

# Minutes

## ORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA**

**6:00 pm, Tuesday 31st August, 2021**

**Administration Centres: 1300 459 689**

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ALBY SCHULTZ MEETING CENTRE, COOTAMUNDRA  
ON TUESDAY, 31 AUGUST 2021 AT 6:00 PM**

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

**IN ATTENDANCE:** Phillip McMurray (General Manager), Ganesh Ganeshamoorthy (Manager Assets), Mark Ellis (Manager Civil Works), Sharon Langman (Manager Development, Building and Compliance), Matt Stubbs (Manager Technical Services), Wayne Bennett (Manager Waste, Parks & Recreation 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 213/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Gil Kelly

**Council adjourn for Open Forum.**

**CARRIED**

**2 OPEN FORUM**

List of Speakers

1. Ms. Elicia Bond – Ms. Bond submitted written representation objecting to item 8.4.1 DA2020/165 Proposed 4MW Solar Farm Lot 8 DP 1244273, 167 Five Mile Creek Road Gundagai
2. Dhaval and Kunjal Patel – As owners of the proposed Solar Farm they spoke about the proposed development.
3. Ms. Denny Allnutt – Ms. Allnutt submitted written representation objecting to item 8.4.1 DA2020/165 Proposed 4MW Solar Farm Lot 8 DP 1244273, 167 Five Mile Creek Road Gundagai.

**RESUME OPEN MEETING****RESOLUTION 214/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**Council resume the Open Meeting.**

**CARRIED**

**3 APOLOGIES**

Nil

**4 DISCLOSURES OF INTEREST**

Cr David Graham disclosed a less than significant non-pecuniary interest in item 8.4.3 Development Applications July 2021 App. No. CDC2021.15 New Swimming Pool Lot 1 DP999904 Hopewood Road Gundagai.

Phillip McMurray (General Manager) disclosed a pecuniary interest in Confidential item 11.3 Mayoral Minute – General Managers Performance Review.

**5 CONFIRMATION OF MINUTES****5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 27 JULY 2021****RESOLUTION 215/2021**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**The Minutes of the Ordinary Meeting of Council held on Tuesday 27 July 2021 be confirmed as a true and correct record of the meeting.**

**CARRIED**

**6 MAYORAL MINUTES****6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT****RESOLUTION 216/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

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

**CARRIED**

## **7 REPORTS FROM COMMITTEES**

### **7.1 MINUTES OF THE COOTAMUNDRA-GUNDAGAI LOCAL TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 12 AUGUST 2021**

Note: Cr Sheahan advised that the Cootamundra Wattle Time Celebrations 2021 has been cancelled. As such, Recommendation 2.6 Update to Wattle Time Celebrations 2021 was not considered.

#### **RESOLUTION 217/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

- 1. The Minutes of the Cootamundra-Gundagai Local Traffic Committee Meeting held on Thursday 12 August 2021, attached to the report be received and noted.**
- 2. The following recommendations contained in the Minutes were adopted by Council:**
  - i. 2.1 First Avenue Gundagai One Way Modifications**
    - 1. The Committee endorse the changes to the existing one-way arrangement between Kitchener and Homer Streets.**
    - 2. The Committee endorse the extension of the one-way arrangement between Homer and Virgil Streets.**
  - ii. 2.3 Sightseeing/Viewing Areas Along Council Roads**

**That Council does not establish any viewing areas along Council Roads.**
  - iii. 2.4 Morris Street Cootamundra – Parking and Pedestrian Issues**

**That the Committee explore the option of one-way traffic along Morris Street, Cootamundra.**
  - iv. 2.5 Cootamundra Arts Centre Emergency Exit**

**That the Committee seek a design regarding access and resubmit to the Local Area Traffic Committee.**
  - v. 2.7 Special Event Application – 99 Not Out Vintage Motorcycle Run**

**The Committee noted the 99 Not Out Vintage Motorcycle Run, to be held on 20 November 2021 on minor rural roads in the Cootamundra-Gundagai Regional area.**
  - vi. 2.8 Pollie Pedal 2021**

**The Committee noted the Pollie Pedal 2021, to be held on 11 September 2021 on minor rural roads in the Cootamundra-Gundagai Regional area.**
  - vii. 2.9 ANU Inward Bound Event 2021**

**The Traffic Committee endorse the proposed ANU Inward Bound event, to be held on 8 & 9 October 2021, pending evidence of approval is provided from Forestry Corporation of NSW, NSW Ambulance and NSW Police.**
  - viii. 2.10 Celebrate Coota Christmas Party**
    - 1. That approval be given for the Celebrate Coota Christmas Party be given to the Cootamundra Development Corporation to:**

**Hold the 2021 Celebrate Coota Christmas Party on 16 December 2021 with the following road closures:**

- **The closure of Parker Street between Adams and Wallendoon Street to hold the Christmas festivities incorporating late night shopping between 4:30pm and 9:00pm.**
- 2. That all businesses along the route be advised and road closures be advertised in the community.**
- 3. That appropriate COVID Safety Plans be adhered to.**
- ix. Cootamundra Showground Events**  
**That Council install permanent signage to enable events at the showground to proceed under appropriate reduced traffic speeds.**

**CARRIED**

## **7.2 MINUTES OF THE COOTAMUNDRA AERODROME USERS ADVISORY GROUP MEETING HELD ON WEDNESDAY 11 AUGUST 2021**

Note: Council did not adopt 2.1 Fees and Charges - 1 The Proposed \$250.00 per annum fee for all premises be noted.

