

Minutes

ORDINARY COUNCIL MEETING

ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA

6:00PM, TUESDAY 27th February, 2024

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA
ON TUESDAY, 27 FEBRUARY 2024 AT 6:00PM**

PRESENT: Cr Charlie Sheahan (Mayor), Cr Gil Kelly (Deputy Mayor), Cr Les Boyd, Cr Logan Collins, Cr Trevor Glover, Cr David Graham, Cr Abb McAlister

IN ATTENDANCE: Steve McGrath (Interim General Manager), Linda Wiles (Manager Business), Zac Mahon (Manager Finance), Michael Mason (Interim Manager Sustainable Development), Thomas Hogg (Acting Manager Engineering Gundagai), Greg Ewings (Acting Manager Regional Services Gundagai)

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 OPEN FORUM

Nil

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 APOLOGIES

RESOLUTION 016/2024

Moved: Cr Logan Collins

Seconded: Cr David Graham

Apologies from Cr Leigh Bowden and Cr Penny Nicholson be received and leave of absence granted.

CARRIED

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 23 JANUARY 2024****RESOLUTION 017/2024**

Moved: Cr David Graham

Seconded: Cr Gil Kelly

The Minutes of the Ordinary Meeting of Council held on Tuesday 23 January 2024 be confirmed as a true and correct record of the meeting.

CARRIED**6 MAYORAL MINUTES****6.1 MAYORAL MINUTE - COST SHIFTING ONTO LOCAL GOVERNMENT****RESOLUTION 018/2024**

Moved: Cr Charlie Sheahan

Seconded: Cr Logan Collins

THAT:

- 1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and**
- 2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and**
- 3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.**

CARRIED**6.2 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT****RESOLUTION 019/2024**

Moved: Cr Charlie Sheahan

Seconded: Cr Abb McAlister

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

CARRIED

7 REPORTS FROM COMMITTEES**7.1 MINUTES OF THE COOTAMUNDRA-GUNDAGAI LOCAL TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 15 FEBRUARY 2024****RESOLUTION 020/2024**

Moved: Cr Logan Collins

Seconded: Cr Abb McAlister

- 1. The Minutes of the Cootamundra-Gundagai Local Traffic Committee Meeting held on Thursday 15 February 2024, attached to the report, be received and noted.**
- 2. In consideration of the Cootamundra-Gundagai Local Traffic Committee recommendations detailed in the minutes, Council endorse the following:**
 - 2.1. That approval be given in principal, subject to the understanding that the road is already closed and approval will not be subject to review by the elected representatives of Council, for Cootamundra Health Care Co-Operative Ltd to hold the 2024 Coota Beach Volleyball Carnival from the 16th to the 18th February 2024 subject to the following conditions:**
 - 2.1.1. The temporary closure of Murray Street (Wallendoon Street to Bourke Street) between Friday 16th February and Sunday the 18th February inclusive;**
 - 2.1.2. The event organiser complies with any conditions set by Council and the NSW Police;**
 - 2.1.3. The Event Management Plan (EMP) is completed and submitted to Council (attached);**
 - 2.1.4. A current Certificate of Currency (COC) is submitted to Council noting Council, TfNSW and NSW Police as interested parties (attached);**
 - 2.1.5. Council provides a Traffic Guidance Scheme (TGS attached) and associated traffic control.**
 - 2.1.6. The road closure should include the time from closure of the road, not just the event itself.**
 - 2.2. That approval be given in principal, subject to the understanding that the road is already closed and approval will not be subject to review by the elected representatives of Council, to Sacred Heart Central School to hold the 2024 All Schools Coota Beach Volleyball Carnival on the 16th February 2024 subject to the following conditions:**
 - 2.2.1. The temporary closure of Murray Street (Wallendoon Street to Bourke Street) on Friday 16th February (included in the Coota Beach Volleyball Carnival proposal);**
 - 2.2.2. The event organiser complies with any conditions set by Council and the NSW Police;**
 - 2.2.3. The Event Management Plan (EMP) is completed and submitted to Council (attached);**

