COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

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Minutes

ORDINARY COUNCIL MEETING

ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA

6:00 PM, TUESDAY 27TH APRIL, 2021

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 APRIL 2021 AT 6:00 PM

PRESENT: Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan,

IN ATTENDANCE: Phil McMurray (Cr), Kay Whitehead (Interim Deputy General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Tim Swan (Manager Finance), Janelle Chapman (Acting Manager Regulatory Services)

1 ACKNOWLEDGEMENT OF COUNTRY

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

ADJOURN MEETING FOR OPEN FORUM

RESOLUTION 067/2021

Moved: Cr David Graham
Seconded: Cr Leigh Bowden

Council adjourn for Open Forum.

CARRIED

2 OPEN FORUM

1. L Isabel Scott - Addressed Council on The Arts Centre Cootamundra 355 Committee.
2. Yvonne Forsyth – Addressed Council on the Cootamundra Visitors Centre.
3. Shaun Ryan – Mr Ryan, as the developer, addressed Council on item 8.4.4 Lot 53 Banjo Patterson Place Gundagai – Variation to 88B Instrument.

RESUME OPEN MEETING

RESOLUTION 068/2021

Moved: Cr Dennis Palmer
Seconded: Cr Leigh Bowden

Council resume the Open Meeting.

CARRIED

3 APOLOGIES

Nil

4 DISCLOSURES OF INTEREST

5 CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 30 MARCH 2021

RESOLUTION 069/2021

Moved: Cr Dennis Palmer
Seconded: Cr David Graham

The Minutes of the Ordinary Meeting of Council held on Tuesday 30 March 2021 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTE

MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

RESOLUTION 070/2021

Moved: Cr Charlie Sheahan
Seconded: Cr Dennis Palmer

The information in the Mayoral Minute be received and noted.

CARRIED

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

8.1 BUSINESS

8.1.1 REPORT ON THE EASTERN RIVERINA ARTS ANNUAL GENERAL MEETING BY COUNCILLOR LEIGH BOWDEN

RESOLUTION 071/2021

Moved: Cr Leigh Bowden
Seconded: Cr Doug Phillips

1. **The Report on the Eastern Riverina Arts Annual General Meeting by Councillor Leigh Bowden, Eastern Riverina Arts 202 Annual Report, Annual Report chair of the Board and Eastern Riverina Arts Schedule of Fees, attached to the report, be received and noted.**
2. **The 2019/20 fees be set using the standard model with an uplift of 2.0% in line with IPARTs rate peg as detailed in the Eastern Riverina Arts Schedule of Fees, attached to the report.**

CARRIED

8.1.2 REPORT ON THE NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION HELD 18-20 MARCH, 2021 BY CR LEIGH BOWDEN

RESOLUTION 072/2021

Moved: Cr David Graham
Seconded: Cr Dennis Palmer

The Report on the Australian Local Government Women's Association Annual Conference held 18-20 March, 2021 by Cr Leigh Bowden be received and noted.

CARRIED

8.1.3 COOTAMUNDRA FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD 31ST MARCH, 2021 - MINUTES AND STUDY PLAN

RESOLUTION 073/2021

Moved: Cr Leigh Bowden
Seconded: Cr Doug Phillips

The Report On The Cootamundra Floodplain Risk Management Committee Meeting held 31st March, 2021, The Minutes Of The Cootamundra Floodplain Risk Management Committee Meeting held 31st March, 2021 and The Cootamundra Floodplain Risk Management Study and Plan dated 31.03.2021, attached to the report, be noted.

CARRIED

8.1.4 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES

RESOLUTION 074/2021

Moved: Cr Gil Kelly
Seconded: Cr Charlie Sheahan

The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting held on 25 March 2021, attached to the report, be received and noted.

CARRIED

8.1.5 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP

RESOLUTION 075/2021

Moved: Cr Dennis Palmer
Seconded: Cr Charlie Sheahan

1. **The Minutes of the Cootamundra Tourism Action Group s.355 Committee Ordinary Meeting held on 1 April 2021, attached to the report, be received and noted.**
2. **The membership of Elizabeth Brown and joint membership of Lorna Nixon and Rosalie Dale onto the Cootamundra Tourism Action Group s.355 Committee as detailed in the report and attached minutes, be endorsed.**
3. **the recommendation included in the report and detailed in the Ordinary Meeting Minutes be deferred pending the outcome of discussions between Council and the State concerning the Old Cootamundra Hospital.**

CARRIED

8.1.6 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES

RESOLUTION 076/2021

Moved: Cr Dennis Palmer
Seconded: Cr Penny Nicholson

The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held on 1 February 2021, attached to the report, be received and noted.

