

# Minutes

## ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**6:00 PM, TUESDAY 27th July, 2021**

**Administration Centres: 1300 459 689**

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI  
ON TUESDAY, 27 JULY 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 (via Teams), Cr Charlie Sheahan

**IN ATTENDANCE:** Phillip McMurray (General Manager), Ganesh Ganeshamoorthy (Manager Assets), Miriam Crane (Manager of Community and Culture), Sharon Langman (Manager Development, Building and Compliance), Andrew Brock (Manager Facilities), John Chapman (Interim Manager Finance), Glen McAtear (Manager Regulatory Services), Matt Stubbs (Manager Technical 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 167/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

**Council adjourn for Open Forum.**

**CARRIED**

**2 OPEN FORUM**

List of Speakers

1. Mr. Konrad Streher – As the owner of the property Mr Streher addressed Councillors on item 8.4.9 Development Application 2020/155 Modification – 24 Lawrence Street, Cootamundra – Variation to Development Control Plan.
2. Mr. Des Manton – Mr Manton addressed Council on the Dog on the Tuckerbox Development in his particular concerns regarding the relocation of the wishing well which raises money for the Gundagai Hospital.
3. Mrs. Lyn Smart – Mrs. Smart spoke as a member of the Nangus Water Committee and raised concerns about the Nangus community being ignored and no apparent action progressing the Nangus Water Supply Project and put forward the following statements.

- Request 1 – Council guarantee that the \$750K allocated to the proposed Nangus Water Supply Project remains in the budget for this project;
- Request 2 – The upgrade to pumps and pipe network be removed from the proposed Nangus Water Supply Project due to those items belonging to Goldenfields Water County Council;
- Request 3 - Council hold meetings with the Nangus Water Supply Committee and provide up to date information and take questions on notice.
- Request 4 - A review of the costing of the proposed Nangus Water Supply Project, prepared by Cardno, be undertaken.

## **RESUME OPEN MEETING**

### **RESOLUTION 168/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**Council resume the Open Meeting.**

**CARRIED**

## **3 APOLOGIES**

Nil

## **4 DISCLOSURES OF INTEREST**

Cr Palmer (Deputy Mayor) declared a Pecuniary Interest in item 8.6.1 Fleet Forecast and Plant Management Cootamundra-Gundagai Regional Council.

## **5 CONFIRMATION OF MINUTES**

### **5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 29 JUNE 2021**

### **RESOLUTION 169/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Dennis Palmer

**The Minutes of the Ordinary Meeting of Council held on Tuesday 29 June 2021 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**AMENDED FEES AND CHARGES TO GO ON PUBLIC EXHIBITION****RESOLUTION 170/2021**

Moved: Cr Gil Kelly

Seconded: Cr Penny Nicholson

- 1. The amended fees and charges go to public exhibition on Wednesday, 28<sup>th</sup> July, 2021 inviting submissions from interested parties.**
- 2. A Report for the Amended Fees and Charges be prepared and submitted for the consideration of Council at the end of the Public Exhibition period including any submissions received.**

**CARRIED**

**6 MAYORAL MINUTES**

- 6.1 MAYORAL MINUTE - FOR DISCUSSION: THE INFORMATION IN THE EXAMINATION OF A PROPOSAL TO ALTER THE BOUNDARIES OF THE COOTAMUNDRA-GUNDAGAI LOCAL GOVERNMENT AREA AND CREATE A NEW LOCAL GOVERNMENT AREA, DISSENTING REPORT BY COMMISSIONERS RICK FIRMAN AND LESLEY FURNEAUX-COOK TO THE MINISTER FOR LOCAL GOVERNMENT AND THE TERMS OF REFERENCE – REVIEW INTO THE LOCAL GOVERNMENT BOUNDARIES COMMISSION, ATTACHED TO THE MAYORAL MINUTE.**

**RESOLUTION 171/2021**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

**The information in the Examination of a Proposal to Alter the Boundaries of the Cootamundra-Gundagai Local Government Area and Create a New Local Government Area, Dissenting report by Commissioners Rick Firman and Lesley Furneaux-Cook to the Minister for Local Government and the Terms of Reference – Review into the Local Government Boundaries Commission, attached to the Mayoral Minute, be considered.**

**CARRIED**

Note: item 6.2 Mayoral Minute - Council Obtain Legal Advice with a View to Taking Action in Negligence against the NSW Government and KPMG seeking damages to cover the financial Losses Incurred as a Result of the Forced Amalgamation was moved to confidential.