- 2.2.4. A current Certificate of Currency (COC) is submitted to Council noting Council, TfNSW and NSW Police as interested parties (attached);
 - 2.2.5. Council provides a Traffic Guidance Scheme (TGS attached) and associated traffic control (included in the Coota Beach Volleyball Carnival proposal).
 - 2.2.6. The road closure should include the time from closure of the road, not just the event itself.
- 2.3. That Council refresh lines and install C size give way signs at the West Street and Sheridan Street intersection in Gundagai.
- 2.4. That the NO PARKING zone starting at Bourke Street and continuing 10 metres along the eastern side of Cooper Lane be installed for 35 metres to include two residential driveways. This shall be trialled for 6 months.
- 2.5. That the committee approve the proposed relocation of the driveway to 'Meemar' to Chainage 40.405km on the Burley Griffin Way and refer the application to Transport for NSW for consideration.
- 2.6. That approval be given for the Cootamundra Returned and Services League to hold the 2024 ANZAC Day March subject to the following conditions:
 - 2.6.1. The event organiser complies with any conditions set by Council and the NSW Police,
 - 2.6.2. That all Traffic Control Plans are applied in accordance with the 'Traffic Control at Worksites Manual',
 - 2.6.3. All Traffic Controllers must have the appropriate traffic control tickets,
 - 2.6.4. Council will arrange for the placement and removal of all road barriers.
- 2.7. That approval be given for the Gundagai Returned and Services League to hold the 2024 ANZAC Day March subject to the following conditions:
 - 2.7.1. The event organiser complies with any conditions set by Council and the NSW Police,
 - 2.7.2. That all Traffic Control Plans are applied in accordance with the 'Traffic Control at Worksites Manual',
 - 2.7.3. All Traffic Controllers must have the appropriate traffic control tickets,
 - 2.7.4. Council will arrange for the placement and removal of all road barriers.
- 2.8. That approval be given to hold the Wallendbeen 2024 ANZAC Day March subject to the following conditions:
 - 2.8.1. The event organiser complies with any conditions set by Council and the NSW Police
 - 2.8.2. That all Traffic Control Plans are applied in accordance with the 'Traffic Control at Worksites Manual'
 - 2.8.3. All Traffic controllers must have appropriate traffic control tickets
 - 2.8.4. Council will arrange for the placement and removal of all road barriers
 - 2.8.5. A current Certificate of Currency will need to be provided to Council and shall include Transport for NSW, NSW Police and Council as interested parties.

2.9. The General Business items be noted and the following actioned:

- 2.9.1. A report be prepared for the next LTC meeting regarding the re-placement of existing sign at 22 Poole Street Cootamundra.**
- 2.9.2. That appropriate council staff prepare an events calendar for the next 12 months.**
- 2.9.3. The pedestrian crossings on Bourke/Parker Street and all roundabouts be assessed for overgrown vegetation and trimmed to provide a safer pedestrian crossing.**

CARRIED**8 GENERAL MANAGER'S REPORT****8.1 GENERAL MANAGER OFFICE****8.1.1 PRINCE ALFRED BRIDGE CROWN LAND MANAGEMENT****RESOLUTION 021/2024**

Moved: Cr Abb McAlister

Seconded: Cr David Graham

- 1. Council decline the request to become Crown Land Manager for Reserve 220018 identified as the former Prince Alfred Bridge site.**
- 2. Council correspond with Crown Land refreshing the request for stage worked to be expedited.**

CARRIED**8.1.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2024 - REGISTRATION AND MOTION SUBMISSION****RESOLUTION 022/2024**