### **RESOLUTION 218/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

- 1. The Minutes of the Cootamundra Aerodrome Users Advisory Group Meeting held on Wednesday 11 August 2021, attached to the report, be received and noted.**
- 2. The following recommendations contained in the Minutes were adopted by Council:**
  - 2.1 Fees and Charges**
    - 2. The Committee suggested that income from the Aerodrome rates and lease fees be directed to an Aerodrome Reserve fund for future works.**
  - 2.2 Future Land Use**
    - 1. Investigates be undertaken to identify potential land development options at the Cootamundra Aerodrome.**
    - 2. Consideration be given to Quinlan Drive duplication and land at the north eastern end of the aerodrome behind South West Fuels.**
    - 3. Once land development options have been identified, a report be prepared and submitted to Council for consideration.**

**CARRIED**

**8 GENERAL MANAGER'S REPORT****8.1 BUSINESS****8.1.1 2021/2022 FEES AND CHARGES****RESOLUTION 219/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Doug Phillips

- 1. The proposed \$250.00 per annum fee for all premises at the Cootamundra Aerodrome be removed from the amended Draft Fees and Charges 2021/22, attached to the report for further consultation with the Cootamundra Aerodrome Users Advisory Group.**
- 2. The amended 2021/22 Fees and Charges, placed on public exhibition for 28 days, ending 25 August 2021, attached to the report be adopted.**
- 3. The updated 2021/22 Fees and Charges be placed on Council's website.**

**CARRIED**

**8.1.2 DRAFT COUNCILLOR AND STAFF INTERACTION POLICY****RESOLUTION 220/2021**

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

**The draft Model Councillor and Staff Interaction Policy be adopted.**

**CARRIED**

**8.1.3 POSTPONEMENT OF 2021 LOCAL GOVERNMENT ELECTIONS****RESOLUTION 221/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Charlie Sheahan

- 1. That Council notes the report in relation to the Postponement of the 2021 Local Government Elections**
- 2. A report on the election of the Mayor and Deputy Mayor be submitted to the September 2021 Council meeting.**
- 3. The Ordinary Meeting of Council scheduled to be held 14<sup>th</sup> December, 2021 be cancelled.**
- 4. A meeting be scheduled for the week commencing 10 January 2022, being no later than three weeks after election results have been declared.**

**CARRIED**

**8.1.4 DELIVERY PROGRAM/OPERATIONAL PLAN QUARTERLY PROGRESS REPORT****RESOLUTION 222/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

**The Delivery Program incorporating the Operational Plan 2020/21, quarterly progress report, (4th Quarter 1 April – 30 June 2021), attached to the report, be received and noted.**

**CARRIED**

**8.1.5 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES AND MEMBERSHIP**

Note: the AGM Minutes incorrectly state in item 1.5 Acceptance of nominations from committee members for the position of: Council Representative: TBA. This position will be retained by Cr Bowden until further notice.

**RESOLUTION 223/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

- 1. The Minutes of The Arts Centre Cootamundra s.355 Committee Annual General Meeting held on 15 July 2021, attached to the report, be received and noted.**
- 2. The Minutes of The Arts Centre Cootamundra s.355 Committee Ordinary Meeting held on 15 July 2021, attached to the report, be received and noted.**
- 3. The office bearers and membership of The Arts Centre Cootamundra s.355 Committee, as detailed in the report, be endorsed.**

**CARRIED**

**8.1.6 ANNUAL LOCAL GOVERNMENT ASSOCIATION'S NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS 2020****RESOLUTION 224/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Leigh Bowden

**Council endorsed attendance by:**

- Either the Manager Civil Works or Manager of Technical Services attend the Annual Local Government Association's National Local Roads and Transport Congress with Cr Sheahan currently scheduled to be held 7<sup>th</sup> – 9<sup>th</sup> November, 2021 in Tasmania , or**
- All attend should remote attendance at the Conference become an option.**

**CARRIED**

#### **8.1.7 MUTTAMA CREEK REGENERATION GROUP S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 225/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

**The Minutes of the Muttama Creek Regeneration Group s.355 Committee meeting held on 7 June 2021, attached to the report, be received and noted.**

**CARRIED**

#### **8.1.8 COOTAMUNDRA TOURISM ACTION GROUP S.355 COMMITTEE MEETING NOTES**

##### **RESOLUTION 226/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**The meeting notes of the Cootamundra Tourism Action Group s.355 Committee Meeting held on 5 August 2021, attached to the report, be received, and noted.**

**CARRIED**

#### **8.1.9 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**

##### **RESOLUTION 227/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

**The Minutes and supporting documentation of the Muttama Hall Management s.355 Committee meeting held on 28 July 2021, attached to the report, be received and noted.**

**CARRIED**

#### **8.1.10 UPDATED COUNCIL MEETING ACTION REPORT**

##### **RESOLUTION 228/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

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

**CARRIED**



## **8.2 FINANCE**

### **8.2.1 2021-22 FINANCIAL ASSISTANCE GRANTS - ADVICE TO COUNCIL**

#### **RESOLUTION 229/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

- 1. The report on 2021-22 Financial Assistance Grants – Advice to Council, the 2021-2022 Financial Assistance Grants - Advice to Council and the 2021-22 Financial Assistance Grants - Appendix A, attached to the report, be received and noted.**
- 2. A report on special submissions relating to 2022/23 Financial Assistance Grants detailing the financial impact of inherent expenditure disabilities beyond council's control be prepared and submitted to the ordinary Meeting to be held 28<sup>th</sup> September, 2021 for the consideration of Council.**

**CARRIED**

### **8.2.2 INVESTMENT REPORT - JUNE 2021**

#### **RESOLUTION 230/2021**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

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

**CARRIED**

### **8.2.3 INVESTMENT REPORT - JULY 2021**

#### **RESOLUTION 231/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

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

**CARRIED**

#### **8.2.4 MONTHLY FINANCE REPORT FOR JUNE, 2021**

Note: The attachment to the report was not relevant to this report.

