PRESENT

The Mayor, Councillor Rod Kendall
Councillor Yvonne Braid
Councillor Alan Brown
Councillor Greg Conkey OAM
Councillor Paul Funnell
Councillor Garry Hiscock
Councillor Julian McLaren
Councillor Andrew Negline
Councillor Kerry Pascoe
Councillor Kevin Poynter
Councillor Dallas Tout

IN ATTENDANCE

General Manager (Mr P Pinyon)
Director Commercial & Economic Development (Dr P Adams)
Director Corporate Services (Mr C Richardson)
Director Environmental & Community Services (Mrs J Summerhayes)
Director Infrastructure Services (Mr H Kausche)
Director Planning & Regulatory Services (Mr A Crakanthorp)
Manager Economic Development & Visitor Economy (Ms N Stuart)
Manager Council Businesses & Property (Mr G Johnson)
Manager Commercial Businesses (Mr S Prowse)
Manager Events (Ms S Nolan)
Strategic Manager Commercial & Economic Development (Mr J Bolton)
Manager Corporate Governance (Ms N McCormack)
Manager Community Services (Ms M Scully)
Manager Art Gallery (Mr S Payne)
Manager Environmental & Recreation Services (Mr M Gardiner)
Director Riverina Regional Library (Mr R Knight)
Strategic Asset Planner (Parks & Recreation) (Mr B Creighton)
Manager Engineering (Mr A Fenwick)
Acting Manager Internal Audit (Mr P Swaffield)
Project Administration Officer (Ms J Earles)
Manager Executive Services (Mr L Grealy)
Project Management Supervisor (Mr D Christiansen)
Senior Revenue Accountant (Mr C Katsoolis)
Economic Development Officer (Mr R Robinson)
Governance Coordinator (Mrs N Johnson)
Media Officer (Mr B Koschel)
PRAYER

Almighty God,

Help protect our Mayor, elected Councillors and staff.

Help Councillors to govern with justice, integrity, and respect for equality, to preserve rights and liberties, to be guided by wisdom when making decisions and settling priorities, and not least of all to preserve harmony.

Amen.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

APOLOGIES

No apologies were received.

PROCEDURAL MOTION – APOLOGY MICHAEL MCCORMACK

14/057 RESOLVED:
   On the Motion of Councillors G Hiscock and A Brown

That Council receive and accept an apology from Federal Member for Riverina, Mr Michael McCormack.

CARRIED
CONFIRMATION OF MINUTES

CM-1 CONFIRMATION OF MINUTES - ORDINARY COUNCIL - 24 FEBRUARY 2014

14/058 RESOLVED:
On the Motion of Councillors A Brown and J McLaren

That the Minutes of the proceedings of the Council Meeting held on 24 February 2014 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

The Mayor, Councillor R Kendall, declared a Pecuniary Interest in PSRP-10 - DA13/0654 - INSTALLATION OF A RELOCATABLE HOME TO CREATE A DUAL OCCUPANCY, LOT 2 DP 255435, 562 PATTERNSONS ROAD, EUNANOREENYA the reason being that his son works for the company that is constructing the dwelling and vacated the Chamber during its consideration.

Councillor J McLaren declared a Non-Pecuniary Interest in CONF-1 - LINEAL PARK LAND ACQUISITION the reason being that his son attends The Riverina Anglican College and remained in the chamber during its consideration.

Councillor A Negline declared a Non-Pecuniary Interest in CONF-1 - LINEAL PARK LAND ACQUISITION the reason being that his children attend The Riverina Anglican College and remained in the chamber during its consideration.

Councillor K Pascoe declared a Non-Pecuniary Interest in CONF-1 - LINEAL PARK LAND ACQUISITION the reason being that his grandchild attends The Riverina Anglican College and remained in the chamber during its consideration.

The Director Corporate Services, Mr Craig Richardson declared a Non-Pecuniary Interest in CONF-1 - LINEAL PARK LAND ACQUISITION the reason being that his son attends The Riverina Anglican College and remained in the chamber during its consideration.
REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 POLICY AND STRATEGY COMMITTEE - 10 MARCH 2014
The Mayor, Councillor R Kendall requested Councillors to nominate any recommendations from the minutes they wished to discuss.

14/059 RESOLVED:
On the Motion of Councillors A Brown and P Funnell

That the Minutes of the Policy and Strategy Committee Meeting held on 10 March 2014 be confirmed and recommendations numbered CM-1, RP-2 to RP-8 contained therein be adopted excluding RP-1, RP-9 and RP-10.