Moved: Cr Gil Kelly

Seconded: Cr David Graham

- 1. The attendance of the Mayor and Interim General Manager at the Australian Local Government Association (ALGA) National General Assembly in July, 2024 be endorsed.**
- 2. The attendance of Councillor Bowden at the 2024 Regional Cooperation and Development Forum and The Australian Local Government Women's Association (ALGWA) Breakfast, be endorsed.**
- 3. The Motions, attached to the report, and listed below, be endorsed and submitted to ALGA by 30 April 2024:**
 - 3.1 National Rail Connectivity and Efficiency**
 - 3.2. Finance Assistance Grants (FAGS)**

CARRIED

8.1.3 IPART INVITES FEEDBACK ON DRAFT TERMS OF REFERENCE FOR REIVEW OF NSW COUNCIL FINANCIAL MODEL

RESOLUTION 023/2024

Moved: Cr Abb McAlister

Seconded: Cr Trevor Glover

Council provide a submission suggesting that part 3 of the Terms of Reference should include a fifth dot point as follows:

–Given the scope of activities/services provided by councils in NSW, how adequate is the current funding framework for local government in NSW.

CARRIED

8.2 BUSINESS

8.2.1 IMPLEMENTATION OF THE NEW AUDIT RISK AND IMPROVEMENT COMMITTEE PROCESSES

RESOLUTION 024/2024

Moved: Cr Logan Collins

Seconded: Cr David Graham

- 1. Council confirms its commitment to the Internal Audit Alliance consisting of Bland, Coolamon, CGRC, Junee, Lockhart, and Temora Councils.**
- 2. Council endorses the Audit Risk and Improvement Committee Terms of Reference and Internal Audit Charter.**
- 3. Audit Risk and Improvement Committee estimate be included in 2024/2025 budget.**

CARRIED

8.2.2 DELIVERY PROGRAM/ OPERATIONAL PLAN QUARTERLY PROGRESS REPORT

RESOLUTION 025/2024

Moved: Cr Abb McAlister

Seconded: Cr David Graham

The Delivery Program incorporating the Operational Plan 2023/2024, quarterly progress report, (2nd Quarter October to December), attached to the report, be received and noted.

CARRIED

8.2.3 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**RESOLUTION 026/2024**

Moved: Cr Trevor Glover

Seconded: Cr Gil Kelly

The Minutes of the Muttama Hall Management s.355 Committee Meetings held, 17 January 2024, attached to the report, be received and noted.

CARRIED

8.2.4 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES**RESOLUTION 027/2024**

Moved: Cr Abb McAlister

Seconded: Cr Trevor Glover

The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held 4 December 2023, attached to the report be, received and noted.

CARRIED

8.2.5 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES**RESOLUTION 028/2024**

Moved: Cr Les Boyd

Seconded: Cr Logan Collins

The Minutes of The Arts Centre Cootamundra s.355 Committee Meeting held 18 January 2024 attached to the report, be received and noted.

CARRIED

8.2.6 THE COOTAMUNDRA HERITAGE CENTRE MANAGMENT S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**RESOLUTION 029/2024**

Moved: Cr Les Boyd

Seconded: Cr David Graham

- 1. The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 5 February 2024, attached to the report, be received and noted.**
- 2. The Minutes of the Cootamundra Heritage Centre Management s.355 Committee Annual General Meeting held on 5 February 2024, attached to the report, be received and noted.**

3. **The office bearers of the Cootamundra Heritage Centre Management s.355 Committee as detailed in the report, be endorsed for 2024.**

CARRIED

8.3 FINANCE

8.3.1 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023

RESOLUTION 030/2024

Moved: Cr David Graham

Seconded: Cr Trevor Glover

1. **The December 2023 Quarterly Budget Review be received and noted.**
2. **The budget variations listed in the December 2023 Quarterly Budget Review report be adopted.**

CARRIED

8.3.2 FINANCE UPDATE - JANUARY 2024

RESOLUTION 031/2024

Moved: Cr Gil Kelly

Seconded: Cr Logan Collins

The Finance Update report, be received and noted.

CARRIED

8.3.3 RESTRICTED CASH RECONCILIATION - JANUARY 2024

RESOLUTION 032/2024

Moved: Cr Abb McAlister

Seconded: Cr David Graham

The Restricted Cash Reconciliation report, be received and noted.

