

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 Kerry Pascoe
Councillor Kevin Poynter
Councillor Dallas Tout

IN ATTENDANCE

General Manager	(Mr A Eldridge)
Acting Director Commercial & Economic Development	(Mr J Bolton)
Director Corporate Services	(Mr C Richardson)
Director Environmental & Community Services	(Mrs J Summerhayes)
Manager Engineering	(Mr A Fenwick)
Acting Manager Economic Development & Visitor Economy	(Mr R Robinson)
Manager Corporate Strategy, Communications & Governance	(Mrs C Priest)
Manager Finance	(Mrs C Rodney)
Manager People & Culture	(Mr L Flack)
Manager Environmental & Recreation Services	(Mr M Gardiner)
Director Riverina Regional Library	(Mr R Knight)
Manager Executive Support	(Mr S Gray)
Manager Livestock Marketing Centre	(Mr P Martin)
Manager Strategic Planning	(Ms L Rankin)
Manager Project Operations	(Ms C Angel)
Acting Strategic Partner – People & Culture	(Ms T Hosie)
Strategic Partner – Strategy & Communications	(Mr B Koschel)
Land and Real Property Coordinator	(Ms D Wright)
Corporate Strategy Coordinator	(Ms S Wallace)
Communications Officer Public/Media	(Mr J Lang)
Communications & Engagement Officer	(Miss S Post)
Corporate Governance & Risk Coordinator	(Mrs J Watkins)
Executive Assistant – Director Environment and Community Services	(Ms M Castle)
Administration Officer	(Ms J Cabot)
CED Administration Coordinator	(Ms A Crossley)
Business Support Officer	(Ms G Pym)
Business Support Officer	(Ms C Hilton)

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.

MAYOR’S MESSAGE TO THE PUBLIC GALLERY

I would also like to welcome all members of the gallery here tonight and acknowledge those who are participating in the peaceful protest relating to the Glenfield Road Animal Shelter.

The order of business for tonight has been arranged to enable Council to deal with RP-1 Petition on the Animal Shelter as the first item of business on the agenda.

For the Gallery’s benefit tonight’s report will deal with the budget variations to further enhance improvements at the facility. Not in time for this report, was the release of the external review which was made publicly available Friday just gone. A further report to the June Policy and Strategy Committee meeting will have the priority actions tabled with Council coming out of the external reviewer’s recommendations.

I would like to respectfully request that members of the gallery do not interject or call out whilst the meeting is underway and that you comply with any directions given by myself as Chairperson of the meeting. This will ensure the orderly conduct of the meeting.

You are welcome to remain for the entire Council meeting or you may choose to leave once a resolution on RP-1 is passed.

I thank you for your cooperation.

APOLOGIES

An apology for non-attendance was received and accepted for Councillor A Negline and for the delayed arrival of Councillor J McLaren on the Motion of Councillors P Funnell and G Hiscock.

CARRIED

CONFIRMATION OF MINUTES

CM-1 SUPPLEMENTARY COUNCIL MEETING - 9 MAY 2016

16/112 RESOLVED:
On the Motion of Councillors G Hiscock and K Pascoe

That the Minutes of the proceedings of the Supplementary Council Meeting held on 9 May 2016 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

Councillor A Brown declared a Pecuniary Interest, the reason being that he provides professional training services to Council.

Councillor A Brown declared a Pecuniary Interest in RP-2 DECLARATION OF AUTHORITY FOR THE GENERAL MANAGER the reason being that he has a development application before Council and vacated the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in RP-2 DECLARATION OF AUTHORITY FOR THE GENERAL MANAGER the reason being that his business involves development applications and vacated the chamber during its consideration.

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

16/113 RESOLVED:
On the Motion of Councillors K Poynter and K Pascoe

That Council bring forward consideration of RP-1 PETITION - WAGGA WAGGA CITY COUNCIL ANIMAL SHELTER as the first item of business.