CARRIED

PSRP-1 NEW YEARS EVE CELEBRATION SPONSORSHIP ACQUITTAL REPORT

14/060 RESOLVED:
On the Motion of Councillors G Conkey OAM and J McLaren

That Council:

a congratulate the Committee4Wagga, Council staff and all parties involved for their efforts in organising a highly successful community event

b acknowledge the substantial public attendance at the recent New Years Eve event and the positive response expressed by the community regarding that event

c defer consideration of this matter to the March 2014 Ordinary Council meeting

d request the Committee4Wagga to provide a detailed report on expenditure incurred in regard to the recent New Years Eve event to allow that information to be considered at the March Ordinary Council meeting

CARRIED
PROCEDURAL MOTION – CHANGE OF STANDING ORDERS

14/061 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council bring forward consideration of RP-1 - NEW YEARS EVE CELEBRATION SPONSORSHIP to follow PSRP-1 - NEW YEARS EVE CELEBRATION SPONSORSHIP ACQUITTAL REPORT.

CARRIED

RP-1  NEW YEARS EVE CELEBRATION SPONSORSHIP

14/062 RESOLVED:
On the Motion of Councillors G Conkey OAM and J McLaren

That Council:

a congratulate the Committee4Wagga, Council staff and all parties involved for their efforts in organising a highly successful community event

b acknowledge the substantial public attendance at the recent New Years Eve event and the positive response expressed by the community regarding that event

c note the acquittal and expenditure reports provided by Committee4Wagga

d agree to provide Committee4Wagga the further two (2) instalments of $45,000 from the Major Events sponsorship budget for the 2014 and 2015 New Years Eve events

CARRIED
RESOLVED:
On the Motion of Councillors J McLaren and K Pascoe

That Council approve Development Application DA13/0480 for 2 x 2 Storey Units, 51 Simmons St WAGGA WAGGA NSW 2650, Lot 1 DP 743421, subject to the following conditions:

CONDITIONS

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows.

<table>
<thead>
<tr>
<th>Plan/Doc. No.</th>
<th>Plan/Doc. Title</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>13020-1</td>
<td>Site Survey</td>
<td>BCM Design</td>
<td>2.09.2013</td>
</tr>
<tr>
<td>13020-2</td>
<td>Site Plan</td>
<td>BCM Design</td>
<td>2.09.2013</td>
</tr>
<tr>
<td>13020-3</td>
<td>Floor Plan-Elevations</td>
<td>BCM Design</td>
<td>2.09.2013</td>
</tr>
<tr>
<td>13020-413020-5</td>
<td>Sections</td>
<td>BCM Design</td>
<td>2.09.2013</td>
</tr>
<tr>
<td></td>
<td>Statement of Environmental Effects</td>
<td>BCM Design</td>
<td>25.08.2013</td>
</tr>
</tbody>
</table>

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Construction Certificate

2. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

3. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in
accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

4. Pursuant to s94 of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94 Contributions Plan 2006-2019, prior to the release of a Construction Certificate, the applicant must pay to Council a monetary contribution of $11,153.40 towards the cost of Contributions Plan preparation and management, Civic, Community and Cultural - Future, Civic, Community and Cultural - Recoupment, Roads and Traffic Management - Future, Open Space and Recreation - Recoupment, Open Space and Recreation - Future (without land and dedication), Open Space and Recreation - Future (with land dedication) to meet the development. The amount payable under this condition must be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019 is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

5. Prior to the release of Construction Certificate the applicant is to obtain a compliance certificate under s306 of the Water Management Act 2000 in respect of the development relating to water management works that may be required in connection with the development.

NOTE 1: ‘Water management work’ is defined in s283 of the Water Management Act to mean a ‘water supply work’, ‘drainage work’, ‘sewage work’ or ‘flood work’. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood
works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.’

NOTE 5: The Section 64 Sewer contribution required is $6,191.50

NOTE 6: The Section 64 Stormwater contribution required is $2,253.95

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

6. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a revised site plan that indicates:
   i) The stormwater connecting to the spur provided
   ii) The sewer connection to the spur provided
   iii) The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street
   iv) A stormwater plan indicating pipe and pit; levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.
   v) If stormwater cannot drain to Simmons Street under gravity, a pump system shall be designed in accordance with AS/NZS 3500.3.2003. The pump system shall be designed to ensure overland flow from the site is not greater than the pre-developed overland flow from the site for all storm events up to and including the 100yr ARI. This will minimise impacts on adjacent properties. On-site storage shall be provided in accordance with the pump capacity.

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

7. Prior to the release of a Construction Certificate, the proponent shall submit, to the satisfaction of the Director of Planning or their delegate, a plan showing a mailbox bank to the front of the property, with appropriate access and numbering, satisfying the relevant standards (AS-NZ-4253-1994) for location, height and design.