##### **RESOLUTION 232/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

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

**CARRIED**

#### **8.2.5 MONTHLY FINANCE REPORT FOR JULY, 2021**

##### **RESOLUTION 233/2021**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

**That the Finance Report for July, 2021 be received and noted.**

**CARRIED**

### **8.3 COMMUNITY AND CULTURE**

#### **8.3.1 COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL GRANTS PROGRAM**

##### **RESOLUTION 234/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Leigh Bowden

- 1. The Cootamundra-Gundagai Regional Council Grants report be received and noted.**
- 2. The Cootamundra-Gundagai Regional Council Grants Policies and Procedures attached to the report be adopted.**
- 3. The Cootamundra-Gundagai Regional Council's Draft External Grant Applications for Council Committees Procedure be forwarded to all the committees listed in the Draft procedure attached to the report.**

**CARRIED**

### **8.3.2 COOTAMUNDRA-GUNDAGAI REGIONAL ENTREPRENEURS' PROGRAM**

#### **RESOLUTION 235/2021**

Moved: Cr Doug Phillips

Seconded: Cr Penny Nicholson

**Council endorse the Bushfire Black Summer Recovery Grant for \$122,000 for the Cootamundra-Gundagai Regional Entrepreneurs' Program.**

**CARRIED**

### **8.3.3 DRAFT CHILD PROTECTION POLICY**

#### **RESOLUTION 236/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Charlie Sheahan

**Council adopt the Draft Child Protection Policy and Procedure.**

**CARRIED**

### **8.3.4 PROPOSAL BY APPI GHOST HUNTS AND TOURS TO HOLD PARANORMAL TOURS AT THE OLD GUNDAGAI GAOL**

#### **RESOLUTION 237/2021**

Moved: Cr Penny Nicholson

Seconded: Cr Leigh Bowden

**Council consider entering into a Memorandum of Understanding with Paranormal Entertainment (trading as APPI Ghost Hunts & Tours) to conduct tours at the Old Gundagai Gaol.**

**CARRIED**

### **8.3.5 MINUTES OF THE ACCESS AND INCLUSION COMMITTEE MEETING HELD ON THURSDAY 19 AUGUST 2021**

#### **RESOLUTION 238/2021**

Moved: Cr David Graham

Seconded: Cr Leigh Bowden

- 1. The Minutes of the Access and Inclusion Committee Meeting held on Thursday 1 October 2020 (attached) are submitted for adoption.**
- 2. Council endorse the application submitted through the Regional Tourism Activation Fund to fund upgrades to the Old Gundagai Gaol.**

**CARRIED**

## 8.4 Development, Building and Compliance

**8.4.1 DA2020/165 - PROPOSED 4MW SOLAR FARM - LOT 8 DP 1244273, 167 FIVE MILE CREEK ROAD, GUNDAGAI****RESOLUTION 239/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

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

- Application No: DA2020/165
- Property: Lot 8 DP 1244273  
167 Five Mile Creek Road  
GUNDAGAI NSW 2722
- Development: Electricity generating works (solar farm) establish and operate a 4 megawatt (MW) solar farm, including ancillary works and associated infrastructure.

**Conditions:****A. ADMINISTRATIVE CONDITIONS****Approved plans, specifications and documents**

- A1. The Development must be carried out generally in accordance with the following documents and written information (including all plans and specifications contained within each document), except where varied by conditions of this consent.

The Statement of Environmental Effects (Revision C), prepared by CMS Surveyors and Planners, dated February 2021, submitted 4 <sup>th</sup> March 2021				
The Bushfire Assessment Report (Version 1), prepared by Bushfire Environmental Management Consultancy, dated 24 <sup>th</sup> June 2020, submitted 30 <sup>th</sup> September 2020				
Additional written information (11 pages), prepared by Bushfire Environmental Management Consultancy, dated 18 <sup>th</sup> January 2021, submitted 4 <sup>th</sup> March 2021				
The Bush Fire Emergency Management and Operations Plan (Version 1), prepared by Bushfire Environmental Management Consultancy, dated 24 <sup>th</sup> June 2020, submitted 30 <sup>th</sup> September 2020				
The Landscape Character and Visual Impact Assessment (Revision 2), prepared by Envisage, Reference 16020, dated 15 <sup>th</sup> July 2020, submitted 30 <sup>th</sup> September 2020				
Additional written information (4 pages), prepared by Envisage, dated 22 <sup>nd</sup> February 2021, submitted 4 <sup>th</sup> March 2021				
The Construction Noise and Vibration Management Plan (Revision 0), Reference R200300R1, dated 25 <sup>th</sup> June 2020, prepared by Rodney Acoustics				
Additional information (15 pages), prepared by D Patel, dated 20 <sup>th</sup> February 2021, submitted 9 <sup>th</sup> July 2021				
The Stormwater Management assessment, prepared by 5S Projects, Reference FSP-HDC-21320-Rev.A, dated 16 <sup>th</sup> May 2021, submitted 17 <sup>th</sup> May 2021				
The following plans and/or specifications				
<i>Plan/Spec No.</i>	<i>Name/content</i>	<i>Prepared by</i>	<i>Date of plan</i>	<i>Date submitted</i>
3504/S1 Rev B (amended)	Stormwater Management Plan	Consulting Design and Inspection Engineers Pty Ltd, as amended by 5S Projects	1.3.21	17.5.21

20018_E001 Rev D	Electrical services site layout	HQ Engineering consultant Pty Ltd	15.7.20	30.9.20
19229ARCH Issue 1	40FT storage container	CMS Surveyors Pty Ltd	4.4.20	30.9.20
	Concept landscape plan	Envisage	15.7.21	20.9.20

### **Inconsistencies between approved plans and documents, condition of consent and Industry guidelines**

- A2. In the event of an inconsistency between the documents and/or plans referred to above, the latter documents and/or plans, shall prevail to the extent of the inconsistency.
- A3. In the event of an inconsistency between the conditions of this consent and the documents and/or plans referred to above, then the conditions of this consent shall prevail to the extent of the inconsistency.

### **Cost of the works**

- A4. All works associated with the project shall be at no cost to Council or Transport for NSW.

### **Upgrading of solar panels and ancillary infrastructure**

- A5. The Operator of the facility may upgrade and/or replace the solar panels and ancillary infrastructure on-site (excluding the amenities/office building and storage container), provided these upgrades remain within the approved development footprint of the site. Prior to carrying out such upgrades/works, the Operator must provide details of the proposed works to Council.

### **Structural adequacy and building approvals**

- A6. The Developer must ensure that all new buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia, and/or are structurally adequate and fit for purpose.

### **Protection of public infrastructure**

- A7. The Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development, and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

NOTE: See also conditions below relating to the required road dilapidation reports and repair works.

## **B. PRIOR TO WORK/CONSTRUCTION COMMENCING**

### **Construction Certificate**

- B1. Where necessary, construction certificates shall be obtained before construction commences.

