

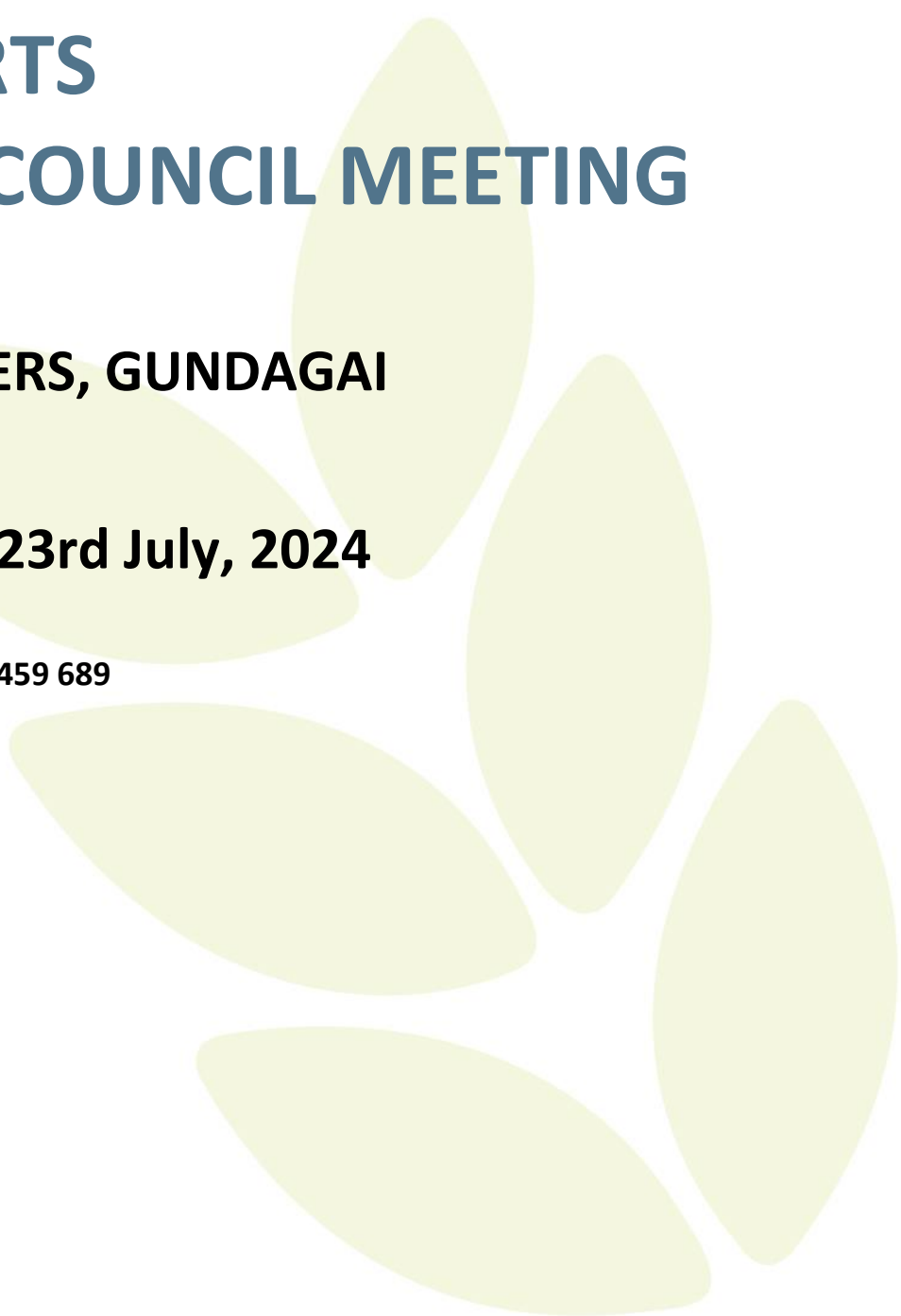
Business Paper

LATE REPORTS ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, Tuesday 23rd July, 2024

Administration Centres: 1300 459 689



LATE REPORTS

Order Of Business

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6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - THANKING FORMER MAYOR SHEAHAN

DOCUMENT NUMBER	418070
AUTHORISING OFFICER	Gil Kelly, Mayor
REPORTING OFFICER	Gil Kelly, Mayor
ATTACHMENTS	Nil

RECOMMENDATION

That Council acknowledge and thank Councillor Sheahan for his service to the CGRC community whilst serving in the position as Mayor.

Councillors,

I wish to take a moment to acknowledge and express my deepest gratitude to Councillor Sheahan for his outstanding service and dedication to our council and I am honoured to follow in his footsteps.

As I take on the responsibilities of this esteemed position, I am mindful of the legacy he has left behind and the significant contributions he has made to our communities.

As you prepare to move on to your retirement, properly, I can only say that you will be greatly missed after September.

On behalf of the community, thank you for everything you have done. We wish you happiness, good health and all the best for the future for both you and Sue, and we hope that the memories of your time here will always be good ones.