REASON: To allow for mail delivery to the development site. Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended.

8. Prior to the release of a Construction Certificate, the proponent shall submit, to the satisfaction of the Director of Planning or their delegate, a
plan addressing privacy on the site. Windows 6 and 7 to Unit 2 and
windows 4, 5, 6 and 7 to Unit 3, shall be screened to protect the privacy of
adjoining properties. Appropriate screening may take the form of window
hoods, translucent glazing, external blinds or shade devices or any other
manner proposed by the proponent.

REASON: To ensure the development does not reduce the amenity of the area.
Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as
amended.

9. Prior to the release of a Construction Certificate, plans shall be submitted
to the satisfaction of the Director of Planning or delegate, showing the
existing gravel laneway to be graded to provide a consistent crossfall to a
kerb or dishdrain, adequate stormwater works for discharge into Simmons
Street and sealed with a two-coat bitumen seal. Prior to occupation of the
site, the laneway shall be sealed with a two-coat bitumen seal in
accordance with Council’s Engineering Guidelines including any
preparation of the pavement base layers. The plans shall identify existing
services in the laneway and any service adjustments required as a result
of the works. Levels in the laneway shall match all existing driveways
currently serviced by the laneway. All works are at full cost to the
developer.

REASON: To provide for the drainage of stormwater and increase the capacity
of the road system in the locality of the proposed development. Sections
79C(1)(b) of the Environmental Planning and Assessment Act 1979, as
amended.

10. Prior to the issue of Construction Certificate, satisfactory arrangements
for Essential Energy and the relevant telecommunications authority, for
both the provision of electrical power and telephone lines respectively, to
fully service the development, shall be made. The developer must furnish
documentary evidence that such arrangements, have been made.

REASON: To ensure electrical power and telephone lines are available to
service the development. Section 79C(1)(b) of the Environmental Planning and
Assessment Act 1979, as amended.

Prior to Commencement of Works

11. Prior to works commencing on site, toilet facilities must be provided, at or
in the vicinity of the work site on which work involved in the erection or
demolition of a building is being carried out, at the rate of one toilet for
every 20 persons or part of 20 persons employed at the site. Each toilet
provided must be:

a) a standard flushing toilet connected to a public sewer, or
b) if that is not practicable, an accredited sewage management facility
approved by Council, or
c) if that is not practicable, any other sewage management facility
approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition
must be completed before any other work is commenced and the toilet
facility must not be removed without the prior written approval of Council.
NOTE 2: “Vicinity” in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

12. The applicant must obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

13. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council’s Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.
NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

14. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council’s:

   a) Development Control Plan 2010 (Section 2.8 and Appendix 2)
   b) Erosion and Sediment Control Guidelines for Building Sites; and
   c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

15. The subject land is covered by Council’s Tree Management Controls 'Preservation of Trees' as set out in the Wagga Wagga Development Control Plan 2010. Trees impacting on the development shall not be removed from the site without first obtaining approval.

Note that approval of this Development Application does not grant consent for the removal, lopping, pruning etc, of any trees affected by this Development Application.

This condition does not apply to trees identified and marked as ‘For Removal’ on plans approved under this application. Enquiries are to be made to Council's Tree Management Officer by telephoning 1300 292 442.

REASON: To ensure that any trees, on or near to the subject land, are not damaged or removed unnecessarily. Section 79C(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

16. The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.

All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian

Construction of Tree Protection Zone’s, shall be completed and inspected by Council’s Tree Management Officer, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees/ vegetation within the development, contact shall be made with Council’s Tree Management Officer to determine what remedial action should be taken.

Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

17. Any unforeseen sewer or stormwater works resulting from the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia. Where works are required, it will be necessary to contact a Licensed Plumber and Drainer.

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use of the development.

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

18. The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a “Notice of Works”.

NOTE: A copy of the Notice of Works form can be found on Council’s website.

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

19. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:

a) in the case of work done by a licensee under the Act:

i) has been informed in writing of the licensee’s name and contractor license number, and

ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
b) in the case of work to be done by any other person:

   i) has been informed in writing of the person’s name and owner-
       builder permit number, or

   ii) has been given a declaration, signed by the owner of the land, that
       states that the reasonable market cost of the labour and materials
       involved in the work is less than the amount prescribed for the
       purposes of the definition of owner-builder work in Section 29 of
       the Act,

and, is given appropriate information and declarations under paragraphs
a) and b) whenever arrangements for the doing of the work are changed in
such a manner as to render out of date any information or declaration
previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the
Home Building Act 1989 that states that the person is the holder of an
insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the require-
mements of Clause 98 of the Environmental Planning and Assessment
Regulations 2000, and Section 80A(11) of the Environmental Planning and Assessment Act 1979,
as amended.