**RESOLUTION 172/2021**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**That item 6.2 Mayoral Minute - Council Obtain Legal Advice with a View to Taking Action in Negligence against the NSW Government and KPMG seeking damages to cover the financial Losses Incurred as a Result of the Forced Amalgamation be moved to confidential.**

**CARRIED**

**6.3 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT FOR JULY, 2021**

Note: Cr Graham made the following amendments at the Meeting:

24<sup>th</sup> June, 2021

Cr's Graham, Nicholson and I attended a meeting with Council staff regarding the matter of Reno Road.

6<sup>th</sup> July, 2021

Cr Graham attended an Internal Audit Committee Meeting.

**RESOLUTION 173/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

**The information and amendments in the Mayoral Minute be received and noted.**

**CARRIED**

**RESOLUTION 174/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**That item 8.3.1 Gundagai Tourism Action Group s355 Committee – Meeting held 19<sup>th</sup> July, 2021 be moved to precede item 7.1 Reports from Committees to accommodate a member of Council staff.**

**CARRIED**

**8.3.1 GUNDAGAI TOURISM ACTION GROUP S355 COMMITTEE - MEETING HELD 19TH JULY, 2021**

**RESOLUTION 175/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. The Minutes of the Gundagai Tourism Action Group s.355 Committee meeting held on 19th July, 2021 attached to the report, be received and noted.**
- 2. Council endorse Verity Whittaker, Michael Whittaker, and Izzy Perko as members of the Gundagai Tourism Action Committee.**
- 3. Council submit two funding applications to the Regional Tourism Activation Fund being \$200,000 for The Old Gaol Residence Accommodation (including a 25%/\$50,000 Council co-contribution) and \$800,000 for The Old Mill Agrotourism Development (including a 25%/\$200,000 Council co-contribution) to be funded through previous grant monies received from the Stronger Country Communities Fund.**

**CARRIED**

**7 REPORTS FROM COMMITTEES**

**7.1 MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING HELD ON TUESDAY 6 JULY 2021**

Note: Cr Graham also attended the Internal Audit Committee Meeting held on Tuesday 6 July 2021 held in the Alby Schultz Meeting Centre, Cootamundra.

**RESOLUTION 176/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

**The Minutes of the Internal Audit Committee Meeting held on Tuesday 6 July 2021 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**8 GENERAL MANAGER'S REPORT****8.1 BUSINESS****8.1.1 NATIONAL GENERAL ASSEMBLY 2021 REPORT**

Note: A Report submitted by Cr Bowden which should have been an attachment for item 8.1.1 National General Assembly 2021 Report was tabled at the Meeting for discussion.

**RESOLUTION 177/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

**The General Managers Report On Attendance At The National General Assembly 2021 Held in Canberra 21<sup>st</sup> – 23<sup>rd</sup> June, 2021 be received and noted.**

**CARRIED**

**8.1.2 APPLICATIONS FOR COMMUNITY DONATIONS**

Note: In this item the table had \$5000 being allocated to the Muttama Hall Management Committee and the comment advised no financial allocation due to the committee being an s355 Committee of Council. To clarify there was no financial allocation given to the Muttama Hall Management Committee and is reflected as such in the table included in the Minutes.

**RESOLUTION 178/2021**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

- 1. The Report on the Applications for Community Donation be received.**
- 2. The Community Donation Applications, as detailed in the report, be considered.**

Organisation	Amount Requested	Project details
Bling it on Ball	\$0	This request is now to be considered as a community event being applicable for a 50% community discount on hall hire and is not included as part of the annual Community Donations program.
Busking Championships Gundagai	\$5,000	Council determined the busking competition a unique tourism event which welcomes all participants of varied ability to Gundagai. The two day event encourages overnights stays and showcases the LGA and promotion of the

		area and local businesses bringing a much needed boost to the community.
Cootamundra Amateur Dramatic Arts Society - CADAS	\$2,000	Council allocated \$2,000 for CADAS which facilitates a youth Drama group called CADAS kids which traditionally has a theatre production every second year. A donation would be used to help fund production costs for a production to be held in 2022. These productions are our main source of revenue which have allowed CADAS to remain self-sufficient for many years. Due to the COVID-19 pandemic CADAS was unable to hold theatre productions in 2020 or 2021 meaning our funds to cover our operating costs are currently well below what they would usually be.
Cootamundra Australian Rules Football Club	\$0	Council determined this application for Annual Park Hire for Clarke Oval Cootamundra did not meet the criteria as detailed in the Community Donations Policy.
Cootamundra District Cricket Association	\$0	Council determined this application for \$1250 toward the cost to service a roller and mower and a new marking framer for Fisher Park did not meet the criteria as detailed in the Community Donations Policy.
Cootamundra Girl Guides	\$420	Council allocated a \$420 donation toward the cost of the bi-monthly hire of Fisher Park for Markets that raise money which helps to fund activities and projects for members of the Cootamundra Girl Guides.
Cootamundra Lions Club	\$750	Council allocated a \$750 donation toward the Annual Christmas Fair & Fireworks display. Council receives good advertisement in print, electronic media and on the day of the event.
Cootamundra Riding for the Disabled	\$4,000	Council allocated a \$4,000 donation to the Riding for the Disabled Cootamundra as they have 8 horses on the RDA grounds and there is a need to refurbish the pasture. Currently it has a lot of weed, including marshmallow weed which need to be slashed, ploughed up, sprayed and resown.
Cootamundra Sports Foundation	\$500	Council allocated a \$500 donation to assist Cootamundra Sports Foundation with the provision of financial assistance to aspiring young athletes, junior clubs and schools.