### **Payment of section 7.12 contribution**

- B2. Prior to work commencing, a contribution shall be paid towards the provision of public amenities and services, in accordance with the Cootamundra–Gundagai Regional Council *Section 7.12 Fixed Developer consent Levy Contributions Plan 2018*.

#### **Erosion and sediment control plan**

- B3. Prior to work commencing the applicant shall submit to Council, and receive approval for, an erosion and sediment control plan prepared in accordance with the following documents:
- the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).

#### **Erosion and sediment controls**

- B4. All measures contained in the approved erosion and sedimentation control plan, are to be implemented prior to the commencement of construction and shall be maintained throughout construction and until such time as adequate groundcover is provided to prevent erosion.

#### **Traffic management plan and drivers code of conduct**

- B5. Prior to work commencing, the Applicant must prepare a Traffic Management Plan and drivers code of conduct, for the construction phase of the development, to the satisfaction of Council. This plan must include:
- (a) details of the proposed materials depot that will be used for to transfer materials from heavy vehicles to light vehicles,
  - (b) details of the measures to be implemented to minimise traffic safety issues and impacts, and disruption to local users of the transport route during construction, including those measures outlined in the SEE, and the following specific requirements:
    - the use of the northern most access off the Hume Highway onto Annie Pyers Drive only (no access via the southern access),
    - no loading or unloading of materials or components within the road reserve of a classified road,
    - maximum length of vehicle permitted to use Five Mile Creek Road – 12.5 metres,
    - type of vehicle permitted to use Five Mile Creek Road – rigid truck only,
    - maximum speed of vehicles using Five Mile Creek Road – 40 kmph,
    - the internal roads are constructed to an all-weather standard,
    - there is sufficient parking on site for all vehicles, and no parking occurs on Five Mile Creek Road or other public road in the area,
    - all vehicles are loaded and unloaded on-site, and enter and leave the site in a forward direction,
    - ensuring vehicles leaving the site are in a clean condition to minimise dirt being tracked onto public roads,
    - scheduling of delivery vehicles to prevent queuing of traffic,
    - identifying potential conflicts along Five Mile Creek Road, in particular:
      - vehicles and trucks blocking the road while accessing other properties,
      - cattle grazing and moving along the road,
      - vehicles moving between properties across the road,
      - people walking along the road, due to the lack of a formal footpath.

**Dust management plan**

- B6. Prior to work commencing, the Applicant must prepare a management plan to provide measures to suppress dust generation from the development site and the transportation route, which shall be prepared and implemented to the satisfaction of Council and Transport for NSW.

**Section 68 approvals**

- B7. Prior to work commencing on the installation of the on-site sewage management system, and associated plumbing works, the applicant shall obtain an approval from for the works, in accordance with section 68 of the Local Government Act 1993.

**Road dilapidation report**

- B8. Prior to work commencing, a road dilapidation report shall be prepared for the full length of Five Mile Creek Road (from Annie Pyers Drive to the site) by a suitably qualified engineer. The plan shall identify the existing condition of the road, and shall be submitted to and approved by Council. The report shall be prepared no earlier than ninety (90) days before work commences.

**Road works**

- B9. Prior to work commencing, engineering design plans for a cul-de-sac, at the southern-most end of Five Mile Creek Road adjacent the subject site, shall be submitted to and approved by Council. The cul-de-sac shall be suitable for a 5.2 metre passenger vehicle to turn around in a maximum of three (3) moves.

**Environmental Management Plans**

- B10. A copy of the following approved environmental management plans, shall be supplied to all contractors prior to work commencing:
- erosion and sediment control plan
  - traffic management plan
  - dust management plan
  - Construction Noise and Vibration Management Plan.

**Bushfire protection measures**

- B11. Prior to the commencement of building works, a 10 metre Asset Protection Zone (APZ) around the entire development footprint shall be established, and which shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bushfire Protection 2019, and NSW Rural Fire Service 'Standards for Asset Protection Zones'.

**Screen tree plantings**

- B12. Prior to work commencing, details of the fire-resistant tree species to be used for screening, along with a justification for the species choice, shall be submitted to, and approved by Council.

**Engineering Certificate**

- B13. Prior to work commencing, an engineering certificate for the solar array frame (prepared by a suitably qualified structural engineer) shall be submitted to Council. The certification shall be specific to the site and the site conditions, and shall include copies of any soil tests or other reports relied upon in the certification.

**C. DURING CONSTRUCTION / CARRYING OUT OF WORK****Hours of work**

- C1. Hours of work, shall be limited to the following:
- (a) Mondays to Fridays – 7:00 am to 6:00 pm
  - (b) Saturdays – 8:00 am to 1:00 pm
  - (c) Sundays and public holidays – Nil
  - (d) Any other times – only with the prior written consent of Council.

**Environmental Management Plans**

- C2. All measures contained in the following approved environmental management plans shall be adhered to/maintained throughout construction:
- erosion and sediment control plan
  - traffic management plan
  - dust management plan.

**Construction Noise and Vibration Management Plan**

- C3. The noise and vibration mitigation measures, corrective measures, and complaint handling procedures identified Sections 8, 9, 10, 11, 12 and 13 of the approved Construction Noise and Vibration Management Plan, shall be implemented.

**Construction noise**

- C4. Noise emissions from plant and equipment, shall be minimised by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers.

**Naturally Occurring Asbestos**

- C5. The applicant is advised that the subject land may be affected by naturally occurring asbestos. If naturally occurring asbestos material is encountered during excavation works on site, the works are to cease immediately and Council is to be notified. Interception of any naturally occurring asbestos will require specific processes to be implemented to secure the site and to manage any further works in accordance with the requirements of the *Work Health and Safety Regulation 2017*.

**Unexpected finds**

- C6. Should any relics or artefacts (Aboriginal or European) be discovered during earthworks, excavation or disturbance, work in the immediate area must stop immediately, and Council and the Office of Environment and Heritage shall be consulted.

**Removal of topsoil**

- C7. Any topsoil from disturbed areas shall be conserved and used in the rehabilitation of the site.