20. Prior to works commencing, a sign must be erected in a prominent
position on any work site on which work involved in the erection or
demolition of a building is being carried out:

   a) stating that unauthorised entry to the site is prohibited, and

   b) showing the name of the person in charge of the work site and a
      telephone number at which that person may be contacted outside
      work hours

   c) the development consent or complying development consent
      number, the name and contact details of the Principal Certifying
      Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

   a) building work carried out inside an existing building, or

   b) building work carried out on premises that must be occupied
      continuously (both during and outside work hours) while the work
      is being carried out.

REASON: It is in the public interest that adequate safety measures are
provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act
1979, as amended.

21. The applicant is to submit to Council, at least two (2) days prior to the
commencement of any works, the attached ‘Notice of Commencement of
Building or Subdivision Works and Appointment of Principal Certifying
Authority’.

REASON: Because it is in the public interest that Council receive notification in
accordance with the provision of the Environmental Planning and Assessment
Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

22. Prior to works or activities commencing within the road reserve approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the Roads Act 1993. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

During works

23. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

24. If the Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footings</td>
<td>When the footings have been excavated and all steel reinforcement has been placed in position.</td>
</tr>
<tr>
<td>Slab</td>
<td>When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.</td>
</tr>
<tr>
<td>Roof frame</td>
<td>When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.</td>
</tr>
<tr>
<td>Wet areas</td>
<td>When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.</td>
</tr>
<tr>
<td>Final</td>
<td>Required prior to occupation of the building</td>
</tr>
</tbody>
</table>
NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued by, or registered with Council. The Applicant shall ensure that prior to or at the time of the application for Occupation Certificate that the application for “Occupation Certificate” form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 149A of the Environmental Planning and Assessment Act 1979, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

25. If soil conditions require it:
   a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
   b) adequate provision must be made for drainage.

NOTE 1: Retaining walls in excess of 600mm in height require Council approval under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed by a Practising Structural Engineer.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

26. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

27. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them
from being dangerous to life or property.

Excavations must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

28. The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the applicant shall submit to Council:

a) an asbestos clearance certificate prepared by a competent person; and

b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)] means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

29. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. The applicant must take all reasonable steps to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.
30. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

31. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

32. Finished Floor levels must be 225mm above existing ground level.

NOTE 1: The applicant may undertake actions to ensure that approved residential development is built at 500mm above the 1:100 year flood event, subject to a separate development application approval.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

33. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease and the applicant will contact the Department of Environment Climate Change and Water. Any works which may result in destruction or damage to known Aboriginal sites will require a Consent to Destroy from the Department of Environment Climate Change and Water in accordance with Section 90 of the National Parks & Wildlife Act 1974.

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

34. The applicant must obtain a Compliance Certificate from Council for the plumbing and drainage work identified in Column 1 at the times specified in Column 2.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Sewer</td>
<td>When all internal plumbing work is installed and prior to concealment.</td>
</tr>
<tr>
<td>Drainage</td>
<td></td>
</tr>
<tr>
<td>External Sewer</td>
<td>When all external plumbing work is installed and prior to concealment.</td>
</tr>
<tr>
<td>Drainage</td>
<td></td>
</tr>
<tr>
<td>Stormwater Drainage</td>
<td>When all external stormwater drainage work is installed and prior to concealment.</td>
</tr>
<tr>
<td>Stack Work</td>
<td>When all work is installed and prior to concealment.</td>
</tr>
<tr>
<td>Final</td>
<td>Prior to occupation of the building.</td>
</tr>
</tbody>
</table>

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

35. All building work 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 or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

**Prior to release of Occupation Certificate / Prior to Operation**

36. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

37. All laneway works shall be completed in accordance with Condition 9 and to the satisfaction of Council prior to occupation of the development.

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

38. Prior to release of an Occupation Certificate, a final Survey Plan must be submitted to Council, showing an easement for services over the existing sewer main 2 metres wide that traverses Lot 1 DP 743421 and in favour of lot 1 DP 1122427 and to benefit Wagga Wagga City Council.

REASON: Those works referred to (including access works) and which are sited, or must be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

39. A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council’s Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

41. The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

General

42. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

43. The Applicant is to ensure that should asbestos material be found, that it is handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.

NOTE: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council’s Waste Management Supervisor requires 24 hours notice prior to disposal of this material.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

44. Any replacement boundary fence shall be of corrugated metal sheeting or timber paling construction with a height no greater than 1800mm.
REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

45. The colour scheme is approved in accordance with the submitted details on Plan no. 13020-4, dated 2/9/2013 and prepared by BCM Design.

REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

46. (1) For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:

(a) protect and support the adjoining premises from possible damage from the excavation, and

(b) where necessary, underpin the adjoining premises to prevent any such damage.

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

47. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council’s document shall be listed and submitted with the plans for separate approval.

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (I) (e) of the Environmental Planning and Assessment Act 1979, as amended.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell

Against the Motion

PSRP-10   DA13/0654 - INSTALLATION OF A RELOCATABLE HOME TO CREATE A DUAL OCCUPANCY, LOT 2 DP 255435, 562 PATTERSONS ROAD, EUNANOREENYA

The Mayor, Councillor R Kendall declared a Pecuniary Interest and vacated the Chair and the Chamber the time being 6:05pm.

Deputy Mayor, Councillor A Negline assumed the Chair the time being 6:05pm.

14/064   RESOLVED:
          On the Motion of Councillors K Pascoe and D Tout

That Council approve DA13/0654 and AA13/0739 for the Installation of a Relocatable Home to create a Dual Occupancy, subject to the following conditions:

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows:

<table>
<thead>
<tr>
<th>Plan/Doc. No.</th>
<th>Plan/Doc. Title</th>
<th>Prepared by</th>
<th>Issue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>Statement of Environmental Effect</td>
<td>Applicant/Betterlook Homes</td>
<td>-</td>
<td>Scanned 4 December 2014</td>
</tr>
<tr>
<td>-</td>
<td>Location Plan</td>
<td>Betterlook Homes</td>
<td>-</td>
<td>Scanned 4 December 2014</td>
</tr>
<tr>
<td>-</td>
<td>Floor plan and elevations</td>
<td>Betterlook Homes</td>
<td>-</td>
<td>27/1/10</td>
</tr>
<tr>
<td>-</td>
<td>Typical Section (standard transportable home)</td>
<td>Betterlook Homes</td>
<td>-</td>
<td>Scanned 4 December 2014</td>
</tr>
</tbody>
</table>

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.
NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

2. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
   a) a standard flushing toilet connected to a public sewer, or
   b) if that is not practicable, an accredited sewage management facility approved by Council, or
   c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: “Vicinity” in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

REASON: To provide adequate sanitary facilities during the works. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

3. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council’s Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council’s footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The applicant must retain weighbridge certificates, receipts or docketes that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to operation.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until the development is complete.
REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

4. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:

   a) Development Control Plan 2010 (Section 2.8 and Appendix 2)

   b) Erosion and Sediment Control Guidelines for Building Sites; and

   c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

5. Prior to the commencement of works on the site, a revised Site Plan must be submitted to and approved by the Director of Planning or delegate showing that the dwelling is sited at a distance of 12m or greater from the south facing boundary. All references to ‘approx’ setbacks be deleted. True setbacks are to be provided. A minimum setback of 140m from the east facing boundary is to be achieved. That in providing approval for a reduced setback of 12 metres, council notes the existing approval for commercial use on the property and considers that the dwelling is being used for residential purposes that are solely in support of the approved commercial uses.

REASON: To minimise the potential for incompatibility between traditional agricultural uses and non-agricultural uses. Section 79C(1)(a)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. Prior to the commencement of works on site, a Landscape and Planting Management Plan must be submitted to and approved by the Director of Planning or delegate showing landscaping for the new dwelling including plants that provide additional screening between the dwellings and to provide a visual buffer to the North and East and increased buffer to the South. The landscaping is to provide shading to the dwelling in summer without reducing solar access in winter. The plan is to nominate the use of native and indigenous plants, especially low water consumption plants over exotics.

REASON: To provide appropriate landscaping and a visual buffer to the development. Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.
7. Pursuant to s94 of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94 Contributions Plan 2006-2019, prior to the installation of the relocatable dwelling, the applicant must pay to Council a monetary contribution of $3933 towards the cost of Contributions Plan preparation and management, Civic, Community and Cultural - Future, Civic, Community and Cultural - Recoupment, Roads and Traffic Management - Future, Open Space and Recreation - Recoupment, Open Space and Recreation - Future (without land and dedication), Open Space and Recreation - Future (with land dedication) to meet the development. The amount payable under this condition must be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006 - 2019. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006 - 2019 is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

8. Any unforeseen sewer or stormwater works resulting from the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia. Where works are required, it will be necessary to contact a Licensed Plumber and Drainer. A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use of the development.