CARRIED

8.1.7 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES

RESOLUTION 077/2021

Moved: Cr Leigh Bowden
Seconded: Cr Penny Nicholson

The Minutes of The Arts Centre Cootamundra s.355 Committee meeting held on 15 April 2021, attached to the report, be received and noted.

CARRIED

8.1.8 INFORMATION BULLETIN

RESOLUTION 078/2021

Moved: Cr Leigh Bowden
Seconded: Cr Charlie Sheahan

The correspondence and information attached to the Information Bulletin be received and noted.

CARRIED

8.1.9 UPDATED COUNCIL MEETING ACTION REPORT

RESOLUTION 079/2021

Moved: Cr Penny Nicholson
Seconded: Cr Leigh Bowden

The Updated Council Meeting Action Report, attached, be noted.

CARRIED

Note: Item 8.1.10 Riverina Local Land Services Partnerships with Cootamundra-Gundagai Regional Council – Planning For New Office/Depot Facility in Gundagai - Late Report was resolved after item 10 Questions with Notice.

8.2 FINANCE

8.2.1 MONTHLY FINANCE REPORT FOR MARCH 2021

RESOLUTION 080/2021

Moved: Cr David Graham
Seconded: Cr Doug Phillips

That the Finance Report for March 2021 be received and noted.

CARRIED

8.2.2 INVESTMENT REPORT - MARCH 2021

RESOLUTION 081/2021

Moved: Cr David Graham
Seconded: Cr Gil Kelly

That the Investment Report for March 2021 be received and noted.

CARRIED

8.3 COMMUNITY AND CULTURE

8.3.1 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL YOUTH STRATEGY 2020-2030

RESOLUTION 082/2021

Moved: Cr Doug Phillips
Seconded: Cr Dennis Palmer

The draft Cootamundra-Gundagai Regional Council Youth Strategy 2020-2030 be deferred for consideration to place on public exhibition for a period of 28 days to the Ordinary Meeting scheduled to be held 25th May, 2021.

CARRIED

8.3.2 GUNDAGAI TOURISM ACTION GROUP S355 COMMITTEE - MEETING HELD 24TH MARCH, 2021

RESOLUTION 083/2021

Moved: Cr Penny Nicholson
Seconded: Cr David Graham

The Minutes of the Gundagai Tourism Action Group meeting held on 24th March, 2021 attached to the report, be received and noted.

CARRIED

8.3.3 GUNDAGAI TOURISM ACTION S355 COMMITTEE - MEETING HELD 14TH APRIL, 2021

RESOLUTION 084/2021

Moved: Cr Leigh Bowden
Seconded: Cr Penny Nicholson

1. **The Minutes of the Gundagai Tourism Action Group s.355 Committee meeting held on 14th April, 2021 attached to the report, be received and noted.**
2. **Council look at possible ideas for the Railway Bridge and further design models using timber.**
3. **Council to receive and note the report from Virginia Wrice about the Tumbarumba Rail Trail Success.**

CARRIED

8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

8.4.1 PLANNING PROPOSAL NO.4 TO AMEND GUNDAGAI LOCAL ENVIRONMENTAL PLAN 2011

RESOLUTION 085/2021

Moved: Cr Doug Phillips
Seconded: Cr David Graham

That Council:

1. **Accept the report Planning Proposal No.4 to amend Gundagai LEP 2011.**
2. **Proceed to finalise the planning proposal to amend the land zone and minimum lot size requirements for the village of Coolac to help promote and develop the village,**
3. **Delay the matters in the original planning proposal relating to Nangus and Tumblong to be included with a future comprehensive LEP planning proposal,**
4. **Proceed to finalise minor corrections to Schedule 5 Environmental Heritage of the Gundagai LEP 2011.**

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

Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan	
ABSENT	**DECLARED INTEREST**
Cr Craig Stewart	Nil

CARRIED

8.4.4 LOT 53 BANJO PATERSON PLACE, GUNDAGAI - VARIATION TO 88B INSTRUMENT

RESOLUTION 086/2021

Moved: Cr Penny Nicholson
Seconded: Cr Doug Phillips

Further consultation be held between Planning staff, the developer, the mortgagees and other landholders in the estate be undertaken with a further report to be brought back to Council for consideration.

