMIT FOR THE NANGUS ROAD

16/10/2017 RESOLVED – Moved: Cr Stewart Seconded: Cr Phillips

The report on the B Double Permit for the Nangus Road be received and noted.

7.4.2 WATER AND SEWER

7.4.2.1 MANDATORY LEVEL 5 WATER RESTRICTION FOR GUNDAGAI ON 30th and 31st OCTOBER 2017

17/10/2017 RESOLVED – Moved: Cr Kelly Seconded: Cr Graham

The report on mandatory Level 5 Water Restrictions for Gundagai on 30th and 31st October, 2017 be received and noted.

7.4.3 MAJOR PROJECTS

7.4.3.1 GUNDAGAI MAIN STREET REDEVELOPMENT PROJECT UPDATE

18/10/2017 RESOLVED – Moved: Cr Bowden Seconded: Cr Stewart

1. The October, 2017 Main Street Upgrade report be received and noted.
2. The proposed Landscaping and Garden Area identified adjacent to St Patricks Church as detailed in the report be endorsed in accordance with the report from the Heritage Advisor, Noel Thomson.

7.4.3.2 STRONGER COMMUNITIES FUND PROGRAM - MAJOR PROJECTS

19/10/2017 RESOLVED – Moved: Cr Phillips Seconded: Cr Stewart

The report on then Stronger Communities Fund Program – Major Projects be received and noted.

8 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN (NOTICES OF MOTION)

There were no Notice of Motions received.

9 QUESTIONS WITH NOTICE

20/10/2017 RESOLVED – Moved: Deputy Mayor, Cr Palmer Seconded: Cr Graham

1. The questions with notice and responses from officers be noted.
2. The following items be added to the Council Meeting Action Report:
 - The Director Operations contact the Roads and Maritime Services (RMS) to obtain an update on the status of Council's request for a stock grid to be included in the Gobarralong Road entrance to the Hume Highway in conjunction with the upgrade works.
 - The status of the former Gundagai Shire Council's representations to property owners in Gobarralong Road for contributions towards the upgrading of that road be investigated.
 - A further report be prepared and submitted to Council on the estimated costs of establishing a Waste Transfer Station at Adjungbilly.
 - The feasibility of establishing a working committee of community and Council representatives for the Gundagai Australia Day celebrations be investigated.
 - The concept designs for the Adventure Park at Gundagai include the proposed roundabout at the intersection of West and Sheridan Streets.
 - The concept designs for the Adventure Park at Gundagai be placed on public exhibition upon preparation.
 - Concept plans for the proposed public toilets in Gundagai be placed on public exhibition upon preparation.
 - Designs be prepared and submitted to Council for signage, including the new Council identity logo, to be affixed to both Council administration buildings.
 - Installation of the new bridge at Morleys Creek be undertaken as soon as possible.

There being no further business the meeting closed at 7:30.

These Minutes were confirmed by resolution of Council at the Council Meeting held on 28th November, 2017 and endorsed by:

CHAIRPERSON

GENERAL MANAGER