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

9. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless Council:
   
a) in the case of work done by a licensee under the Act:
   
   i) has been informed in writing of the licensee’s name and contractor license number, and
   
   ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR

   b) in the case of work to be done by any other person:
   
   i) has been informed in writing of the person’s name and owner-builder permit number, or
   
   ii) has been given a declaration, signed by the owner of the land,
that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

10. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

a) stating that unauthorised entry to the site is prohibited, and

b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

a) building work carried out inside an existing building, or

b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

11. Prior to the installation of the transportable home, an application to install a septic tank must be submitted to and approved by Council. The septic tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act 1993.

NOTE: A Section 68 approval and a plumbing permit for sewerage and drainage works must be obtained prior to the application for the septic tank being made.

REASON: As the development cannot be connected to the sewerage system, and because it is in the public interest to comply with the provisions of the Local Government (Approvals) Regulation 1993. Section 79C (1)(b) and (e) of the
12. Prior to the installation of the transportable home, a geo-technical study must be submitted with the “Application to Install a Septic Tank” to determine the suitability of the site with respect to the on-site disposal of effluent. A Septic Application together with the geotechnical report shall be approved by Council prior to the installation of the transportable home.

This study must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed dwelling and the proposed effluent disposal area located in a position and are of a design and capacity to ensure that all effluent arising from the dwelling can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE 1: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is suggested that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

NOTE 2: The final location of the dwelling on the land may be determined by the findings and recommendations of the required geo-technical study. The location of the dwelling should therefore not be finalised until the results of the geo-technical study are known.

REASON: To ensure that the site can cope with effluent disposal. Section 79C(1)(b) the Environmental Planning and Assessment Act 1979, as amended.

During works

13. The applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footings</td>
<td>When the footings have been excavated and all steel reinforcement has been placed in position.</td>
</tr>
<tr>
<td>Final</td>
<td>Prior to operation.</td>
</tr>
</tbody>
</table>

REASON: It is in the public interest that the works are inspected to ensure compliance with the approved plans and relevant specifications, codes and standards.

14. If soil conditions require it:

a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
b) adequate provision must be made for drainage.

NOTE 1: Retaining walls in excess of 600mm in height require Council approval under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed by a Practising Structural Engineer.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

15. The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved.

REASON: It is in the public interest that a copy of the plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

16. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

Excavations must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

17. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. The applicant must take all reasonable steps to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

18. The applicant must obtain a Compliance Certificate from Council for the plumbing and drainage work identified in Column 1 at the times specified in Column 2.

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Drainage | installed and prior to concealment.
---|---
External Sewer Drainage | When all external plumbing work is installed and prior to concealment.
Stormwater Drainage | When all external stormwater drainage work is installed and prior to concealment.
Final | Prior to occupation of the building.

**REASON:** It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

19. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application was made).

**REASON:** To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Occupation Certificate / Prior to Operation

20. A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

**NOTE:** Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

**REASON:** To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

General

21. Unless otherwise approved by Council, exterior colours of the building must be of neutral tones and sympathetic with the surrounding environment.

**REASON:** To ensure the exterior colour scheme is compatible with the character and amenity of the area. Section 79C(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

**Activity Approval Conditions (Section 68)**
22. The relocatable home (and any ‘associated structure’, as defined by the Local Government Act 1993) must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133-136 excepted) of Part 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (“the Regulation”) (as modified in interpretation by Section 81(3) of the Regulation).

Prior to the installation of the relocatable home or associated structure or any associated works, a certificate from a practicing structural engineer is required to be submitted to Council, to the satisfaction of the Director of Planning, or delegate. This certificate shall certify that the relocatable home complies with all standards, codes, requirements and specifications as outlined in Division 4 (clauses 133-136 excepted) of Part 2 of the Regulation (as modified in interpretation by Section 81(3) of the Regulation).

Reason: To ensure the activity approval complies with the requirements of Section 98 of the Local Government Act 1993 and Clause 81 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion  
Y Braid  
A Brown  
G Conkey OAM  
P Funnell  
G Hiscock  
A Negline  
J McLaren  
K Pascoe  
K Poynter  
D Tout

Against the Motion

CARRIED

Deputy Mayor, Councillor A Negline vacated the Chair the time being 6:06pm.

The Mayor, Councillor R Kendall re-entered the Chamber and assumed the Chair the time being 6:06pm.
MAYORAL MINUTE

MM-1 BOLTON PARK OVALS AND ASHMONT PARK NAMING

14/065 RESOLVED: On the Motion of The Mayor, Councillor R Kendall

Council acknowledge the following ovals have been renamed Bolton Park Field 1 to Geoff Lawson Oval, Bolton Park Field 2 to Michael Slater Oval, and Bolton Park Field 3 to Mark Taylor Oval, and Ashmont Oval to Jack Misson Oval in accordance with Council’s Parks Naming Policy POL-055.