Cootamundra Showground Users Group	\$0	Council determined this application by the CSUG asking for a donation to cover the cost of the purchase of one defibrillator unit and required signage by Council did not meet the criteria as detailed in the Community Donations Policy being a s355 Committee of Council.
Cootamundra Strikers Soccer Club	\$5,000	Council allocated \$5,000 of in kind work toward the levelling of Fields 2 and 3 at Connor Park.
Cootamundra Veterans Week of Golf	\$1,000 (\$800 and 2 gift bags of local produce to the value of \$100 each)	Council allocated a \$1000 donation to the Cootamundra Veterans Golfers week of Golf being a highlight of the golfing calendar at the Cootamundra Country Club. The event, now in its 13th year attracts a significant number of visitors to Coota each year. The overall number of entrants in this tournament averages 123-150 each year. On average 60% are visitors of Coota. The golf event is played over 4 days and a presentation dinner (usually of 100 People) is held on Friday night.
1st Gundagai Scout Group	\$3,000	Council allocated a \$3,000 donation to assist with the costs of providing fun and healthy activities for its members.
Gundagai Regional Enhancement Group	\$0	The application submitted by the GREG Committee did not meet the criteria for a donation as detailed in the Community Donations Policy.
Gundagai Historical Museum Inc	\$7,000	Council allocated a \$7,000 donation to the Gundagai Historical Museum toward the purchase of a shipping container for the purposes of setting it up as a secure storage area to be used to store items, enabling a rotation of the displays.
Gundagai Neighbourhood Centre	\$0	Council determined this application did not meet the criteria as detailed in the Community Donations Policy.
Muttama Hall Management Committee	\$0	Council determined this application did not meet the criteria as detailed in the Community Donations Policy being a Section 355 Committee of Council.
Stockinbingal – Our Heritage Room	\$300	Council allocated a \$ 300 donation for the printing costs for a book about the families and Pioneers of Stockinbingal.

Wallendbeen Community Association (WCA)	\$1,030	Council allocated a \$1,030 donation to assist the WCA with the cost of submitting a development application to develop the station master's residence as a viewing platform for silo artwork and a historic walking trail through the Wallendbeen township developing Wallendbeen as a tourism site.
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**CARRIED**

### **8.1.3 MANDATORY PROACTIVE RELEASE OF GOVERNMENT INFORMATION - DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY COUNCILLORS AND DESIGNATED STAFF**

#### **RESOLUTION 179/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Dennis Palmer

**A register detailing the position, title and name of designated persons and Councillors, be uploaded to Council's website, along with advice that Returns may be viewed free of charge at Council's Administration Building.**

**CARRIED**

### **8.1.4 RV FRIENDLY SITES**

#### **RESOLUTION 180/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

- 1. Pioneer Park , Cootamundra be included in a new RV Friendly Town Assessment submission to the Campervan and Motorhome Club of Australia (CMCA) to have Cootamundra included in the Recreational Vehicle Friendly Town program.**
- 2. A new application be submitted to the Campervan and Motorhome Club of Australia (CMCA) for approval of the determined sites.**
- 3. Once approval has been received, the new RV Friendly sites be advertised through Council's usual mediums and (previously purchased) RV Friendly Town signs be installed accordingly.**

**CARRIED**

### **8.1.5 THE COOTAMUNDRA HERITAGE CENTRE MANAGEMENT S.355 COMMITTEE MEETING MINUTES**

#### **RESOLUTION 181/2021**

Moved: Cr Doug Phillips  
Seconded: Cr David Graham

**The Minutes of the Cootamundra Heritage Centre Management s.355 Committee meeting held on 5 July 2021, attached to the report, be received and noted.**