**Waste**

- C8. The proponent must collect, manage and dispose of waste generally in accordance with Section 3.9 (Waste Management) of the SEE, and as per the following requirements:
- (a) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines;
  - (b) store and handle all waste on site in accordance with its classification;
  - (c) not dispose of any waste on site; and



- (d) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

#### **D. PRIOR TO COMMENCEMENT OF USE / ISSUING OF AN OCCUPATION CERTIFICATE**

##### **Approval to operate**

- D1. The solar farm shall not be commissioned, until such time as all the requirements of the conditions of this consent have been carried out to the reasonable satisfaction of Council, as signified in writing and/or occupation certificates have been issued (where required).

##### **Bushfire protection measures**

- D2. Prior to the development being commissioned, all bushfire protection measures identified in the approved *Bushfire Assessment Report*, prepared by Bushfire Environmental Management Consultancy (dated 24<sup>th</sup> June 2020), shall be in place and operational, including, but not limited to:
  - (a) a 10 metre Asset Protection Zone (APZ) around the entire development footprint which shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bushfire Protection 2019, and NSW Rural Fire Service 'Standards for Asset Protection Zones';
  - (b) an appropriately designed and located row of trees 5m on the outside of the APZ with a fire trail located between the trees and solar farm infrastructure,
  - (c) a perimeter access trail shall be established within the APZ in accordance with conditions set out Section 5.3 of the *Bushfire Assessment Report*,
  - (d) gates should be installed along boundary fencing association with gaps in the landscaping features to allow emergency services to access neighbouring properties,
  - (e) a 10,000 litre water tank located in the north-western corner of the lot associated with the access point, complying with the static water provisions within Table 7.4a of PBP 2019.
- D3. Prior to the development being commissioned, a suitably qualified Accredited Bushfire Practitioner, shall provide written certification to Council, stating that all the required bushfire protection measures are in place and compliant.

##### **Bush Fire Emergency Management and Operations Plan**

- D4. A copy of the approved *Bush Fire Emergency Management and Operations Plan*, prepared by Bushfire Environmental Management Consultancy (dated 24<sup>th</sup> June 2020), shall be provided to local emergency service providers.

##### **Screen tree planting**

- D5. The screen tree plantings (type as agreed by Council), in the locations identified in the approved landscaping plan shall be established, prior to the use commencing.

##### **Stabilisation of exposed surfaces**

- D6. As soon as practical after all works have been finished, exposed surfaces shall be stabilised (seeding, spraying or other suitable method), to ensure that the integrity of the surfaces are maintained and no erosion occurs.

##### **Road works**

- D7. A cul-de-sac shall be constructed and sealed at the southern-most end of Five Mile Creek Road adjacent the subject site, in accordance with the approved road works plan.

**Dilapidation report and road repair works**

- D8. After construction has finished, and prior to commissioning of the development, a dilapidation report shall be prepared for the full length of Five Mile Creek Road (Annie Pyers Drive to the site), by a suitably qualified person, and submitted to Council.
- D9. The dilapidation report shall clearly identify any damage or defects along the road, which have occurred since the pre-construction dilapidation report was prepared. The report shall identify how the damage and defects are to be repaired, to the satisfaction of Council.
- D10. Prior to commissioning of the development, the damage or defects along the road identified in the dilapidation report, shall be repaired to the satisfaction of Council.

**E. DURING OPERATIONS OF THE FACILITY****Noise**

- E1. The use of the property for the approved development, shall not give rise to “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*, at the closest residence, at any time.

**Site lighting**

- E2. Any lighting associated with the development shall be located and directed in such a manner so as to prevent a glare nuisance to any adjoining property or cause distraction to road users in the area.

**Glint and glare**

- E3. Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.

**Weed management**

- E4. Weed management shall be undertaken across the site on an on-going basis, to control and prevent the spread of weeds.

**Groundcover and erosion control**

- E5. An appropriate level of groundcover shall be maintained on-site to minimise the occurrence of erosion. Where appropriate levels of groundcover cannot be maintained, suitable erosion control measures shall be implemented to prevent erosion occurring on the site.

**Screen trees**

- E6. The screen trees planted around the perimeter of the facility shall be replaced in the event of their loss (falling over, dying, etc). Trees shall be replanted within 6 months of their loss.

**Bush Fire Emergency Management and Operations Plan**

- E7. A copy of the approved *Bush Fire Emergency Management and Operations Plan*, prepared by Bushfire Environmental Management Consultancy (dated 24<sup>th</sup> June 2020), must be kept on site and made available to all staff and contractors.
- E8. The actions and operational and management procedures identified in the approved *Bush Fire Emergency Management and Operations Plan* shall be implemented on site, in perpetuity. This shall include, but not be limited to:
- establishment and maintenance of a 10 metre Asset Protection Zone (APZ) around the entire development footprint which shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bushfire Protection 2019, and NSW Rural Fire Service 'Standards for Asset Protection Zones', in perpetuity.
- E9. The approved *Bush Fire Emergency Management and Operations Plan* shall be reviewed by a qualified bushfire consultant every 5 years.

**F. DECOMMISSIONING OF THE FACILITY****Decommissioning / rehabilitation**

- F1. No later than twelve (12) months prior to the decommissioning of the facility, the operator shall prepare and submit a decommissioning plan for the facility to Council. The plan shall address the removal and disposal of all infrastructure from the site, associated traffic impacts and the rehabilitation of the site to its pre-development standard.

**REASONS FOR THE CONDITIONS:**

- To confirm the details of the application as submitted by the applicant and as approved by Council.
- To manage any inconsistencies between the approved plan and documents and conditions of consent.
- To ensure the development is constructed and managed in accordance with all relevant standards.
- To prevent, minimise and offset any adverse impacts.
- To provide for the on-going environmental management of the development

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

CARRIED

#### 8.4.2 DEVELOPMENT APPLICATION 2021/98 CHANGE OF USE TO DENTAL CLINIC, 2-4 COOPER STREET, COOTAMUNDRA - VARIATION TO DEVELOPMENT STANDARD

Note: Cooper Street and Morris Street have been incorrectly detailed as Muttama Road and Coolac Road within the conditions. Under PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE should read:

##### (2) PCC Condition - Traffic Control Plan.

The applicant shall provide to Council, for approval, a Traffic Control Plan for those areas which involve work in the vicinity of the intersection of Cooper Street and Morris Street to the Roads & Traffic Authority Guidelines.