CARRIED

8.3.4 INVESTMENT REPORT - JANUARY 2024

RESOLUTION 033/2024

Moved: Cr Trevor Glover

Seconded: Cr David Graham

The report detailing Council Cash and Investments as at 31 January 2024, be received and noted.

CARRIED

8.4 SUSTAINABLE DEVELOPMENT

8.4.1 DA2023/22.2 MOD 1 - 16 HAY STREET, COOTAMUNDRA - AMENDMENT TO PRIMARY BUILDING LINE (VARIATION)

RESOLUTION 034/2024

Moved: Cr Logan Collins

Seconded: Cr Abb McAlister

1. The Delegated Assessment Report attached, be received and noted; and
2. Council issue a penalty infringement notice (PIN) for each breach of development consent under Section 4.2(1)(a) of the *EPA Act 1979*.
3. That Council approve the following development, subject to the consent conditions below:
 - Application No.: DA 2023/22
 - Property: Lot: 1 DP 1296310 (former Lot: 11 DP: 18650)
16 Hay Street COOTAMUNDRA
 - Development: Modification 1 - Construction of 2 x single storey units

GENERAL CONDITIONS

(1) GEN Condition - Compliance Standards.

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

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

(2) GEN Condition - Compliance with Council.

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

Document Reference	Description	Author	Date
01 H	Cover	Cootamundra Constructions	24/10/2023
02 H	Existing Site Plan	Cootamundra Constructions	24/10/2023
03 H	Proposed Site Plan	Cootamundra Constructions	24/10/2023
04 H	Floor Plan Units 1-2	Cootamundra Constructions	24/10/2023
05 H	3D Views & Typical Materials	Cootamundra Constructions	24/10/2023
06 H	Elevations	Cootamundra Constructions	24/10/2023
07 H	Schedules	Cootamundra Constructions	24/10/2023
12 H	BASIX & NatHERs Certificate	Cootamundra Constructions	24/10/2023
Plan No. 30248, Plan A, Sheet 1	Survey Plan	SRD Land Consulting	22-08-2023
Documents			

NatHERS Certificate	No.TV4JBG9TNM	Oliver Woodward	29/01/2024
BASIX Certificate	1297346M_05	Areil Designs	13/09/2023

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

[as amended by DA2023/22 MOD1, approved 27th February 2024]

(2A) Inconsistencies between approved plans and documents.

In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.

Reason: To manage any inconsistencies between the approved plan and documents.

[as amended by DA2023/22 MOD1, approved 27th February 2024]

(2B) Inconsistencies between approved plans / documents and conditions of consent.

In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: To manage any inconsistencies between the approved plan/documents and conditions of consent.

[as amended by DA2023/22 MOD1, approved 27th February 2024]

(3) GEN Condition – Utilities.

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

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

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

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

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

(5) GEN Condition – Public Lands Cost.

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 7.11 Contributions.

At the time of submission of a Construction Certificate all owing monies as they relate to Section 7.11 contributions must be paid in full.

Section 7.11 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 7.11 Developer Contributions are paid in accordance with Council’s Section 7.11 policy as adopted 2018.

(2) PCC Condition - Certificates in Relation to Energy Efficiency.

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

1. Building Fabric

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

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

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

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

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

The proponent shall comply with all requirements tabled under any approval issued under section 68 of the *Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

Reason: Statutory compliance.

(4) PCC Condition - Driveway & Layback Installations.

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

Back: The provision of adequate vehicle access, including the provision of a spoon drain 1200mm out from the rear boundary that will not impede the flow of water along the lay played out each side, to adequately facilitate car turning circles is required to be installed as part of the development. The installation of the vehicle access area to be constructed in accordance with Council's "Typical vehicle kerb and gutter crossing KG 65/1"

An Application is to be lodged with Council along with appropriate current fee's paid, for approval under Section 138 of the Roads Act 1993 prior to the issue of a Construction Certificate.