**CARRIED**

### **8.1.6 STOCKINBINGAL ELLWOOD'S HALL S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**

#### **RESOLUTION 182/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr Charlie Sheahan

- 1. The Minutes of the Stockinbingal Ellwood's Hall s.355 Committee Ordinary Meeting and Annual General Meeting held on 24 June 2021, attached to the report, be received and noted.**
- 2. Membership of the Ellwood's Hall s.355 Committee: Chairperson: Carmel Payne, Vice Chairperson: Sue Caldwell, Secretary: Lorna Nixon, Treasurer: Alan Pether, Other Committee members: Stephen Neave, Lynn Basham and Russell Vincent, be endorsed.**

**CARRIED**

### **8.1.7 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING MINUTES**

#### **RESOLUTION 183/2021**

Moved: Cr Leigh Bowden  
Seconded: Cr David Graham

- 1. The Minutes of the Cootamundra Tourism Action Group s.355 Committee Ordinary Meeting held on 1<sup>st</sup> July, 2021, attached to the report, be received and noted.**
- 2. Council review the proposal for the Hillside Adventure Walking Track and Dirt Bike Facility, submitted by Isobel Scott, and consider its suitability for further investigation and planning with the intention of the proposal being in a grant ready state.**

**CARRIED**

**8.1.8 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**

**RESOLUTION 184/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

**The Minutes of the Muttama Hall Management s.355 Committee meeting held on 7<sup>th</sup> July, 2021, attached to the report, be received and noted.**

**CARRIED**

**8.1.9 UPDATED COUNCIL MEETING ACTION REPORT**

**RESOLUTION 185/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

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

**CARRIED**

**8.1.11 INFORMATION BULLETIN - JULY 2021 – LATE REPORT**

**RESOLUTION 186/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**The Information Bulletin July, 2021, Late Report and attached correspondence, be received and noted.**

**CARRIED**

**8.2 FINANCE**

Nil

### **8.3 COMMUNITY AND CULTURE**

Item 8.3.1 Gundagai Tourism Action Group s355 Committee – Meeting Held 19<sup>th</sup> July, 2021 was moved to precede item 7.1 Reports from Committees.

### **8.4 DEVELOPMENT, BUILDING AND COMPLIANCE**

#### **8.4.1 RENEWAL OF PARTNERSHIP AGREEMENT WITH SERVICE NSW**

##### **RESOLUTION 187/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr David Graham

**Council delegate authority to the General Manager to enter into a renewed Partnership Agreement with Service NSW.**

**CARRIED**

#### **8.4.2 NSW HERITAGE GRANTS**

##### **RESOLUTION 188/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

**That Council:**

- 1. Accept the letter of offer for funding under the Heritage Advisor Service Program.**
- 2. Accept the letter of offer for funding under the Small Heritage Grants Program.**
- 3. Match the funding of both programs on a dollar-for-dollar basis.**
- 4. An Internal Heritage Committee be established to manage, monitor and report on both programs.**

**CARRIED**

#### **8.4.3 DEVELOPMENT APPLICATIONS JUNE 2021**

##### **RESOLUTION 189/2021**

Moved: Cr Gil Kelly

Seconded: Cr Doug Phillips

**The information on Development Applications approved in June, 2021 be received and noted.**

**CARRIED**

#### 8.4.4 DEVELOPMENT APPLICATION 2021/80 - 1 CENTENARY AVE, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

##### RESOLUTION 190/2021

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

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
Nil	Nil

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

- Application No: DA2021/80
- Property: Lot A DP383307  
1 Centenary Ave  
COOTAMUNDRA NSW 2590
- Development To construct a 234m<sup>2</sup> 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
	Site Plan	PCR Building Services	May 2021
MAST34393 Sheet 1 of 7	Foundation Plan & Member Layout	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 2 of 7	Sections	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 3 of 7	Internal Frame Section	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 4 of 7	Bored Local Thickening Detail Structural General Notes	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 5 of 7	Engineering Member & Material Schedule	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 6 of 7	Elevations	Fair Dinkum Sheds	21.05.2021
MAST34393 Sheet 7 of 7	Guide to Installation of Temporary Bracing	Fair Dinkum Sheds	21.05.2021
MAST34393	Bolt Layout Plan	Fair Dinkum Sheds	21.05.2021

**(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.*

**(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**

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

*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*

**(11) DUR Condition- Clearance to Boundary Trap**

Council existing boundary trap must be accessible to Council and plumbers, a clearance of 500mm maintained around the connection point. No structures to be built over sewer lines or old clay pipes, unless the line is PVC pipe.