**Reason:** *To ensure acceptable standards of safety for both vehicular and pedestrian traffic.*

#### RESOLUTION 240/2021

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

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

- Application No: DA2021/98
- Property: Lot: A DP: 363649  
2-4 Cooper St  
COOTAMUNDRA NSW 2590
- Development To change the use of the existing building to provide for a health services facility (dental clinic)

#### 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	Coota Design	July 2021
Drawing No. 1	Floor Plan, Elevations	Coota Design	17.06.2021

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

**(3) GEN Condition - Compliance with Legislation**

Regardless of consent the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods (Road and Rail Transport) Act.

**Reason:** This consent does not remove obligations imposed by State and Federal Legislation.

**(4) 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.

**(5) 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.

**(6) GEN Condition – New Footpath Construction.**

The Developer shall at their cost, construct a concrete footpath, 1.5 metres wide across the full frontage of the allotment and re-instate the nature strip afterwards to Council's satisfaction along with the entire area under the proposed awning paved or concreted.

**Reason:** To ensure that adequate pedestrian access facilities are provided to the development to be benefit of the community.

**(7) GEN Condition – Public Land Costs**

Costs attributed to all work involved on public land shall be borne by the proponent.

**Reason:** Need for applicants to be reasonable for costs arising as a result of development work

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**(1) PCC Condition - Section 94A Contributions.**

At the time of submission of a Construction Certificate all owing monies as they relate to Section 7.12 contributions must be paid in full.

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

**Reason:** So that the Section 94A Developer Contributions are paid in accordance with Council's Section 94A policy as adopted 2011.

**(2) PCC Condition - Traffic Control Plan.**

The applicant shall provide to Council, for approval, a Traffic Control Plan for those areas which involve work in the vicinity of the intersection of Cooper Street and Morris Streets to the Roads & Traffic Authority Guidelines.

**Reason:** To ensure acceptable standards of safety for both vehicular and pedestrian traffic.

**(3) PCC Condition - Carpark Design.**

Detailed car parking plan outlining car spacing's, vehicle manoeuvring, exit/entrance points and location and provision for service delivery vehicles in accordance with Australian Standard 2890 submitted for Council approval providing for 3 staff and visitor parking plus an additional 1 space for disabled parking. Entry and exit points are to be clearly signposted.

**Reason:** To ensure that adequate and practical off-street parking and access to the development has been provided.

**(4) 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.

**(5) PCC Condition - Road Opening and Closing Permit.**

If it is proposed to construct a vehicular crossing on the public footpath a road opening permit must be obtained from Council and an appropriate fee paid for Council to assess or to carry out the design and construction of such crossing. No excavation of, or construction on the public footpath is authorised to be carried out by others than Council except in accordance with (a) a design approved by Council and (b) the terms of an appropriate road opening permit.

**Reason:** To ensure that work carried out on public roads conforms to the requirements of Council, the responsible authority.

**(6) PCC Condition - Trade Waste Device Required.**

Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste fee may be applicable in accordance with Council's adopted Fees and Charges.

*Reason: To comply with Council's Trade Waste Policy*

**(7) PCC Condition - Heritage Design Consideration.**

So that the renovated building design and character is sympathetic with the heritage styles of the surrounding locality. The applicant must ensure that the colour schemes and materials used for the new dwelling complement the existing dwellings in the locality.

Plans and details demonstrating the above shall be submitted to the Principal Certifying Authority upon lodgement of the Construction Certificate Application.

*Reason: So that the dwelling located on site appears more in character with the heritage styles of the existing buildings and does not detract from the character of the locality.*

**(8) PCC Condition - Internal Road Design.**

Provision of a detailed internal road design outlining car parking spacing's, vehicle manoeuvring, site lines, exit/entrance points and location and provision for service vehicles in accordance with Australian Standard 2890 are to be submitted for Council approval prior to the issuing of a Construction Certificate. Entry and exit points to be clearly signposted.

The vehicle entrance into the development from Parker Street shall be of concrete construction from the kerb line to the building line. The provision of a new vehicle access point off Parker Street, 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 that adequate vehicle access and internal movement is achieved and maintained throughout the development*

**PRIOR TO COMMENCEMENT OF WORKS****(1) PCW Condition – Prior to Building Work Commencing.**

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

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

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

**(2) PCW Condition – Signage.**

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

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

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

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

**(3) PCW Condition – Notice of Commencement.**



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

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

**(4) PCW Condition – Public Safety – Hoardings.**

A hoarding or fence must be erected between the building or site of the proposed building and the public place (street frontage). If necessary, an awning sufficient to prevent any substance from, or in connection with, the work, falling onto a public place is also to be erected. Such hoardings require separate approval by Council and must comply with the requirements of the WorkCover Authority.

The hoarding or fence is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

The hoarding, fence or awning is to be removed when it is no longer required for the purposes for which it was provided. Restriction of public access to the building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

**Reason:** *To protect the general public.*

**(6) 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.*

**(7) PCW Condition – Construction Safeguards.**

Fire precautions during construction are to comply with PART E1.9 Building Code of Australia. Not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit.

**Reason:** *To provide a minimum standard of fire safety during construction.*

**(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 Construction.**

All work on the public footpath and roadway shall be carried out with due care and regard for the safety and convenience of the public including pedestrians, cyclists and motorists. Special regard shall be paid to caring for the needs of children, the disabled, the infirm and the elderly.