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

CARRIED

8.4.2 DEVELOPMENT APPLICATION 2021/15 - 2 WARD STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

RESOLUTION 087/2021

Moved: Cr Doug Phillips
Seconded: Cr Dennis Palmer

That Council approve the following development, in a new location, being 6.64m from the front boundary line subject to the consent conditions below:

Application No.: DA2021/15

Property: Lot 3, Section 4, DP2740
2 Ward Street
COOTAMUNDRA NSW 2590

Development: To construct a shed as ancillary to the existing dwelling

GENERAL CONDITIONS

(1) GEN Condition - Compliance Standards

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

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

(2) GEN Condition - Compliance with Council

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

Document Reference	Description	Author	Date
YUNG01-3579	General Arrangement	Ranbuild	February 2021
PE36-A/2	Engineering Notes & Schedule	Ranbuild	February 2021
PE36-A/2	Structural Layout	Ranbuild	February 2021
PECON2005	Connection Details	Ranbuild	February 2021
402943	Structural Adequacy of Steel Framed Buildings	BlueScope Steel	21 January 2021

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

(3) GEN Condition - Utilities

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

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

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

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(1) PCC Condition - Driveway & Layback Installations.

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".

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*

(2) PCC Condition – Amended Site Plan

The applicant is to submit, and receive approval for, an amended site plan that places the shed 6.64m from the front boundary.

Reason: *To protection the amenity and streetscape of the locality.*

PRIOR TO COMMENCEMENT OF WORKS

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

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

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

2. the person having the benefit of the development consent has:
   a. appointed a principal certifying authority for the building work, and
   b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

3. the principal certifying authority has, no later than 2 days before building works commences:
   a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
   b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and

4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
   a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
   b. notified the principal certifying authority of any such appointment, and
   c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work .

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

(2) PCW Condition – Signage.

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

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

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

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

(3) PCW Condition – Notice of Commencement.

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

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

(4) PCW Condition – Builders Toilets.

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

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

(5) PCW Condition – Residential Building Work.

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

1. In the case of work for which a principal contractor is required to be appointed:
   a. In the name and licence number of the principal contractor, and
   b. The name of the insurer by which the work is insured under Part 6 of that Act.

2. In the case of work to be done by an owner-builder:
   a. The name of the owner-builder and,
   b. If the owner builder is required to hold an owner builder permit under the Act, the number of the owner-builder permits.

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

Reason: *Statutory compliance.*

(6) PCW Condition – Siting of Building.
The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan.

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

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

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

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

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

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

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

DURING CONSTRUCTION

(1) DUR Condition – Works to be undertaken in Accordance with the Approval.
All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

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

(2) DUR Condition – Hours of Construction Site Works.
Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

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

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

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

(3) DUR Condition – Footpath Storage.
Building materials not to be stored on Council footway or nature strip at any time.

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

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

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

(5) DUR Condition – 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 - 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 – Storm Water.
Storm water is to be discharged: -

1. To the roadside gutter, taken through the kerb and the kerb is to be made good or, alternatively, linked to existing storm water drainage which discharges at the roadside gutter

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

POST CONSTRUCTION

(1) POC Condition – Occupation of Building.
A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifying Authority.

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

ONGOING USE

(1) USE Condition – Business Use.
The shed not being let, adapted or used for separate occupation or commercial purposes.

Reason: *Development consent is required for any activity other than residential.*

(2) USE Condition – Clean and Tidy.
The premises are to be maintained in a clean and tidy condition at all times.

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

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

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

(4) USE Condition – Non Habitable Use.
The shed is not to be used for residential occupation without prior consent of Council.

Reason: Health and safety prohibition.

VOTING RECORD	
FOR RESOLUTION	**AGAINST RESOLUTION**

Cr Abb McAlister (Mayor) Cr Dennis Palmer Cr Leigh Bowden Cr David Graham Cr Gil Kelly Cr Penny Nicholson Cr Doug Phillips Cr Charlie Sheahan	Nil
ABSENT	**DECLARED INTEREST**
Cr Craig Stewart	Nil

CARRIED

8.4.3 DEVELOPMENT APPLICATION 2021/36 - 4 LAWRENCE STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

RESOLUTION 088/2021

Moved: Cr Gil Kelly
Seconded: Cr Charlie Sheahan

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

- Application No.: DA2021/36
- Property: Lot 2, DP501617
  4 Lawrence Street
  COOTAMUNDRA NSW 2590
- Development: To construct a carport and shed additions as ancillary to the existing dwelling