CARRIED

RP-1 PETITION - WAGGA WAGGA CITY COUNCIL ANIMAL SHELTER

16/114 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council:

- a receive and note the online petition**
- b receive a further report for the June Policy and Strategy Committee meeting detailing a timetable for the implementation of requests made by the petition and the recommendations made in Dr J Michelsen’s report**

CARRIED

MAYORAL MINUTE

Councillor J McLaren entered the meeting, the time being 6:35pm.

MM-1 MAYORAL MINUTE - INTERIM CBD PARKING TRIAL

16/115 RESOLVED:
On the Motion of the Mayor, Councillor R Kendall

That Council:

- a implement an interim trial period, pending outcomes of the Wagga Wagga Integrated Transport Study, for a section of two (2) hour parking in the Fitzmaurice Street / Kincaid Street area**
- b endorse further interim trials of parking initiatives in the CBD that the General Manager believes will better inform Council’s final decision after the release of the Wagga Wagga Integrated Transport Strategy**
- c fund any costs incurred in the interim trials from the Parking Reserve**

CARRIED

REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 POLICY AND STRATEGY COMMITTEE MEETING - 9 MAY 2016

The Mayor, Councillor R Kendall requested Councillors to nominate any recommendations from the minutes they wished to discuss.

16/116 RESOLVED:
On the Motion of Councillors A Brown and P Funnell

That the Minutes of the Policy and Strategy Committee Meeting held on 9 May 2016 be confirmed and recommendations numbered PSCM-1, PSRP-1, PSRP-6 to PSRP-10 contained therein be adopted.

CARRIED

PSRP-3 DA14/0375.01 - TWO STOREY DWELLING - MODIFICATION TO ADD A FRONT RETAINING WALL - 31 KANSAS DRIVE TOLLAND NSW 2650 - LOT 22 DP 1090173

16/117 RESOLVED:

On the Motion of Councillors A Brown and K Pascoe

That Council approve Development Application DA14/0573.01 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, to amend DA14/0573 for Two (2) Storey Dwelling - Modification to add a front retaining wall, 31 Kansas Dr TOLLAND NSW 2650, Lot 22 DP 1090173, subject to the following conditions:

CONDITIONS

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	GPG Architecture and Design		7 Nov 2014 (scanned)
A1409-0001 - A	Site Plan and Location Plan	GPG Architecture and Design	A	24/10/14
A1409-0001 - A	Floor Plans	GPG Architecture and Design	A	24/10/14
A1409-3001 - B	Elevations	GPG Architecture and Design	B	14/11/14
A1409-3002 - A	Wall Details	GPG Architecture and Design	A	24/10/14

As amended by DA14/0573.01 approved plans and specifications as follows:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
A1409-0001 - A	Part Site/Floor Plans (Amended to show front	Todd Gillard	-	20/4/16

	retaining wall)			
A1409-3002 - B	Section A-A (Amended to show front retaining wall)	Todd Gillard	-	20/4/16

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 Construction Certificate the developer must lodge a bond with Council of:-

\$1000.00 for security deposit on the kerb and gutter and footpath

NOTE 1: Applicants will be required to reference the INDIVIDUAL kerb and gutter bond number (BKG 266) when lodging bond monies. Please reference the BKG number on the application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or alternatively reference BKG number when making electronic payment.

NOTE 2: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council’s Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

- 3. **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.

- 4. **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.

- 5. **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 a licenced 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: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. 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.

- 6. **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.

7. 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.

8. 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.

9. 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 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
 - 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: 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.

- 11. 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’, must be submitted to Council.

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.

During works

- 11A. All earthworks, filling, 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.

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property,
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of

Schedule 1 to the *Protection of the Environment Operations Act 1997*, and

- (d) retained material must have a gradient of at least 5%, and
- (e) must be wholly located within the boundary of the subject lot (including footings of any structure).

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

- 12. 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.

- 13. New construction shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. All proposed Class 10 structures as defined per the "Building Code of Australia" attached to or within 10 metres of the habitable building shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Slab	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.
Sub floor bearers and	Prior to the laying of the floor.

joists	
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	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.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate 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 Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports 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.