**Reason:** to provide clear and unobstructed access to the main connection point to Council sewer/boundary trap and prevent failure under structures built.

**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 or shed is 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.*

**CARRIED**

#### 8.4.5 DEVELOPMENT APPLICATION 2021/86 - 48 THOMPSON ST, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

##### RESOLUTION 191/2021

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

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
Nil	Nil

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

- Application No: DA2021/86
- Property: Lot 1 DP166465  
48 Thompson Street  
COOTAMUNDRA NSW 2590
- Development: To construct a 78m<sup>2</sup> Colorbond clad 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
	Site Plan	Applicant	June 2021
MAST34674 Sheet 1 of 7	Foundation Plan & Member Layout	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 2 of 7	Sections	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 3 of 7	Internal Frame Section	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 4 of 7	Bored Local Thickening Detail Structural General Notes	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 5 of 7	Engineering Member & Material Schedule	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 6 of 7	Engineering Haunch & Apex Connection	Fair Dinkum Sheds	09.06.2021
MAST34674 Sheet 7 of 7	Elevations	Fair Dinkum Sheds	09.06.2021
MAST34674	Bolt Layout Plan	Fair Dinkum Sheds	09.06.2021

**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 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 - 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.*

**(6) 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.*

**(7) 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.*

**(8) DUR Condition – Storm Water**

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

**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*

**(9) 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.*

## **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 is 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, wastewater, 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.*

**CARRIED**

#### 8.4.6 DEVELOPMENT APPLICATION 2011-058 - MOD 2- SOIL TREATMENT FACILITY - OLD TREATMENT WORKS LANE, COOTAMUNDRA

##### RESOLUTION 192/2021

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

1. Council refuse development application 2011-058 Mod 2 for a soil treatment facility at Lot 562 DP 881310 17 Turners Lane, Cootamundra for the following reasons:
  - a. The consent authority has been advised by an approval authority that general terms of approval will not be issued for the modification proposal;
  - b. The consent authority is not satisfied that the modification proposal is not designated development;
  - c. The consent authority is not satisfied that the modification proposal is substantially the same development as that for which consent was originally granted.

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
Nil	Nil

**CARRIED**

8.4.7 Development Application 2019-143 Mod 2 - Waste Facility - Tumblong Reserve Road, Tumblong

This item was withdrawn by the applicant.

#### 8.4.8 DEVELOPMENT APPLICATION 2021/15 MODIFICATION - 2 WARD ST, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

##### RESOLUTION 193/2021

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

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
Nil	Nil

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

- Application No.: DA2021/15.3
- Property: Lot 3, Section 4, DP2740  
2 Ward Street  
COOTAMUNDRA NSW 2590
- Development: To construct a 20.8m<sup>2</sup> Colorbond shed as ancillary to the existing dwelling

##### Determination and Conditions:

**Application Approved subject to the following conditions and reasons: -**

##### 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
	Site Plan	Sheds and Concrete	July 2021
	Front View	Sheds and Concrete	July 2021
	3D view & vegetation plan	Sheds and Concrete	July 2021
402943-GA	General Arrangement	Ranbuild	July 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 – Provision of Landscape Plan**

Prior to the issue of a Construction Certificate, the applicant shall submit to Council for approval a proposed landscape plan. The plan shall provide the following details:

- Common and botanical name of proposed plantings;
- Location and number of proposed plantings;
- Height at planting;
- Height at maturity;
- Timeframe for plants to reach maturity;
- Water and maintenance requirements for plantings.

**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 - 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.*

**(7) 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.*

**(8) 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.*

**(9) DUR Condition – Storm Water**

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

**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.*

**(2) USE Condition – Establishment of Landscaping**

Proposed landscaping in accordance with the approved plans for established tree planting shall be maintained to ensure a dense screen is established. Such plantings are to be at least to an established height of the gutter line of the shed and are to occur prior to the issue of an Occupation Certificate.

***Reason:** To minimise visual impact and promote/enhance the rural character of the area and Council's concern that the amount of vegetation in the Shire should continue to increase to improve the climate and appearance.*

## **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.*

### **(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.*

**CARRIED**

#### 8.4.9 DEVELOPMENT APPLICATION 2020/155 MODIFICATION - 24 LAWRENCE ST, COOTAMUNDRA - VARIATION TO DEVELOPMENT CONTROL PLAN

##### RESOLUTION 194/2021

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

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
Nil	Nil

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

- Application No.: DA2020/155.2
- Property: Lot 1, Section 5, DP2740  
24 Lawrence Street  
COOTAMUNDRA NSW 2590
- Development: To construct a 60m<sup>2</sup> Colorbond shed (including awning) as ancillary to the existing dwelling