GENERAL CONDITIONS

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

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

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

Document Reference	Description	Author	Date

202100/01	Proposed Steel Framed Carport and Garage Extension	HVJ	24/02/21
202100/02	Shed Extension Detail	HVJ	26/02/2021
Request for Variation from DCP Controls, undated, prepared by Brian Speering			
Statement of Environmental Effects, undated, prepared by Brian Speering			

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

(3) GEN Condition - Utilities

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

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

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

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

Reason: *Statutory compliance.*

PRIOR TO COMMENCEMENT OF WORKS

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

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

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

2. the person having the benefit of the development consent has:
   a. appointed a principal certifying authority for the building work, and
   b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

3. the principal certifying authority has, no later than 2 days before building works commences:
   a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
   b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and

4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
   a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
   b. notified the principal certifying authority of any such appointment, and
   c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work .

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

(2) PCW Condition – Signage.

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

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

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

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

(3) PCW Condition – Notice of Commencement.

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

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

(4) PCW Condition – Builders Toilets.

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

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

(5) PCW Condition – Residential Building Work.

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

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

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

Reason: *Statutory compliance.*

(6) PCW Condition – Siting of Building.

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

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

(7) PCW Condition – Waste Storage During Construction.

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

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

(8) PCW Condition – Soil Erosion Control.

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

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

(9) PCW Condition – Second Hand Materials.

No second hand materials are to be used on any external surface of the building unless made available for inspection and separately approved by Council prior to erection.

Reason: *To ensure the external appearance of the building is maintained to an acceptable standard.*

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

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

DURING CONSTRUCTION

(1) DUR Condition – Works to be undertaken in Accordance with the Approval.
All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

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

(2) DUR Condition – Hours of Construction Site Works.
Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

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

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

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

(3) DUR Condition – Footpath Storage.
Building materials not to be stored on Council footway or nature strip at any time.

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

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

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

(5) DUR Condition – Tree Protection - Nature Strip.
Existing trees which are located on the nature-strip shall be protected during the construction period.

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

(6) DUR Condition - 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.*

(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 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.*

(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 WorkCover Regulations.

Reason: *To ensure public safety is maintained.*

(10) DUR Condition – Storm Water.
Storm water is to be discharged:

1. Clear of the building and septic tank disposal area
2. To diffusion pit a minimum 3m from any building and in such a position that it does not cause nuisance to neighbours
3. 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
4. To the roadside table drain. The end of the storm water pipe at the table drain shall be suitably protected to avoid damage to the end of the pipe
5. To the requirements of the BASIX Certificate, and any overflows to be without nuisance

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

POST CONSTRUCTION

(1) POC Condition – Occupation of Building.
A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifying Authority.

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

ONGOING USE

(1) USE Condition – Business Use.

The carport not being let, adapted or used for separate occupation or commercial purposes.

Reason: *Development consent is required for any activity other than residential.*

(2) USE Condition – Carport Enclosure Prohibited.

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

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

(3) 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.*

(4) 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.*

(5) USE Condition – Non Habitable Use.

The shed is not to be used for residential occupation without prior consent of Council.

Reason: *Health and safety prohibition.*

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

Cr Craig Stewart	Nil

CARRIED

Note: item 8.4.4 Lot 53 Banjo Paterson Place, Gundagai - Variation to 88B Instrument was heard following item 8.4.1 Planning Proposal No.4 to amend Gundagai Local Environmental Plan 2011.

8.4.5 DEVELOPMENT APPLICATIONS APPROVED MARCH 2021

RESOLUTION 089/2021

Moved: Cr Leigh Bowden
Seconded: Cr Doug Phillips

The information on Development Applications approved in March 2021 be received and noted.