Twenty four (24) hours' notice is to be given to Council's Engineering 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 that adequate vehicle access is achieved and maintained throughout the development.

PRIOR TO COMMENCEMENT OF WORKS

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

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

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
2. the person having the benefit of the development consent has:
 - a. appointed a principal certifying authority for the building work, and
 - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

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

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

(2) PCW Condition – Signage.

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

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

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

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

(3) PCW Condition – Notice of Commencement.

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

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

(4) PCW Condition – Builders Toilets.

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

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

(5) PCW Condition – Residential Building Work.

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

In the case of work for which a principal contractor is required to be appointed:

- a. In the name and licence number of the principal contractor, and
- b. The name of the insurer by which the work is insured under Part 6 of that Act.

In the case of work to be done by an owner-builder:

- a. The name of the owner-builder and,
- b. If the owner builder is required to hold an owner builder permit under the Act, the number of the owner-builder permits.

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

Reason: Statutory compliance.

(6) PCW Condition – Siting of Building.

The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan. This is to be set out by a registered surveyor.

Reason: To ensure the development is carried out on the correct allotment.

(7) PCW Condition – Waste Storage During Construction.

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

Reason: To ensure that the site is not a source of wind-blown litter.

(8) PCW Condition – Soil Erosion Control.

Site erosion control measures shall be incorporated into site management during construction. Seepage and surface water shall be collected and diverted clear of the building site by a drainage system. Care shall be taken to ensure that no nuisance is created to adjoining properties or public space by way of sediment run off.

Reason: To ensure that adequate measures are in place so that damage from sediment run off to adjoining sites and waterways is minimised.

(9) PCW Condition – Underground Services.

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

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

DURING CONSTRUCTION

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

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

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

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

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

Monday to Saturday from 7.00am to 7.00pm

Sundays and public holidays from 9.00am to 12.00pm

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

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

(3) DUR Condition – Footpath Storage.

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

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

(4) DUR Condition – Waste Removal.

All debris and any waste fill are to be removed from the site and disposed of at an approved, licensed waste facility. Please note that a separate fee applies for disposal of waste at Council's waste depots. You should contact Council for an estimate of costs in this regard or refer to Council's adopted Fees and Charges.

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

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

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

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

(6) DUR Condition – Driveway and Layback.

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

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

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

(7) DUR Condition - BCA Compliance.

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

Reason: To ensure the building complies with the BCA

(8) DUR Condition – Inspections.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

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

(9) DUR Condition – Restricted Public Access.

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

Reason: To ensure public safety is maintained.

(10) DUR Condition – Termite Protection.

The building and immediate surrounds shall be treated in accordance with Australian Standard 3660.1 for protection against subterranean termites, and a copy of the guarantee submitted to Council.

NB: If a chemical system is selected for use as a barrier against termite attack, a durable notice shall be attached to the house providing information relating to the treatment supplied and the chemical used. This notice should be affixed permanently in either the electric meter box or at the entrance to the subfloor area.

Whilst the Building Code of Australia (BCA) and AS 3660.1 prescribe measures for protection in relation to the structural elements of a building, there are many other elements which may be susceptible to termite attack. Council therefore, encourages builders and owners to take general protective measures against termite attack according to approved industry standards and practices.

No protective measure is permanent. Owners should therefore, arrange regular inspections of their building by appropriate experts.

Reason: To protect the building from attack.

(11) DUR Condition – Storm Water.

All storm water including driveway is to be discharged: -

1. To the roadside gutter, taken through the kerb and the kerb is to be made good or, alternatively, linked to existing storm water drainage which discharges at the roadside gutter
2. To the roadside drain under the footpath to Councils engineers requirements at the Cost of the owner.
3. To the requirements of the BASIX Certificate, and any overflows to be to the road side

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

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

An owner/builder will not be permitted to provide water proofing membranes to any wet area unless that person holds a Water Proofing Membrane subcontractor's licence with the Department of Fair Trading. The application of water proof membranes to nominated wet areas is a 'Critical Stage Inspection' requiring mandatory inspection by the Council or an accredited Private Certifying Authority. The standards for compliance are AS 3740 2010 for Water Proofing Internal Wet Areas.