##### Determination and Conditions:

**Application Approved subject to the following conditions (modified as relevant) and reasons:**

##### (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
-	<b>Site Plan</b>	<b>Applicant</b>	<b>October 2020</b>
-	<i>Site Plan</i>	<i>Unknown</i>	<i>19.10.2020</i>
<del>Streher</del>	<del>Elevations &amp; Plan View</del>	<del>ShedTech</del>	<del>23.09.2020</del>
<b>298444</b>	<b>Untitled</b>	<b>RivSteel Sheds &amp; Garages</b>	<b>24.02.2021</b>
Streher	Specifications Summary	ShedTech	23.09.2020

*As modified 2020/155 Mod 1 dated 28 July, 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**

nil

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)**

nil

**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 – 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 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*

**(12) 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.*

## **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.*

**ONGOING USE**

**(1) USE Condition – Business Use.**

The garage and awning 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 garage is not to be used for residential occupation without prior consent of Council.

***Reason:** Health and safety prohibition.*

**CARRIED**

## **8.5 REGULATORY SERVICES**

### **8.5.1 REGULATORY REPORT JUNE 2021**

#### **RESOLUTION 195/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

**The Regulatory Report for June, 2021 be received and noted.**

**CARRIED**

### **8.5.2 USE OF SALEYARDS**

#### **RESOLUTION 196/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr David Graham

- 1. Council liaise with agents and discuss the options detailed in the report to determine a consensus on the preferred saleyard use and management.**
- 2. A further report come back to the Ordinary Meeting to be held 31st August, 2021 meeting for the consideration of Council.**

**CARRIED**

## **8.6 ASSETS**

### **8.6.1 FLEET FORECAST AND PLANT MANAGEMENT COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL**

Note – Having disclosed a pecuniary interest in this item Cr Palmer left the Meeting.

#### **RESOLUTION 197/2021**

Moved: Cr David Graham

Seconded: Cr Gil Kelly

- 1. The Revised Plant Replacement Program Financials, attached to the report , be adopted.**
- 2. A report be prepared regarding the Hiace Mini Bus detailing usage and income related performance and submitted for consideration by Council to the Ordinary Meeting to be held January, 2022.**

**CARRIED**

### **8.6.2 WATER SUPPLY EXTENSION TO THE DOG ON THE TUCKER BOX TOURIST PRECINCT, GUNDAGAI**

#### **RESOLUTION 198/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

- 1. The proposed water supply extension design proposed by Moloney & Sons Engineering from Spring Flat Drive to the Dog on the Tucker Box Tourist Precincts, attached to the report, be adopted.**
- 2. \$1Million be allocated through the water fund to complete the construction of the Water Supply Extension to Dog on the Tucker Box Tourist Precinct, Gundagai.**
- 3. An application to assist with funding the water supply extension the project to the Dog on the Tucker Box Tourist Precinct be submitted through NSW Safe and Secure Water.**

**CARRIED**

### **8.6.3 BUSINESS CASE FOR NANGUS WATER SUPPLY PROJECT**

#### **RESOLUTION 199/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report for the Business Case for the Nangus Water Supply Project, attached to this report, be received and noted.**
- 2. Council seek a review of the cost estimates provided by Cardno.**
- 3. Council meet with the Nangus Water Supply Project Committee to discuss the details of the project including figures.**

**CARRIED**

## **8.7 CIVIL WORKS**

### **8.7.1 CIVIL WORKS AND TECHNICAL SERVICES REPORT - JULY 2021**

#### **RESOLUTION 200/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**The Civil Works and Technical Services Report for the month of July 2021 be received.**

**CARRIED**

## **8.8 TECHNICAL SERVICES**

### **8.8.1 2022/23 SAFER ROADS PROGRAM NOMINATIONS**

#### **RESOLUTION 201/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

- 1. The resubmission of the Muttama Road Safety Improvement Project for the 2022/23 Safer Roads Program be endorsed.**
- 2. The nomination of the Nangus Road Safety Improvement Project for the 2022/23 Safer Roads Program be endorsed.**

**CARRIED**

## **8.9 FACILITIES**

### **8.9.1 DRAFT GUNDAGAI POOL MASTER PLAN**

#### **RESOLUTION 202/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report on the Proposed Masterplan Gundagai War Memorial Olympic Pool Complex by Halliday design - dated April 2021 be Received.**
- 2. The Proposed Masterplan Gundagai War Memorial Olympic Pool Complex by Halliday design - dated April 2021 be placed on public exhibition for a period of 28 days inviting submission with a further report to be prepared for the consideration of Council at the end of the exhibition period.**