Cr Gil Kelly
Mayor

8 GENERAL MANAGER’S REPORT

8.4 SUSTAINABLE DEVELOPMENT

8.4.1 DA MOD 2023/101.2 - 6 PINKERTON LANE, COOTAMUNDRA

DOCUMENT NUMBER	418040
REPORTING OFFICER	Luke Izzard, Building Surveyor
AUTHORISING OFFICER	Paul Woods, Interim Deputy General Manager - CCD
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>2. A region for the future</p> <p>2.2 A thriving region that attracts people to live, work and visit</p> <p>3. Protected and enhanced environment</p> <p>3.1 A natural environment is valued and protected</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Development Assessment Report DA MOD 2023/101.2 ↓

RECOMMENDATION

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

- **Application No: DA MOD 2023/101.2**
- **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.**

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
A.01	4	Site Plan	DA Busters	10/7/2024 showing 2.195m setback at closest point for shed
-	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 restabilised 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 water table; 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.

25 Condition – Building Certificate Required.

As the existing carport structure was constructed without a valid Construction Certificate or Complying Development Certificate, you are required as part of this consent to obtain a Building Certificate from Council to formalize the erection of the structure in question.

Reason: To formalize the structure and prevent future orders being imposed.

Introduction

This report assesses a development application (DA MOD 2023/101.2), which seeks to vary the location of a detached shed approved by Council under delegation in December 2023.

The existing development approval located the garage 6m from Pinkerton Lane boundary, however a misinterpretation between consultant and owner located the shed in a position that the owners were not intending. The intended location was in a similar location to the original shed located approximately 2.5m from the boundary. A recent survey of the boundary has revealed the intended location of the shed to be 2.195m from the boundary and plans now reflect this proposed change.

Therefore, the modification is for Council to consider varying the location of the shed from 6m to 2.195m from the boundary.

The application is referred to Council for determination, as the application seeks a variation of minimum secondary building line setback requirement for Sheds as set out by the Cootamundra Development Control Plan (DCP) 2013.

Discussion

The assessment of the application has considered all relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and the requirements of relevant Environmental Planning Instruments and the Cootamundra DCP 2013.

Council staff have delegation to determine developments that comply with the Cootamundra LEP 2013 and DCP 2013, however, delegations do not extend to the determination of developments where a variation of DCP 2013 is sought. In such circumstances, delegations require the application to be referred to Council for determination.

The development assessment concludes that the modification, including proposed setback variation for the Shed, is appropriate in the context of the area overall.

Financial

There are no financial impacts to this development.

OLG 23a Guideline consideration

There are no impacts or considerations regarding the 23a Guidelines.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



DATE OF REPORT COMMENCEMENT:

18 July 2024

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Luke Izzard

DEVELOPMENT REFERENCE:

DA 2023/101

DEVELOPMENT ADDRESS:

6 Pinkerton Lane COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 1 DP: 1296902

OWNER(S):

Lynda Anne Ponting
6 Pinkerton Lane
COOTAMUNDRA NSW 2590

APPLICANT:

Lynda Anne Ponting
6 Pinkerton Lane
COOTAMUNDRA NSW 2590

PROPOSED DEVELOPMENT:


Modification of Development Consent (New Shed location)

SITE:

Past approvals under DA2023/101 were the erection of a new shed 13 x 9.5m ancillary to existing dwelling and continued use of carport 6 x 8.5m (erected without consent) was approved. Application is now sought to modify the sheds location- see below.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)*



**COOTAMUNDRA-
GUNDAGAI**
REGIONAL COUNCIL

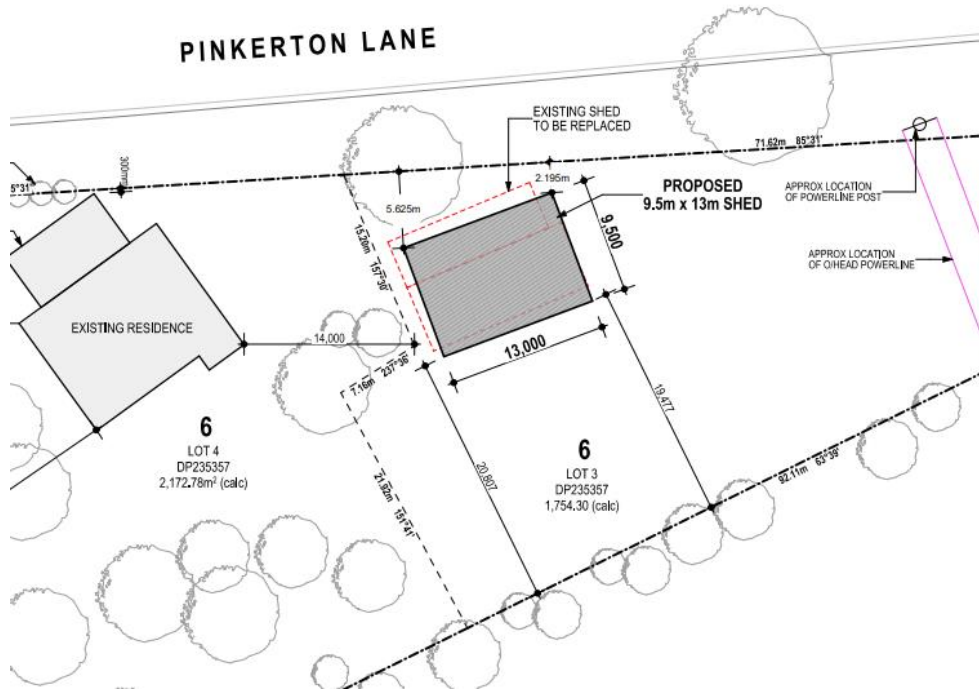


Figure 1 - Submitted site plan of actual shed location confirmed from surveyor(extract) (not to scale)