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

(13) DUR Condition – Slab on Ground Construction.

The following points must be complied with: -

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

External paths and ground surface adjoining the walls of the building must be graded and drained away from the dwelling in such a manner as not to cause a nuisance

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

(14) DUR Condition – Scalding.

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

Reason: Statutory requirement.

(15) DUR Condition – Smoke Alarms.

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

Reason: To provide for fire safety in residential buildings.

(16) DUR Condition – Storm Water / Ground Water Diversion.

Run-off and ground water seepage shall be diverted around the building to the storm water system via a suitable ag drain or dish drain.

Reason: To minimise the opportunity for ponding and flooding.

(17) DUR Condition – Residential Driveway Safety Requirements.

The connecting door(s) to the garage from the hall shall comply with the requirements within 'Residential Driveway Safety Requirements' of the Cootamundra Development Control Plan (DCP) 2013.

If a door adjoins a 'covered vehicle area' on or within the *immediate adjoining wall* (parallel or at any angle thereto but not including the front entrance door to the dwelling), the door must have at minimum the following to comply:

- Door shall swing inward of the dwelling,
- No sliding or concertina door of any type to be used,
- The door leaf shall be fitted with a hydraulic self-closing fixture that is at minimum a size 2 spring strength in accordance with AS4145.5.

Note: In the case of unusually high or heavy doors, windy or draughty conditions, or special installations a larger power size of door closer should be used); and

- any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and
- Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated.

Note: A non-self-latching bolt (e.g. a dead bolt) will prevent the door from closing if left protruding while the door is open. Any electrically operated locking devices or bolts shall be self-latching in the event of power failure and any activation switches installed 1500mm above finished floor level.

- If pairs of doors are used both leaves are to be self-closing and self-latching and shall include a selective sequence closing device.

NOTE: for the purpose of this condition, *immediate adjoining wall* includes any wall of a dwelling or part thereof within 3 metres of the bounding construction of the 'covered vehicle area' whether attached or covered or not.

Reason: To incorporate building design elements and prevention methods that could reduce the risk of Low Speed Roll Overs (LSRO) associated with residential dwellings.

POST CONSTRUCTION**(1) POC Condition – Occupation of Building.**

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

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

(2) POC Condition – Compliance Certificates.

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

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

(3) POC Condition – BASIX.

The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development.

Prior to an Occupation Certificate being issued, the applicant is to provide certification certificates to the PCA which specifies that all commitments listed in the BASIX Certificate have been completed.

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

(4) POC Condition – Property Identification.

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

In rural areas, the number should be affixed near your property entrance at the fence line. The property is 16.

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

(5) POC Condition – Separate Identification.

The applicant shall provide house numbers being *Unit 1-2*, as well as suitably marked letterboxes, indicating the separation of dwellings.

Reason: To clearly identify the creation of an additional domicile.

(6) POC Condition - Fencing

Before the issue of an occupation certificate, fencing shall be erected in accordance with the approved plans. Fencing must be erected to separate the designated private open space (POS) areas and the shared driveway for both unit 1 and 2.

Fencing along the primary boundary (Hay Street) and forward of the building line must not exceed 1.2m in height. Side boundary fencing shall be installed at 1.8m in height, and the cost shall be borne to the Applicant.

Reason: To ensure the development is completed in accordance with the approved plans and the development consent.

[as amended by DA2023/22 MOD1, approved 27th February 2024]

ONGOING USE

(1) USE Condition – Clean and Tidy.

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

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

(2) USE Condition –Amenity General.

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

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

(3) USE Condition – Preservation of Streetscape.

Mature landscaping shall be planted to screen and soften the appearance of Unit 1 from the streetscape. The proponent must maintain the landscaping throughout the life of the development, and if any vegetation dies or is removed, it must be replaced with the same species and same maturity. All vegetation shall be planted wholly within the property boundary.