**CARRIED**

### **8.9.2 FACILITIES WORKS REPORT JULY 2021**

#### **RESOLUTION 203/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Penny Nicholson

**The Facilities Works Report for July, 2021 be received and noted.**

**CARRIED**

**8.10 WASTE, PARKS AND RECREATION**

Nil

**9 MOTION OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**10 QUESTIONS WITH NOTICE**

Nil

## **11 CONFIDENTIAL ITEMS**

### **11.1 CLOSED COUNCIL**

#### **RESOLUTION 204/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

- 1. Items 11.2, 11.3, 11.4, 11.5, 11.6, 11.7 and 11.8 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 Items 11.2, 11.3, 11.4, 11.5, 11.6, 11.7 and 11.8 be withheld from the press and public.**

### **11.2 RENO ROAD BOUNDARY ADJUSTMENT**

#### 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..

### **11.3 TENDER - ALBERT PARK - INCLUSIVE PLAYSPACE RFT2021/19**

#### 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 it would prejudice Council's ability to secure the optimum outcome for the community.

### **11.4 TENDER - WINNING, BLASTING AND CRUSHING OF GRAVEL RFT2021/06.1**

#### 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 it would prejudice Council's ability to secure the optimum outcome for the community.

**11.5 REPLACEMENT OF PATCHING TRUCK - PLANT 3601 RFQ2021/25**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 it would prejudice Council's ability to secure optimum outcome for the community.

**11.6 REPLACEMENT OF LOADER - PLANT 1302 RFQ2021/24**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 it would prejudice Council's ability to secure optimum outcome for the community.

**11.7 REPLACEMENT OF ALL WHEEL DRIVE GRADER - PLANT 1202 RFQ2021/23**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 it would prejudice Council's ability to secure optimum outcome for the community.

**11.8 TENDER - WET AND DRY PLANT HIRE RFT2021/15**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 it would prejudice Council's ability to secure the optimum outcome for the community.

**CARRIED**



**11.2 RENO ROAD BOUNDARY ADJUSTMENT****RESOLUTION 205/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report on the Reno Road Boundary Adjustment and attachments to the report be received and noted.**
- 2. Council offer a financial contribution of \$30,000 in addition to the ongoing maintenance on the road.**

**CARRIED**

**11.3 TENDER - ALBERT PARK - INCLUSIVE PLAYSPACE RFT2021/19****RESOLUTION 206/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. Council notes that two (2) tenders for the Albert Park – Inclusive Playspace were received, of which, both were conforming.**
- 2. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept either of the tenders for the Albert Park – Inclusive Playspace (RFT2021/19).**
- 3. Council declines to invite fresh tenders in accordance with Clause 178(3)(b)-(d) of the Local Government (General) Regulation 2005 for the following reasons as required under 178(4)(a) and (b) of the Local Government (General) Regulation 2005:**
  - Both submissions received, are financially borderline regarding the ability to achieve the project objectives within the budget allocated.**
  - There is a grant acquittal deadline of December, 2021 which would mean that inviting fresh tenders would negatively impact on Council's ability to deliver the project on time.**
  - The best value outcome would be achieved by entering into negotiations with the persons listed in the table within the report.**
- 4. Further to (2) and (3) above, and in accordance with Clause 178(3)(e) of the Local Government (General) Regulation, 2005, Council enter into negotiations with persons listed in the table within the report for the reasons listed in (3) above with a view to forming a contract for the Albert Park – Inclusive Playspace (RFT2021/19).**
- 5. The General Manager be authorised to enter into negotiations and execute contracts to form a contract for the Albert Park – Inclusive Playspace (RFT2021/19).**
- 6. That all tenderers be advised of Council's decision.**

**CARRIED**

**11.4 TENDER - WINNING, BLASTING AND CRUSHING OF GRAVEL RFT2021/06.1****RESOLUTION 207/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

- 1. Council notes that three (3) tenders to form a Panel Contract for the Winning, Blasting and Crushing of Gravel were received, of which only one (1) was conforming.**
- 2. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any of the tenders for the Panel Contract for the Winning, Blasting and Crushing of Gravel (RFT2021/06.1).**
- 3. Council declines to invite fresh tenders in accordance with Clause 178(3)(b)-(d) of the Local Government (General) Regulation 2005 for the following reasons as required under 178(4)(a) and (b) of the Local Government (General) Regulation 2005:**
  - Two previous tender processes have resulted in one conforming tender being received on both occasions.**
  - There are a total of fourteen pits to be serviced under the contract which would require more than one contractor to undertake the work.**
  - The best value outcome would be achieved by entering into negotiations with the persons listed in the table within the report.**
- 4. Further to (2) and (3) above, and in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council enter into negotiations with persons listed in the table within the report for the reasons listed in (3) above with a view to forming a panel contract for the Winning, Blasting and Crushing of Gravel (RFT2021/06.1).**
- 5. The General Manager be authorised to enter into negotiations and execute contracts to form a panel of contractors for the Winning, Blasting and Crushing of Gravel (RFT2021/06.1).**
- 6. That all tenderers be advised of Council's decision.**

