

Minutes

EXTRAORDINARY COUNCIL MEETING

ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA

5:30PM, WEDNESDAY 2nd June, 2021

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA
ON WEDNESDAY, 2 JUNE 2021 AT 5:30PM**

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

IN ATTENDANCE: Phil McMurray (General Manager), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), Matt Stubbs (Manager Technical Services), Linda Wiles (Business Coordinator)

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

OPEN FORUM WAS NOT HELD

3 APOLOGIES

APOLOGY WAS RECEIVED FROM CR GIL KELLY AND LEAVE OF ABSENCE WAS GRANTED.

4 DISCLOSURES OF INTEREST

No disclosures of interest were declared.

5 GENERAL MANAGER'S REPORT

5.1 DEVELOPMENT, BUILDING AND COMPLIANCE

5.1.1 DEVELOPMENT APPLICATION - 62/2021 GUNDAGAI PRESCHOOL REDEVELOPMENT, FIRST AVENUE, GUNDAGAI

RESOLUTION 135/2021

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

Council approves development application 62/2021 for Centre-based childcare facility - to demolish the existing preschool building and dwelling house, and to construct a new preschool and kindergarten facility, including a new car park, bus stop, landscaping, signage and outdoor play areas on Lot 13 DP 1102375 and Lot 2 DP 574412, 87 and 89 First Avenue, Gundagai, subject to the following conditions:

PART A – ADMINISTRATIVE CONDITIONS**Compliance with plans**

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

Statement of Environmental Effects, dated May 2021, prepared by Habitat Planning			
The following plans, prepared by NBR Architecture:			
<i>Drawing No.</i>	<i>Version</i>	<i>Content</i>	<i>Date of plan</i>
20124-NBRS-A-DA03	3	Site plan	06.05.2021
20124-NBRS-A-DA04	3	Existing and Demolition - Stage 1	06.05.2021
20124-NBRS-A-DA05	3	Existing and Demolition - Stage 2	06.05.2021
20124-NBRS-A-DA10	3	Floor plan	06.05.2021
20124-NBRS-A-DA11	3	Roof plan	06.05.2021
20124-NBRS-A-DA30	3	External building elevations	06.05.2021
20124-NBRS-A-DA31	3	External building elevations	06.05.2021
20124-NBRS-A-DA32	3	External building elevations	06.05.2021
20124-NBRS-A-DA60	3	Materials schedule	06.05.2021
20124-NBRS-A-DA70	3	Finishes Board	06.05.2021

Parameters of consent

- A2. This consent permits the facility to be licenced for a maximum capacity of eighty (80) children.

Compliance with plans and inconsistencies between documents

- A3. 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.
- A4. 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.
- A5. No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing (i.e Section 4.55 modification or new development consent).

Cost of works

- A6. All works associated with the proposal, or required by this consent, will be at no cost to Council.
- A7. All works associated with the cost of the retaining walls and fencing shall be by the developer, and not any adjoining or adjacent land owner.

Compliance with legislation

- A8. All building and construction works must be carried out in accordance with the requirements of the:
- (a) *Building Code of Australia,*
 - (b) *Environmental Planning and Assessment Act, 1979,* and the Regulations made thereunder, and
 - (c) *Education and Care Services National Regulations.*

PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Consolidation of land

- B1. Prior to a construction certificate being issued Lot 13 DP 1102375 and Lot 2 DP 574412, shall be consolidated into a single lot, by way of a plan of consolidation registered with NSW Land Registry Services.

Section 7.12 Contributions

- B2. Prior to the issue of construction certificate, a contribution is required towards the provision of public amenities and services, in accordance with the Cootamundra-Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018.

Section 7.12 contributions are calculated on the estimated cost of development as specified on the Development Application at time of lodgment and may be subject to change with the coming of a new financial year or revised estimated cost of development.

The contribution payable with respect to this application is 1 % of the cost of the development (\$ 1,500,000), being \$ 15,000.

Retaining walls

- B3. The retaining walls shall be designed by an appropriately qualified and certified structural engineer, and details shall be submitted to and approved by the Principal Certifying Authority, as part of the application for a construction certificate. Adequate provisions are also to be made for drainage, and specific consideration shall be given to overland flow, as identified in the *Gundagai Floodplain Risk Management Study and Plan* (December 2018).