Reason: To reduce the visual amenity impacts of the development from the street frontage.

[as amended by DA2023/22 MOD1, approved 27th February 2024]

(4) USE Condition – Site Movement.

All traffic movement through the site shall be carried out in one-way motion only. Site entry access will be via Hay Street only, and egress will be via the rear laneway. All entry and exit from the site shall be in a forward direction. Appropriate sign posting is required to be installed in a prominent location.

Reason: To ensure site movement is carried out in a safe and practical manner.

[as amended by DA2023/22 MOD1, approved 27th February 2024]

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

CARRIED

8.5 ENGINEERING COOTAMUNDRA

**8.5.1 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING - MINUTES
16 JANUARY 2024**

RESOLUTION 035/2024

Moved: Cr Gil Kelly

Seconded: Cr Trevor Glover

- 1. The Minutes of the Cootamundra Floodplain Risk Management Committee Meeting held on 16 January, 2024, attached to the report, be received and noted.**
- 2. In consideration of the Cootamundra Floodplain Risk Management Committee Meeting recommendations detailed in the report, Council endorse the following:**
 - 2.1. Council submit grant applications for the following flood mitigation projects:**
 - 2.1.1. Priority 1 – Project RM05 – Implement Improvements to Cootamundra’s Flood Warning System.**
 - 2.1.2. Priority 2 – Projects FM01 & FM02a – A Feasibility Study to assess options associated with the Turf Club Detention Basin and McGowan Street Levee.**
 - 2.1.3. Priority 3 – Project PM07 – Implementation of Voluntary Purchase Scheme –The number of properties in the application is to be determined and will be a budgetary consideration.**
 - 2.1.4. Stockinbingal Flood Study.**
 - 2.2. Council consider an ongoing allocation in future budgets towards Floodplain Mitigation in Cootamundra.**

2.3. Council engage consultants WMA Water to undertake additional work associated with the Cootamundra Voluntary Purchase Feasibility Assessment.

2.4. A further report be submitted to Council once additional work on the Voluntary Purchase Feasibility Assessment is complete.

CARRIED

8.5.2 COOTAMUNDRA ENGINEERING REPORT - FEBRUARY 2024

RESOLUTION 036/2024

Moved: Cr Logan Collins

Seconded: Cr Gil Kelly

The Cootamundra Engineering Report for the month of February 2024 be noted.

CARRIED

8.6 ENGINEERING GUNDAGAI

8.6.1 GUNDAGAI SEWERAGE PROJECTS UPDATE

RESOLUTION 037/2024

Moved: Cr Abb McAlister

Seconded: Cr David Graham

That \$600,000 from the Sewer Reserves be allocated to the tertiary pond rehabilitation project in the December Quarterly Budget Review Process.

CARRIED

8.6.2 PLANT REPLACEMENT PROGRAM 2023/2024 STATUS UPDATE

RESOLUTION 038/2024

Moved: Cr Gil Kelly

Seconded: Cr Trevor Glover

- 1. Council endorses the budget amendments to be updated in the next quarterly budget review as follows:**
 - (a) Increase Capital Budget for Plant – Cootamundra by \$275,000 to \$1,515,378**
 - (b) Decrease Capital Budget for Plant – Gundagai by \$225,000 to \$1,015,378**
 - (c) Utilise the plant reserve for \$50,000 additional funding as a contingency in the Cootamundra Plant budget.**
- 2. Council Endorse the removal of Plant 2002 – Forklift – Gundagai from the plant replacement program.**

CARRIED

8.6.3 GUNDAGAI ENGINEERING REPORT - FEBRUARY 2024

RESOLUTION 039/2024

Moved: Cr Gil Kelly

Seconded: Cr Abb McAlister

The Gundagai Engineering Report for the month of February 2024 be noted.