**Reason:** *Preservation of the life, health and good will of members of the public.*

**(4) 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.*

**(5) 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 – Driveway and Layback.**

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

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

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

**(7) DUR Condition - BCA Compliance.**

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

***Reason:** To ensure the building complies with the BCA.*

**(8) DUR Condition – Inspections.**

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 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 - Demolition of Buildings.**

The following points must be complied with: -

1. Building demolition work is to be carried out in accordance with the requirements / provisions of AS2601-2001 - Demolition
2. All existing services are to be disconnected, sealed and made safe prior to the demolition a /or removal of existing structures on site - The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are

to be inspected by Council - The requirements of other utility authorities shall be ascertained and adhered to by the applicant

3. The disposal of any asbestos materials in accordance with the requirements of WorkCover NSW and AS 2601-2001 - Demolition of Structures
4. The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public
5. Adjoining neighbours shall be given a minimum of 24 hours' notice of the intention to commence demolition works
6. Ground surface shall be graded and finished flat to ensure ease of maintenance

**Reason:** *So that the demolition is conducted in a manner that maintains acceptable safety, environmental and legislative standards.*

**(11) DUR Condition – Storm Water.**

Storm water is to be discharged: -

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

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

**(12) DUR Condition – Exit Doors.**

In accordance with Clause D2.20 and Clause D2.21 of the Building Code of Australia, all exit doors must swing in the direction of egress. Exit doors must be readily openable without a key from the side that faces a person seeking egress, by a single handed downward action or pushing action on a single device which is located between 900mm and 1200mm from the floor.

**Reason:** *To facilitate exit from the building.*

**(13) DUR Condition – Fire Hazard Index.**

The early fire hazard indices of materials, linings and surface finishes must comply with specification C1.10 of the Building Code of Australia.

**Reason:** *To suppress fire within places of public entertainment.*

**(14) DUR Condition – Disabled Fitouts.**

All ramps, hand rails and ablution fitouts shall be installed in accordance with Australian Standard 1428.1-2009 "Design for Access and Mobility, Part 1: General Requirements for Access – Buildings".

**Reason:** *To provide access for disabled people.*

**(15) DUR Condition – Provide Suitable Access.**

Access is to be constructed to Council specification and location. The access to be constructed and maintained at the owners cost such no soil erosion is caused.

**Reason:** To ensure that traffic movement generated by the development does not adversely affect the road system of the locality and that siltation of waterways is minimised.

**(16) DUR Condition – Disabled Carparking.**

Additional Disabled Carparking spaces shall be incorporated in the existing carpark facility and in a position which is located as near as practical, adjacent to the premises entrance.

**Reason:** The legal obligations of an applicant to provide access/parking for disabled persons.

**(17) DUR Condition – Dust Free Carpark.**

Carpark area and access driveway shall be constructed to a dust free standard, and maintained in good, dust free condition.

**Reason:** To ensure that no dust nuisance occurs.

**(18) DUR Condition – Carpark Entry.**

Entry and exit from the carpark is to be in a forward direction. Adequate turning space will be required to enable vehicles to leave the carpark in a forward direction.

**Reason:** To ensure acceptable standards of safety for both vehicular and pedestrian traffic.

**(19) DUR Condition – Alterations: Plumbing and Drainage Works.**

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 Certificate of Compliance (C.O.C) after the work has been completed and also 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 NSW Fair Trading and The Plumbing Code of Australia.

**Reason:** Statutory compliance.

**(20) DUR Condition - Asbestos Removal.**

Any quantity of asbestos, whether it be stabilised or non-stabilised (loose), should be undertaken with care. Stabilisation asbestos can include fibro sheets, fibro roofing, fibro water pipes, and bituminous floor tiles. If you are removing more than 10 sq. metres of surface area you will need to have a specially licensed person with WorkCover, authorised to undertake such work. If you are removing stabilised asbestos sheeting, roofing etc, observe the following the following precautions: -

1. Remove entire sheets of materials without breaking the product, ie punch nail holes through rather than break the sheet, take down - don't drop

2. Thoroughly wet each sheet of the waste before removing
3. Wrap the sheeting in plastic 200 microns thick
4. When transporting, make sure the top of the trailer is taped over with plastic sheeting and secured
5. Transport to an asbestos authorised disposal area, ie Cootamundra Waste Depot is authorised, provided prior notice has been given so that the disposal pits are specifically opened up and protective gear is worn by the operator of the plant
6. When unloading do not drop on the ground but gently place into the area as directed by the Council operator
7. Do not use power tools which expose the asbestos fibres
8. Do not scrub or water-blast any asbestos cement sheeting
9. Do not slide sheets over other sheets as this will release fibres
10. Wear a protective mask and goggles

Specific websites with additional information are at [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.diySAFE.nsw.gov.au](http://www.diySAFE.nsw.gov.au)

**Reason:** *To minimise the risk of asbestosis and to dispose of this harmful product in a safe secure manner at an accredited disposal point.*

#### **POST CONSTRUCTION**

##### **(1) POC Condition – Occupation of Building.**

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

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

##### **(2) POC Condition – Compliance Certificates.**

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

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

##### **(3) POC Condition – Property Identification.**

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

In rural areas, the number should be affixed near your property entrance at the fence line. The property is 2-4.

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

#### **ONGOING USE**

##### **(1) USE Condition – Annual Certificate.**

The owner of the building shall submit to Council an 'Annual Fire Safety Statement' (Form 1) by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation 2000. Forms for this purpose can be collected from Council's offices.

**Reason:** *To ensure that fire and other safety measures are maintained in a proper working condition.*

**(2) USE Condition – Discrimination Laws.**

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons.

The *Disability Discrimination Act* (DDA) is commonwealth legislation that aims to increase the economic and social independence of people with a disability.

The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

It should be noted that by the issuing of this consent the Council does not guarantee that all legislative requirements of the DDA or subsequent premises standards have been satisfied and that the owners/operators may still be subject to complaints being made under the DDA. It is advisable that the applicant should satisfy themselves with the requirements of the DDA and seek further professional advice if deemed necessary.

**Reason:** *To clarify that the issuing of this development consent does not certify that the establishment or operation of the development satisfies all requirements of the Disability Discrimination Act.*

**(3) USE Condition – Hours of Operation.**

The development shall only be conducted between the hours of:-  
Monday to Saturday from 8.00am to 6.00pm  
Sundays and public holidays from 9.00am to 12pm

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

**(4) 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.*

**(5) 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.*

**(6) USE Condition – Non Habitable Use.**

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

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

<b>VOTING RECORD</b>	
<b>FOR RESOLUTION</b>	<b>AGAINST RESOLUTION</b>
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
<b>ABSENT</b>	<b>DECLARED INTEREST</b>
Nil	Nil

**CARRIED**

**8.4.3 DEVELOPMENT APPLICATIONS JULY 2021**

Note: Having disclosed a less than significant non-pecuniary interest in item 8.4.3 Development Applications July 2021 App. No. CDC2021.15 New Swimming Pool Lot 1 DP999904 Hopewood Road Gundagai, Cr Graham was able to stay and participate in discussion.