Stormwater

- B4. A comprehensive stormwater drainage system shall be designed by a suitably qualified practising Civil or Hydraulic Engineer or other suitably qualified professional. The plan shall be submitted to, and approved by, Council, prior to the issue of a construction certificate. The plan shall include, but not necessarily be limited to, the following:
- (a) detailed engineering design plans for the management of stormwater, to collect and treat all stormwater generated by the proposed development (from roofs and hardstand areas),
 - (b) specifically addressing run-on and overland flow, as identified in the *Gundagai Floodplain Risk Management Study and Plan* (December 2018),
 - (c) stormwater drainage as it relates to the proposed retaining walls,
 - (d) the hydraulic requirements, discharge details, pipe sizes, pit details and conveyance and disposal details,
 - (e) the risk of water surcharging onto the footpath,
 - (f) connection into Council's stormwater drainage system,
 - (g) the hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*,
 - (h) provision of a minimum of a 10,000 litre rainwater tank, incorporating escape paths for overland flow of water in the event of a major rainfall event. The escape paths shall be properly constructed overflow channels for floor relief for the 100 year ARI event.

Sedimentation and erosion controls

- B5. Prior to the issue of a construction certificate, a detailed erosion and sedimentation control plan shall be submitted to, and approved by, Council.

Construction management plan

- B6. A management plan to address demolition and construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the

construction of the development to alleviate any need to park within, or load/unload from the road reserve of First Avenue. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

Plumbing and drainage approvals

- B7. Prior to a construction certificate being issued, a plumbing and drainage approval for the proposed plumbing works and installation of any liquid trade waste pre-treatment devices (e.g dry basket arrestor in the main kitchen), shall be obtained from Cootamundra-Gundagai Regional Council, in accordance with Section 68 of the *Local Government Act 1993* and *Liquid Trade Waste Regulation Guidelines*.

Landscaping plan

- B8. A detailed landscaping plan shall be submitted to, and approved by Council, prior to a construction certificate being issued.

PART C - PRIOR TO COMMENCEMENT OF WORK

Asbestos

- C1. Prior to work commencing on-site, the dwelling and existing preschool building shall be inspected by a suitably qualified person, for the presence of asbestos. In the event of asbestos being discovered, its removal shall be in accordance with the relevant conditions of this consent (see Part D of this consent).
- C2. Prior to work commencing on-site, testing for the presence of naturally occurring asbestos (NOA) shall be undertaken, in accordance with the Council's Asbestos Policy (Section 5.1). In the event that NOA is found, an asbestos management plan shall be prepared in accordance with the requirements of the *Work Health and Safety Regulation 2017*.

Construction certificate

- C3. Prior to construction work commencing on-site a Construction Certificate must be obtained from Council or a Registered Certifier.

Dilapidation report

- C4. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works.

The dilapidation report shall include the two (2) sheds and ancillary works (e.g concrete slab), located on 88 Punch Street, Gundagai, directly behind 87 First Avenue, Gundagai, and shall detail the current condition and status of the structures (including photographs).

Sedimentation and erosion controls

- C5. Prior to work commencing, the measures contained in the approved erosion and sedimentation control plan shall be implemented on-site, and shall be maintained in good working condition, throughout the life of the project.

Builders Toilet

- C6. The applicant shall ensure that a suitable builders' toilet is situated on the property prior at the time of the first inspection, prior to commencing construction.

Site Security

- C7. Access to the site shall be restricted by way of safety/security fencing and the access point clearly delineated.

Protection of trees

- C8. All trees on the site (not approved for removal), and that may be threatened by the works, are to be suitably protected in accordance with *AS 4970-2009 Protection of trees on development sites*, by way of tree guards, barriers or other measures as necessary in order to protect tree root systems, trunks and branches, during construction.

Construction signage

- C9. No more than two signs shall be erected at the front of the site to display the following details. At least one of these signs shall have the following minimum information:
- the name of the Principal Certifying Authority, their address and telephone number;
 - the name of the person in charge of the work site and telephone number at which that person may be contacted outside working hours;
 - that unauthorised entry to the work site is prohibited.
- The signs shall be maintained to a tidy and legible standard at all times and must be removed when the work has been completed.
- C10. A notice bearing the lot number and the builders name and license number shall be prominently displayed at the front of the land from the time work commences, until the building is complete, or an occupation certificate is issued.

PART D – DURING DEMOLITION, CONSTRUCTION AND THE CARRYING OUT OF WORKS

Approved plans to be on-site

- D1. A legible copy of the stamped plans, specifications, a copy of the development consent, the construction certificate and any other certificates to be relied upon shall be available on site at all times during construction.

Hours of work

- D2. Work on the project shall be limited to the following hours:
- (i) Monday to Friday -7:00 am to 6:00 pm
 - (ii) Saturday -8:00 am to 5:00 pm
 - (iii) Sunday/Public Holidays - No work to be carried out on, without the prior consent of Council.

Naturally occurring asbestos

- D3. The applicant is advised that the subject land may be affected by naturally occurring asbestos. If naturally occurring asbestos material is encountered during excavation works on site, the works are to cease immediately and Council is to be notified. Interception of any naturally occurring asbestos will require specific processes to be implemented to secure the site and to manage any further works in accordance with the requirements of Safework NSW.