CARRIED

8.6.4 SHERIDAN STREET BLOCK 3 - STAGE 2 UPGRADE

RESOLUTION 040/2024

Moved: Cr Les Boyd

Seconded: Cr Gil Kelly

That an additional \$275,000 be allocated to the Sheridan Street- Block 3 Stage 2 upgrade project at the next Quarterly Budget Review from Council’s Capital Budget. The following Capital Budget is to be reduced \$275,000 to offset this additional expenditure: Reseal Capital Budget from the following items:

- 1. Reseal - Gobarralong Road Chainages 7.82 - 9.78**
- 2. Reseal - Gobarralong Road Chainages 10.61-12.28**
- 3. Reseal - Adjungbilly Road Chainage 13.79 - 15.50**
- 4. Reseal - Three Ways Road Chainage 6.72 - 7.72**
- 5. Reseal - Wee Jasper Road Chainage 4.75 - 5.75**
- 6. Reseal - Darbalara Road Chainage 12.88 - 14.31**
- 7. Reseal - Tarrabandra Road Chainage 6.93 - 7.93**

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

CARRIED

8.7 REGIONAL SERVICES GUNDAGAI**8.7.1 GUNDAGAI REGIONAL SERVICES WORKS REPORT****RESOLUTION 041/2024**

Moved: Cr Abb McAlister

Seconded: Cr David Graham

The Regional Services Gundagai Department Report for January 2024 be received and noted.

CARRIED

8.8 REGIONAL SERVICES COOTAMUNDRA**8.8.1 PROPOSED RELOCATION OF PART SECURITY FENCE LIVVI'S PLACE PLAYGROUND****RESOLUTION 042/2024**

Moved: Cr Gil Kelly

Seconded: Cr Logan Collins

- 1. Council to approve the relocation of a small section of fencing at Albert Park, Livvi's Place playground. This adjustment will facilitate full access to the existing public toilets from within the playground area on the northern end.**
- 2. Council approves the relocation of fence panelling and gates be funded from the relevant section of the parks and gardens maintenance budget.**

CARRIED

8.8.2 EV CHARGING STATIONS**RESOLUTION 043/2024**

Moved: Cr Abb McAlister

Seconded: Cr Logan Collins

- 1. Council approve a submission for grant funding for an EV destination charging site at the Cootamundra Library.**
- 2. Council approves a submission for an EOI for an EV fast-charging site at Albert Park.**
- 3. Council approves the seeking of grant funding to cover the capital costs associated with the installation of Solar panels and installation of battery storage to help offset the EV charging stations annual operating costs and to remove any carbon footprint.**
- 4. That on the success of grant funding, Council approves the budget as outlined in this report.**

CARRIED

8.8.3 ELLWOOD'S HALL RFQ EVALUATION REPORT**RESOLUTION 044/2024**

Moved: Cr Gil Kelly

Seconded: Cr David Graham

1. That Council not accept any of the three (3) quotations received, for a new toilet block adjoining Ellwood's Hall Stockinbingal, due to all being well above the allocated budget.
2. Negotiations occur with local contractors in an endeavour to deliver project within the budget available.

CARRIED**8.8.4 COOTAMUNDRA REGIONAL SERVICES DEPARTMENT MONTHLY WORKS REPORT****RESOLUTION 045/2024**

Moved: Cr Logan Collins

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 046/2024**

Moved: Cr Logan Collins

Seconded: Cr Gil Kelly

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

RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 047/2024

Moved: Cr Trevor Glover

Seconded: Cr Gil Kelly

The Open Council meeting resume.

CARRIED

ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

11.2 GUNDAGAI PRESCHOOL PROJECT

RESOLUTION 048/2024

Moved: Cr Trevor Glover

Seconded: Cr Gil Kelly

Council agree to the funding request from Gundagai Preschool Kindergarten Inc. and provide \$37,500 excl GST from the Capital Buildings Gundagai vote of Councils 2023/24 Capital Budget.

CARRIED

The Meeting closed at 7:10pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 March 2024.



CHAIRPERSON



GENERAL MANAGER