**RESOLUTION 241/2021**

Moved: Cr Dennis Palmer

Seconded: Cr Doug Phillips

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

**CARRIED**



## **8.5 REGULATORY SERVICES**

### **8.5.1 REGULATORY REPORT JULY 2021**

#### **RESOLUTION 242/2021**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

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

**CARRIED**

## **8.6 ASSETS**

### **8.6.1 PROGRESS REPORT ON THE CONSTRUCTION OF GUNDAGAI SEWAGE TREATMENT PLANT (STP) AND ASSOCIATED WORKS.**

#### **RESOLUTION 243/2021**

Moved: Cr Doug Phillips

Seconded: Cr Leigh Bowden

**The Progress Report on the Construction of Gundagai Sewage Treatment Plant (STP) and associated works be received and noted**

**CARRIED**

## **8.7 CIVIL WORKS**

### **8.7.1 ANNUAL AERODROME INCOME AND EXPENDITURE**

#### **RESOLUTION 244/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

**The Report on the Annual Aerodrome Income and Expenditure is submitted for the consideration of Council.**

**CARRIED**

### **8.7.2 CIVIL WORKS AND TECHNICAL SERVICES REPORT - AUGUST 2021**

#### **RESOLUTION 245/2021**

Moved: Cr David Graham

Seconded: Cr Gil Kelly

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

**CARRIED**

### **8.8 TECHNICAL SERVICES**

#### **8.8.1 COOTAMUNDRA-GUNDAGAI PLANT REPLACEMENT PROGRAM 2021-2031**

#### **RESOLUTION 246/2021**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

**The reviewed Plant Replacement Program 2021-2031 is submitted for the consideration of Council.**

**CARRIED**

### **8.9 FACILITIES**

#### **8.9.1 ENERGY SAVINGS ACTION PLAN**

#### **RESOLUTION 247/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Doug Phillips

- 1. The report on Energy Savings Action Plan be received and noted**
- 2. The Energy Savings Action Plan be adopted**

**CARRIED**

### **8.9.2 UPDATED MAJOR PROJECT SPREADSHEET**

#### **RESOLUTION 248/2021**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

**The Report on the Updated Major Project Spreadsheet and the Updated Major Project Spreadsheet, attached to the report, be received and noted.**

**CARRIED**

### **8.9.3 FACILITIES WORKS REPORT AUGUST 2021**

#### **RESOLUTION 249/2021**

Moved: Cr Charlie Sheahan

Seconded: Cr Penny Nicholson

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

**CARRIED**

## **8.10 WASTE, PARKS AND RECREATION**

### **8.10.1 WASTE, PARKS & RECREATION DIVISIONS MONTHLY WORKS REPORT - AUGUST 2021**

#### **RESOLUTION 250/2021**

Moved: Cr Gil Kelly

Seconded: Cr Charlie Sheahan

**The Waste, Parks and Recreation Works Report - August 2021 be received and noted.**

**CARRIED**

**9 MOTION OF WHICH NOTICE HAS BEEN GIVEN****9.1 NOTICE OF MOTION - SHOULD THE TUMUT STREET, GUNDAGAI CLOSURE AT THE RAILWAY VIADUCT BE MADE PERMANENT, OR NOT RE-OPENED IN THE SHORT TERM, WITH THE INTENT TO SEAL A 350 METER ALTERNATIVE SECTION OF ROAD FOR THE USE OF RESIDENTS IN TUMUT STREET.****MOTION**

Should the Tumut Street, Gundagai Closure at the Railway Viaduct be made Permanent, or not re-opened in the short term, with the Intent to Seal a 350 meter Alternative Section of Road for the use of Residents in Tumut Street.

Due to a lack of seconded the motion lapsed.

**10 QUESTIONS WITH NOTICE****10.1 QUESTIONS WITH NOTICE - AUGUST, 2021**

Note: the incomplete answer to Cr Kelly's second question should read:

To date the costs associated with the development of the Master Plan are approximately \$40,000. These costs have been paid out of the former multi-purpose sports court project which was reallocated to the Gundagai Memorial Swimming Pool.

**RESOLUTION 251/2021**

Moved: Cr Gil Kelly

Seconded: Cr Dennis Palmer

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

**CARRIED**

**11 CONFIDENTIAL ITEMS****11.1 CLOSED COUNCIL****RESOLUTION 252/2021**

Moved: Cr Leigh Bowden

Seconded: Cr Dennis Palmer

- 1. Items 11.2 and 11.3 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 and 11.3 be withheld from the press and public.**

**11.2 CONTRACT 2019/11 BITUMEN SEALING - EXTENSION**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..

**11.3 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE REVIEW**Provisions for Confidentiality

Section 10A (2) (f) – The Confidential Report contains details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

Public Interest

Public Interest - Not applicable.

**CARRIED**

**11.2 CONTRACT 2019/11 BITUMEN SEALING - EXTENSION****RESOLUTION 253/2021**

Moved: Cr David Graham

Seconded: Cr Doug Phillips

**Council approve exercising the option of a twelve (12) month extension to Contract 2019/11 with Bitupave Ltd (Boral Asphalt).**

**CARRIED**

**11.3 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE REVIEW**

**RESOLUTION 254/2021**

Moved: Cr Dennis Palmer

Seconded: Cr David Graham

**The General Managers Performance Review Panel provide an update to Council.**

**CARRIED**

**11.4 RESUMPTION OF OPEN COUNCIL MEETING**

**RESOLUTION 255/2021**

Moved: Cr Doug Phillips

Seconded: Cr Charlie Sheahan

**The Open Council meeting resume.**

**CARRIED**

**11.5 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

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

**The Meeting closed at 8:24 PM.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 September 2021.**

.....  
**CHAIRPERSON**

.....  
**GENERAL MANAGER**