Demolition

- D4. Demolition of the subject buildings shall be carried out in accordance with the requirements of *Australian Standard AS2601 The Demolition of Structures* and *Work Health and Safety Act 2011*.
- D5. All removal, transport and disposal of asbestos or other contaminated waste materials shall be controlled in accordance with the *Work Health and Safety Act 2011*, *SafeWork Australia Code of Practice – How to Manage and Control Asbestos in the Workplace* and the *Protection of Environment Operations Act 1997*.
- D6. Work involving asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 485 of the *Work Health & Safety Regulation 2011*.

- D7. All excavated material or demolition waste to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the NSW Department of Environment and Climate Change's 'Waste Classification Guidelines Part 1: Classifying Waste' publication and disposed of at a lawful waste facility.
- D8. Copies of receipts stating the following must be retained and given to the principal certifying authority if requested:
- (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- D9. All works are to be carried out so as not to cause damage to adjacent and adjoining properties, including Council's road reserve and nature strip area. Any damage arising from the removal / demolition works is to be made good and any necessary repairs are carried out by the person having the benefit of this consent at no cost to Council.
- D10. Whilst work is being undertaken:
- (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- D11. It is the responsibility of the person having the benefit of this consent to notify the adjoining neighbours two (2) days prior to commencing work of the intention to carry out demolition works. The notification shall detail the type of machinery to be utilised, hours of operation, likely duration of works, and safety measures taken to protect property and persons from damage.
- D12. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and noise.
- D13. Protection shall be afforded to the users of any public place by the provision of fencing and/or hoardings adjacent to any public places.
- D14. Where possible, one (1) of the existing water and sewer connections shall be retained for connection of the new development. Where the existing services cannot be reused, they shall be removed, in accordance with the following conditions.
- D15. The Developer shall carry out all works associated with the removal of the redundant water and sewer services, as follows:
- the disconnection of water within the site (being on the property side of the water meter), and
 - the disconnection of sewerage services within the site (excluding works on the sewer main), with the work being carried out by a licensed plumber where necessary.
- D16. Council shall carry out all works associated with the removal of the redundant water and sewer services, including water meters, and capping of the sewer main (including all work on the sewer main), at full cost to the Developer.

Unexpected finds

- D17. If Aboriginal objects are uncovered during earthworks, excavation or disturbance, work in the immediate area must stop immediately and Council and Heritage NSW shall be consulted.

Rainwater tank

- D18. A rainwater tank (minimum size of 10,000 litres) shall be installed to capture roof water. The rainwater tank shall be connected to a minimum of one (1) block of toilets and one (1) outdoor tap.

Shoring and adequacy of adjoining property

- D19. As the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of this development consent must, at the person's own expense—
- (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Retaining walls

- D20. All excavations associated with the development must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Vehicular access

- D21. All redundant vehicular access points or laybacks to the subject property from First Avenue, shall be removed and the road reserve and kerb and gutter reinstated to match the surrounding roadside landform to Council's specifications.
- D22. A suitably constructed vehicle access shall be provided to the service area and the carpark. The vehicle access shall be constructed in accordance with Council's specifications, after making application to and obtaining approval from Council, under Section 138 of the *Roads Act 1993*.

Carpark

- D23. The carpark shall be designed and constructed in accordance with *AS2890.1 - Parking facilities - Off-street car parking*.

Trafficable areas

- D24. All trafficable areas on-site (access, parking and manoeuvring areas) shall be sealed (concrete or bitumen) and shall be drained in an appropriate manner.

Stormwater drainage

- D25. Stormwater shall be collected and discharged in accordance with the approved stormwater plan.

Wastewater drainage and sewer

- D26. All plumbing and drainage work is to comply with the requirements of Australian Standard AS3500 Plumbing and Drainage and the Plumbing Code of Australia and the NSW Code of Practice Plumbing and Drainage.

Liquid trade waste

- D27. Liquid trade waste facilities shall be installed in accordance with the Section 68 liquid trade waste approval, and the *Liquid Trade Waste Management Guidelines*.

Waste management

- D28. All waste generated during the construction stage shall be stored on-site in suitable receptacles, and disposed of to a licensed waste disposal facility.

Storage of materials

- D29. No materials, goods, etc, shall be placed in Council's road reserve during the construction phase.

Food preparation areas

- D30. The fit out of the kitchen and kitchenette is to comply with the Food Act 2003, Food Regulation 2015, and the Food Standards Code.
- D31. The mechanical ventilation in the kitchen must comply with AS/NZS 1668.1 and AS 1668.2 if required by the BCA.