CARRIED

8.5 REGULATORY SERVICES

REGULATORY REPORT MARCH 2021

RESOLUTION 090/2021

Moved: Cr Charlie Sheahan
Seconded: Cr David Graham

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

CARRIED

8.6 ASSETS

Nil

8.7 CIVIL WORKS

CIVIL WORKS AND TECHNICAL SERVICES REPORT - APRIL 2021

RESOLUTION 091/2021

Moved: Cr Charlie Sheahan
Seconded: Cr Doug Phillips

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

CARRIED

8.8 TECHNICAL SERVICES

Note: 8.8.1 Tender for Sheridan Street Upgrade (Block 3) - Late Report was resolved after item 8.1.10 Riverina Local Land Services Partnership with Cootamundra-Gundagai Regional Council - Planning For New Office/Depot Facility in Gundagai - Late Report following item 10.1 Questions with Notice

8.9 FACILITIES

8.9.1 REPORT ON THE INVOLVEMENT OF STAFF ON S355 COMMITTEES OF COUNCIL

RESOLUTION 092/2021

Moved: Cr Doug Phillips
Seconded: Cr Penny Nicholson

1. **The Report on the Involvement of Staff on s355 Committees of Council be received.**
2. **That s355 Committees be included on the agenda for discussion at the Councillor Workshop scheduled to be held Tuesday, 11th May, 2021.**

CARRIED

8.9.2 GUNDAGAI ADMINISTRATION BUILDING UPGRADE REPORT

RESOLUTION 093/2021

Moved: Cr Dennis Palmer
Seconded: Cr Penny Nicholson

The Gundagai Administration Building Upgrade Report be noted.

CARRIED

8.9.3 COOTAMUNDRA STRIKERS SOCCER CLUB REQUEST FOR ASSISTANCE TO DEVELOP FIELDS AT O'CONNOR PARK COOTAMUNDRA

RESOLUTION 094/2021

Moved: Cr Charlie Sheahan
Seconded: Cr Dennis Palmer

1. **The Report on the Cootamundra Strikers' Soccer Club's Request for Assistance to Develop Fields at O'Connor Park Cootamundra, Correspondence from Cootamundra Strikers' Soccer Club dated 12th April, 2021 attached to the report, be received and noted.**
2. **Council not support the request from the Cootamundra Strikers' Soccer Club to assist with the development of fields 1 and 2 contained within O'Connor Park for the purpose of**

holding annual events to raise funds for all ongoing maintenance costs of the playing fields in an effort for the Club to be self sustainable.

3. **Council support the Strikers Soccer Club to return to the Cootamundra Showground for future B and S Ball events dependent upon the requirements for approval at the time of the event.**

CARRIED

8.9.4 ALBY SCHULTZ MEETING SPACE ROOF REPLACEMENT

RESOLUTION 095/2021

Moved: Cr Doug Phillips
Seconded: Cr Gil Kelly

1. **The Alby Schultz Roof Replacement Report be received and noted.**
2. **Funds be approved to replace the aged roofing.**

CARRIED

8.9.5 TENDER FOR PRODUCTS AND SERVICES

RESOLUTION 096/2021

Moved: Cr Doug Phillips
Seconded: Cr Leigh Bowden

1. **The Open Tendering method for the proposed panel contract for Products and Services be endorsed.**
2. **A further report be prepared and submitted for the consideration of Council at the completion of the tendering process.**

CARRIED

8.10 WASTE, PARKS AND RECREATION

Nil

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – THAT COUNCIL, THAT IS THE MAYOR AND/OR THE GENERAL MANAGER, ON BEHALF OF ALL COUNCILLORS AND THE COMMUNITY, WRITES, ONCE AGAIN, TO THE HONORABLE SHELLEY HANCOCK, MINISTER OF LOCAL GOVERNMENT, TO REQUEST THAT SHE INFORM COUNCIL OF HER DECISION AS TO WHETHER OR NOT COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL IS TO BE DEMERGED. FURTHERMORE, THAT A COPY OF THE LETTER BE SENT TO THE PREMIER, THE HONORABLE GLADYS BEREJIKLIAN MP, THE DEPUTY PREMIER, THE HONORABLE JOHN BARILARO MP, THE MEMBER FOR COOTAMUNDRA, MS STEPHANIE COOKE MP, EACH MEMBER OF THE BOUNDARIES COMMISSION, THAT IS MR BOB SENDT, CR RICK FIRMAN OAM, CR LESLEY FURNEAUX-COOK AND MR GRANT GLEESON, THE LEADER OF THE OPPOSITION, MS JODI MCKAY MP AND THE SHADOW MINISTER FOR LOCAL GOVERNMENT, MR GREG WARREN MP.