CARRIED

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - MONUMENTAL CEMETERY

14/066 RESOLVED: On the Motion of Councillors A Negline and P Funnell

That Council receive a report on the monumental cemetery covering:

a any funding opportunities to assist in management and maintenance of the monumental cemetery and the monumental cemetery’s associated infrastructure

b advice on the process for retaining a register of all graves and how this is currently managed, along with information on how this is managed into the future

c advice on past citizen/church based groups that had responsibility for care and maintenance of the monumental cemetery site

CARRIED
NOM-2 NOTICE OF MOTION - ROADS AND MARITIME SERVICES

A Motion was moved by Councillors A Negline and J McLaren

That Council:

a write to the Roads and Maritime Services, Transport for NSW, the State Member and the Minister for Roads and Transport seeking clarification on the current and future planning, design and construction plans for a truck bypass around the urban area of Wagga Wagga

b write to the Roads and Maritime Services requesting that commitment be given for consideration to raising the speed limit to 110 km/h on the Sturt Highway between Wagga Wagga and the Hume Highway, with this consideration to include a costs and benefits analysis, the safety and infrastructure requirements, timeframes and associated issues

c write to the Roads and Maritime Services advocating the establishment of an appropriately located truck stop in Wagga Wagga to assist with the management of fatigue laws and to enhance road safety

An AMENDMENT was moved by Councillor A Brown and seconded by Councillor G Conkey OAM

That Council defer consideration of the matter to the April 2014 Ordinary Council meeting.

Councillor K Poynter signalled to the Mayor a Foreshadowed Amendment.

The AMENDMENT on being put to the meeting was LOST.

Councillor K Poynter withdrew his Foreshadowed Amendment.

14/067 RESOLVED:
On the Motion of Councillors A Negline and J McLaren

That Council:

a write to the Roads and Maritime Services, Transport for NSW, the State Member and the Minister for Roads and Transport seeking clarification on the current and future planning, design and construction plans for a truck bypass around the urban area of Wagga Wagga

b write to the Roads and Maritime Services requesting that commitment be given for consideration to raising the speed limit to 110 km/h on the Sturt Highway between Wagga Wagga and the Hume Highway, with this consideration to include a costs and benefits analysis, the safety and infrastructure requirements, timeframes and associated issues
c write to the Roads and Maritime Services advocating the establishment of an appropriately located truck stop in Wagga Wagga to assist with the management of fatigue laws and to enhance road safety

CARRIED

COUNCILLORS REPORT

CR-1 COAL SEAM GAS

14/068 RESOLVED:
On the Motion of Councillors P Funnell and K Poynter

That Council:

a place a moratorium on coal seam gas (CSG) exploration on all lands under the care and/or control of Wagga Wagga City Council in the Wagga Wagga Local Government Area (LGA) and call for a full assessment by the State Government of the impacts of the activity of CSG on the sustainability of agricultural production and aquifers in the LGA

b place a moratorium on seismic testing to be conducted on any roads or lands under the care and/or control of Wagga Wagga City Council for the purposes of CSG exploration

c not accept any donations, grants or gifts from any CSG companies or associated organisations or their representatives

d write a letter of in-principle support to the Lock The Gate organisation and include in this letter the position of Council outlined in this resolution

e nominate the Mayor to officially present a copy of this resolution to our current State and Federal local members and forward this resolution to the relevant State and Federal Ministers

f place notification of this resolution on Council’s website

g present this resolution to our partner Councils at Riverina Eastern Regional Organisation of Councils (REROC) for their consideration

CARRIED
PROCEDURAL MOTION - ENGLOBO

14/069 RESOLVED:
On the Motion of Councillors D Tout and K Pascoe

That the standing orders be varied for the meeting as set out hereunder:

- Items where councillors wish to speak
- Items where no councillors wish to speak
- Confidential
- Matter of urgency
- Closure of Meeting

That RP-5 and M-1 be adopted as recommended in the business papers.

CARRIED

REPORTS FROM STAFF

RP-1 - NEW YEARS EVE CELEBRATION SPONSORSHIP was considered as part of PSRP-1 - NEW YEARS EVE CELEBRATION SPONSORSHIP ACQUITTAL REPORT.