Disabled access and facilities

- D32. Access for the disabled must be provided to the whole floor in accordance with *Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work*.
- D33. Toilet accommodation shall be provided for disabled persons in accordance with the design criteria in *Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work*.
- D34. Ramps provided for disabled access shall comply with *Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work*.
- D35. The applicant shall provide all required tactile indicators, audible indicators and signage as required by *Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work*.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**Occupation Certificate**

- E1. A final Occupation (Completion) Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the *Environmental Planning and Assessment Act 1979* have been satisfied.

Registration as a food premises

- E2. The business shall register as a food premises with Council on the approved form prior to commencement of business.

Liquid Trade Waste

- E3. A liquid trade waste approval shall be obtained from Council.

PART F - PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**Arrange issue of Occupation Certificate**

- F1. When all conditions of consent have been complied with, the applicant shall notify the PCA to arrange a final inspection and for the issue of a final Occupation (Completion) Certificate.

Dilapidation report

- F2. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority after completion of all works on site and prior to the issuing of an occupation certificate for the whole development).

The dilapidation report shall include the two (2) sheds and ancillary works (e.g concrete slab), located on 88 Punch Street, Gundagai, directly behind 87 First Avenue, Gundagai, and shall detail the current condition and status of the structures (including photographs).

- F3. Any damage caused to the adjacent sheds as a result of the excavation or construction works, shall be repaired, at full cost to the developer.

Fire Safety Certificates

- F4. A Final Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

PART G - DURING OPERATIONS

Annual Essential Services Compliance Certification

- G1. The owner shall submit to Council an Annual Fire Safety Statement, each twelve months after the original certificate was issued.

Hours of operation

- G2. Hours of the operation shall be:
- Monday to Friday – 8:00 am to 6:00 pm

Waste

- G3. All solid waste and rubbish generated by the use of the buildings, shall be stored in suitable receptacles within the curtilage of the buildings at all times, and shall be disposed of to an authorised landfill site on a regular basis, so as not to create a nuisance in terms of odour, vermin, contamination, or the like.

Noise

- G4. The use of the property for the approved development, shall not give rise to “offensive noise” as defined in the Protection of the Environment Operations Act 1997, at the closest residence, at any time.

Amenity

- G5. The business shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.
- G6. The development shall not involve exposure to view from any adjacent premises or from any public place of any unsightly matter.

Signage

- G7. The business identification sign shall be adequately maintained so as not to lose its cosmetic integrity.

Food premises

- G8. The premises shall be operated in accordance with the requirements of the Food Act 2003, and Chapter 3 of the Australia New Zealand Food Standards Code, a copy of which is available at the following website: <http://www.foodstandards.gov.au>
- G9. The storage of food products shall be in accordance with the Australia New Zealand Food Standards Code. In particular your attention is drawn to the need to store potentially hazardous foods under temperature, and all foods in such a way that they are protected from the likelihood of contamination.
- G10. The handling of food products shall be in accordance with Chapter 3 of the Australia New Zealand Food Standards Code.
- G11. The food premises shall be subject to payment of an annual registration fee and scheduled and random inspections. Fees and Charges will be charged at the rate nominated in Council’s Operational Plan.

REASONS FOR THE CONDITIONS:

- To confirm the details of the application as submitted by the applicant and as approved by Council.
- To manage any inconsistencies between the approved plan/documents and conditions of consent.
- To achieve the objectives of section 1.3 of the *Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in section 4.15 of the Act and the Environmental Planning Instruments applying to the land.
- To ensure necessary approvals are applied for and are in force, before the facility operates.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure the development complies with all relevant approvals.

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

CARRIED**6 CONFIDENTIAL ITEMS****6.1 CLOSED COUNCIL****RESOLUTION 136/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

1. **Item 6.2 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 6.2 be withheld from the press and public.**

6.2 SHERIDAN STREET MAIN STREET UPGRADE (BLOCK 3)Provisions for Confidentiality

Section 10A (2) (d(i)) – The Confidential Report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Public Interest

It is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in the future and therefore prejudice Council's ability to secure the optimum outcome for the community.

CARRIED

6.2 SHERIDAN STREET MAIN STREET UPGRADE (BLOCK 3)**RESOLUTION 137/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

- 1. The Tender for the Sheridan Street Main Street Upgrade (Block 3) be awarded to Civil & Civic Group Pty Ltd for the amount of \$357,288.00 (ex GST) in accordance with the details contained in the report.**
- 2. Council enter into a contract with Civil & Civic Group Pty Ltd to undertake Work Packages 1: Stormwater Drainage; 2: Kerb & Gutter Construction; 3: Footpath – Concrete Subgrade and 4: Footpath Stone Paving**

CARRIED

6.3 RESUMPTION OF OPEN COUNCIL MEETING**RESOLUTION 138/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

The Open Council meeting resume.

CARRIED

6.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

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

The Meeting closed at 5:41 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 29 June 2021.

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CHAIRPERSON

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GENERAL MANAGER