RESOLUTION 097/2021

Moved: Cr Leigh Bowden
Seconded: Cr Doug Phillips

That Council, that is The Mayor and/or the General Manager, on behalf of all councillors and the community, writes, once again, to The Honorable Shelley Hancock, Minister of Local Government, to request that she inform Council of her decision as to whether or not Cootamundra-Gundagai Regional Council is to be demerged. Furthermore, that a copy of the letter be sent to the Premier, the Honorable Gladys Berejiklian MP, the Deputy Premier, the Honorable John Barilaro MP, the Member for Cootamundra, Ms Stephanie Cooke MP, each member of the Boundaries Commission, that is Mr Bob Sendt, Cr Rick Firman OAM, Cr Lesley Furneaux-Cook and Mr Grant Gleeson, the Leader of the Opposition, Ms Jodi McKay MP and the Shadow Minister for Local Government, Mr Greg Warren MP.

CARRIED

10 QUESTIONS WITH NOTICE

QUESTIONS WITH NOTICE

RESOLUTION 098/2021

Moved: Cr Doug Phillips
Seconded: Cr David Graham

The Questions with Notice from Councillors and related responses from Council officers be noted.

CARRIED

URGENT ITEM

AT THIS STAGE OF THE MEETING CR SHEAHAN REQUESTED THAT COUNCIL CONSIDER A MATTER RELATING TO THE PROPOSED TUMBLONG COOTAMUNDRA RAIL TRAIL AS A MATTER OF URGENCY.

RESOLUTION 099/2021

Moved: Cr Doug Phillips
Seconded: Cr David Graham

That the matter of the Proposed Tumblong Cootamundra Rail Trail be dealt with as a matter of urgency.

CARRIED

In accordance with the resolution the Mayor opened consideration of this matter.

Moved: Cr Sheahan

Seconded: Cr Bowden

That Council pass correspondence provided by Mr Ian and Mrs Angela Doughty to the Office of Local Government and reference recordings of meetings for an urgent written response and ruling and if, required a directive to resolve this matter.

On being put to the vote the motion in the names of Cr Sheahan and Cr Bowden was lost.

A Division was called with the voting record as follows:

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

8.1.10 RIVERINA LOCAL LAND SERVICES PARTNERSHIP WITH COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL - PLANNING FOR NEW OFFICE/DEPOT FACILITY IN GUNDAGAI - LATE REPORT

RECOMMENDATION

1. **The Report on the Riverina Local Land Services Partnership with Cootamundra-Gundagai Regional Council - Planning for New Gundagai Office/Depot facility, Map of Lot 2 DP1111549 Block for Proposed Local Land Services Build and the Aerial Map of Lot 2 DP1111549 Block for Proposed Local Land Services Build, attached to the report, be received and noted.**
2. **That Council delegate approval to the General Manager to enter into a long term lease with NSW Property for 0.5 hectares (approx.) of land over Lot 2 DP1111549, for the purpose of development of a new office and depot facility for the Local Land Services.**
3. **That Council provides in kind support by assisting with earthworks for roads, drainage and development of a building pad on site.**

8.8.1 TENDER FOR SHERIDAN STREET UPGRADE (BLOCK 3) - LATE REPORT

RECOMMENDATION

1. **The Tender for Sheridan Street Upgrade (Block 3) – Late Report be received and noted.**
2. **The Open Tendering method be used for the Sheridan Street Upgrade (Block 3) project be endorsed.**
3. **A further report be prepared and submitted for the consideration of Council at the completion of the tendering process.**

11 CONFIDENTIAL ITEMS

CLOSED COUNCIL REPORTS

RESOLUTION 100/2021

Moved: Cr Dennis Palmer
Seconded: Cr Doug Phillips

1. **Item 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 be withheld from the press and public.

CLASS ACTION AGAINST JARDINE LLOYD THOMPSON PTY LTD

Provisions for Confidentiality

Section 10A (2) (g) – The Confidential Report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Public Interest

It is considered that discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community.

CARRIED

CLASS ACTION AGAINST JARDINE LLOYD THOMPSON PTY LTD

RESOLUTION 101/2021

Moved: Cr David Graham
Seconded: Cr Doug Phillips

Council not participate in the proceeding Richmond Valley Council v Jardine Lloyd Thompson Risk Solutions Pty Ltd, commenced on behalf of NSW Local Council's concerning Jardine Lloyd Thompson's conduct as the insurance adviser to NSW Local Councils.

CARRIED

11.3 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 102/2021

Moved: Cr Leigh Bowden
Seconded: Cr Penny Nicholson

The Open Council meeting resume.

CARRIED

11.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

The Meeting closed at 9:24pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 May 2021.

…… **……**

CHAIRPERSON **GENERAL MANAGER**