RP-2 RIVERINA INTERMODAL FREIGHT AND LOGISTICS (RIFL) HUB

14/070 RESOLVED:
On the Motion of Councillors G Conkey OAM and A Brown

That Council:

a. note the revised structure for the delivery of the Riverina Intermodal Freight and Logistics Hub Project (RIFL Project) and the renewed interest from the private sector

b. test the market as soon as possible to ascertain the level of investment that the private sector is willing to invest in the revised RIFL Project structure

c. allocate a budget of $50,000 towards the market testing process and determination of the preferred RIFL Hub Project structure

CARRIED

This resolution was carried unanimously by Council.
RP-3     NSW PUBLIC LIBRARY FUNDING CAMPAIGN

14/071    RESOLVED:
On the Motion of Councillors Y Braid and K Poynter

That Council provide support to the campaign mounted by the NSW Public
Library Associations for increased State funding to Local Government for
public libraries by:

   a making representation to the local State Member in relation to the need for
      additional funding from the NSW State Government for the provision of
      public library services

   b writing to the Hon. George Souris, Minister for the Arts, calling upon the
      Government to implement the Reforming Public Library Funding
      submission of the Library Council of NSW in 2012 for the reform of the
      funding system for NSW public libraries

   c approving the distribution of NSW Public Library Associations campaign
      information in Council libraries

   d taking a lead role in activating the campaign locally

CARRIED

This resolution was carried unanimously by Council.

RP-4     PETITION - NORTH WAGGA WAGGA PUBLIC SCHOOL CHILDRENS CROSSING

14/072    RESOLVED:
On the Motion of Councillors A Brown and K Pascoe

That Council receive a further report following investigation into this request.

CARRIED
RP-5  EVOCITIES AND GWS SPONSORSHIP PROGRAMMES

14/073  RESOLVED:
On the Motion of Councillors D Tout and K Pascoe
That Council receive and note the report on the Evocities and Greater Western Sydney sponsorship programmes.
CARRIED

COMMITTEE MINUTES

M-1  AUDIT AND RISK COMMITTEE MINUTES

14/074  RESOLVED:
On the Motion of Councillors D Tout and K Pascoe
That the Council receive and note the minutes of the Audit and Risk Committee Meeting held on 12 February 2014.
CARRIED

CLOSED COUNCIL

14/075  RESOLVED:
On the Motion of Councillors A Negline and G Conkey OAM
That the Council now resolve itself into a Closed Council, the time being 7:40pm.
CARRIED

AT THIS STAGE OF THE MEETING THE PRESS AND PUBLIC GALLERY RETIRED FROM THE COUNCIL MEETING.

After a short break the meeting reconvened at 7:47pm.
CONFIDENTIAL REPORTS

CONF-1 LINEAL PARK LAND ACQUISITION

14/076 RESOLVED:
On the Motion of Councillors A Brown and P Funnell

That Council:

a authorise the General Manager to make formal offers to purchase land from C J & L J Mannion, I & L Graham and A W & G W Tunstall for the creation of Lineal Park as detailed in this report

b authorise the Mayor and General Manager to execute the necessary documentation and apply the Council Seal if necessary to relevant documents for the above land purchases

c not proceed with the acquisition of the portion of land owned by The Riverina Anglican College to establish Lineal Park

d enter into the creation of a Stormwater Easement with The Riverina Anglican College to facilitate access to carry out any future maintenance to the stormwater infrastructure associated with the creation of Lineal Park

e authorise the Mayor and General Manager to execute the necessary documentation and apply the Council Seal if necessary to relevant documents for the creation of the above storm water drainage easement

f classify that the land identified to be purchased and used for drainage purposes as operational land in accordance with the Local Government Act 1993 as amended

CARRIED
CONF-2  BYRNES ROAD / EUNONY BRIDGE ROAD DEVIATION - STATUS UPDATE

14/077  RESOLVED:
On the Motion of Councillors G Hiscock and A Brown

That Council:

a receive and note this report
b endorse the reduced scope of the project identified as Option 2 in the report, whereby the 2m wide dedicated cycleways either side of the carriageway are removed
c approve the budget variation detailed in the report
d resolve in accordance with s55(3) of the Local Government Act 1993, not to invite tenders for the relocation of gas distribution assets owned by APA Group on the grounds that competitive tenderers are unavailable
e authorise the General Manager or his delegate to enter into an Recoverable Works Agreement with APA Group for the relocation of a gas main and regulator, and associated infrastructure to the value of $162,351.00 (excluding GST)
f authorise the affixing of Council’s common seal to documents as required

CARRIED

REVERSION TO OPEN COUNCIL

14/078  RESOLVED:
On the Motion of Councillors K Poynter and K Pascoe

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8:10pm.

CARRIED
REPORT OF PROCEEDINGS OF CLOSED COUNCIL

14/079 RESOLVED:
On the Motion of Councillors K Poynter and K Pascoe

That the recommendations contained in the report of the proceedings of the Closed Council be adopted.

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8:10pm.

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MAYOR