**CARRIED**

**11.5 REPLACEMENT OF PATCHING TRUCK - PLANT 3601 RFQ2021/25****RESOLUTION 208/2021**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. The Report for the replacement of 2009 Isuzu FVD1000 Truck with Flo-con patching unit, Plant No 3601 be received and noted.**
- 2. The quotation received from Ausroad Systems Pty Ltd of \$439,430.00 (Ex GST) for the purchase of a Ausroad 6m<sup>3</sup> Jetmaster with Isuzu FXZ 260-350 Auto Truck be accepted.**
- 3. The additional extras being Road Broom \$6,090.00 (Ex GST) and Multipurpose full width paving and edging unit \$7,815.00 (Ex GST) be purchased.**
- 4. The trade in offer of \$54,545.45 (Ex GST) received from Ausroad Systems Pty Ltd for the 2009 Isuzu FVD1000 Truck with Flo-con patching unit, Plant No 3601 be accepted.**

**CARRIED**

**11.6 REPLACEMENT OF LOADER - PLANT 1302 RFQ2021/24****RESOLUTION 209/2021**

Moved: Cr David Graham

Seconded: Cr Charlie Sheahan

- 1. The Report for the replacement of 2012 Volvo L110F Loader, Plant No 1302 be received and noted.**
- 2. The quotation received from Earthmoving Equipment Australia Pty Ltd of \$275,650.00 (Ex GST) for the purchase of a CASE 721G Loader be accepted.**
- 3. The trade in offer of \$145,000.00 (Ex GST) received from Earthmoving Equipment Australia Pty Ltd for 2012 Volvo L110F Loader, Plant No 1302 be accepted.**

**CARRIED**

**11.7 REPLACEMENT OF ALL WHEEL DRIVE GRADER - PLANT 1202 RFQ2021/23****RESOLUTION 210/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

- 1. The Report for the replacement of 2011 CAT 120M AWD Grader, Plant No 1202 be received and noted.**
- 2. The quotation received from Westrac Pty Ltd of \$471,177.12 (Ex GST) for the purchase of a CAT 150 AWD Grader be accepted.**
- 3. The trade in offer of \$140,000.00 (Ex GST) received from Westrac Pty Ltd for 2011 CAT 120M AWD Grader, Plant No 1202 be accepted.**

**CARRIED**

**11.8 TENDER - WET AND DRY PLANT HIRE RFT2021/15****RESOLUTION 211/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Gil Kelly

- 1. Council notes that Forty-Five (45) tenders to form a Panel Contract for the Wet and Dry Hire of Plant were received.**
- 2. In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accepts all tenders listed Column A and B of within this report, subject to the receipt of required information from tenderers listed in Column B of this report for the Panel Contract for the Wet and Dry Hire of Plant (RFT2021/15).**
- 3. That the General Manager be authorised to execute contracts to form a panel of contractors for the Wet and Dry Hire of Plant (RFT2021/15).**
- 4. That all tenderers be advised of Council's decision.**

**CARRIED**

**6.2 MAYORAL MINUTE - COUNCIL OBTAIN LEGAL ADVICE WITH A VIEW TO TAKING ACTION IN NEGLIGENCE AGAINST THE NSW GOVERNMENT AND KPMG SEEKING DAMAGES TO COVER THE FINANCIAL LOSSES INCURRED AS A RESULT OF THE FORCED AMALGAMATION**

The General Manager report to Council his progress in obtaining legal advice with a view to taking action in negligence against the NSW Government and KPMG seeking damages to cover the financial losses incurred as a result of the forced amalgamation as resolved at the Ordinary Meeting held 25<sup>th</sup> May, 2021 (Min. no.105/2021).

As there was no motion moved on this matter, the matter lapsed.

**11.9 RESUMPTION OF OPEN COUNCIL MEETING**

**RESOLUTION 212/2021**

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

**The Open Council meeting resume.**

**CARRIED**

**11.10 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

Note: The General Manager announced the resolutions made in Closed Council.

**The Meeting closed at 10:11pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 31 August 2021.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**