16. 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:** A Retaining wall in excess of 600mm in height or within 1m of the lot boundary or an easement is not exempt development under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and requires an approval.
- NOTE 2:** Retaining walls which exceed 600mm in height must be designed by a Practising Structural Engineer or installed in accordance with any manufacturer’s specification.
- 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.

17. 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.

18. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.**
- b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.**
Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) CHEMICAL TREATMENT - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.**

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

19. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken 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.

20. All earthworks, cut and fill, 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.

21. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing work is 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.
Stack Work	When all 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.

22. **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

23. **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.

24. **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.

25. Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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 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.

26. 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 the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

26A. All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.

REASON: It is in the public interest to ensure that all required and approved works are completed prior to occupation of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

27. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

28. (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.

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

For the Motion

Against the Motion

- R Kendall
- Y Braid
- A Brown
- G Conkey OAM
- P Funnell
- G Hiscock
- J McLaren
- K Pascoe
- K Poynter
- D Tout

CARRIED

PSRP-4 DA16/0103 - DWELLING & GARAGE - SPRING STREET, WAGGA WAGGA NSW 2650

16/118 RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council defer consideration of DA16/0103 Dwelling and Garage at Spring Street, Wagga Wagga to the June 2016 Policy and Strategy Committee Meeting.

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

For the Motion

Against the Motion

- R Kendall
- Y Braid
- A Brown
- G Conkey OAM
- P Funnell
- G Hiscock
- J McLaren
- K Pascoe
- K Poynter
- D Tout

CARRIED

PSRP-5 DA14/0514 DEVELOPMENT APPLICATION FOR A 7 UNIT MULTI DWELLING HOUSING DEVELOPMENT WITH COMMUNITY TITLE SUBDIVISION AT 17 ALBURY STREET, WAGGA WAGGA

A Motion was moved by Councillors A Brown and K Poynter.

That Council note the email received from MJM Consulting and defer consideration of DA14/0514 for 7 Multi Dwelling Housing Development with Community Title Subdivision, 17 Albury Street, Wagga Wagga, pending any further advice from the developer.

An AMENDMENT was moved by Councillor G Conkey OAM and seconded by Councillor P Funnell.

That Council refuse Development Application DA14/0514 for 7 Multi Dwelling Housing Development with Community Title Subdivision, 17 Albury Street, Wagga Wagga, the reason being that it does not comply with the Wagga Wagga Development Control Plan 2010.

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

For the Amendment
Y Braid
G Conkey OAM
P Funnell
K Pascoe
K Poynter
D Tout

Against the Amendment
R Kendall
A Brown
G Hiscock
J McLaren

The AMENDMENT on being put to the meeting was CARRIED and become the Motion.

16/119 RESOLVED:
On the Motion of Councillors G Conkey OAM and P Funnell

That Council refuse Development Application DA14/0514 for 7 Multi Dwelling Housing Development with Community Title Subdivision, 17 Albury Street, Wagga Wagga, the reason being that it does not comply with the Wagga Wagga Development Control Plan 2010.

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

For the Motion
R Kendall
Y Braid
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
K Poynter
D Tout

Against the Motion
A Brown

CARRIED

PROCEDURAL MOTION - ENGLOBO

16/120 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That RP-7 and RP-9 be adopted as recommended in the business papers.

CARRIED

REPORTS FROM STAFF

RP-1 PETITION - WAGGA WAGGA CITY COUNCIL ANIMAL SHELTER was moved forward for consideration as the first item of business.

RP-2 DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

Councillors K Pascoe and A Brown declared a Pecuniary Interest and vacated the chamber, the time being 7:28pm.

16/121 RESOLVED:
On the Motion of Councillors K Poynter and D Tout

That Council delegate, as outlined below, to the General Manager, the powers, authorities, duties and functions of the Council as shown in the Schedule hereto, subject to the limitations and exceptions as shown:

SCHEDULE

- a All powers, authorities, duties and functions of the Council conferred under the Local Government Act, 1993 other than the functions listed in Section 377 of that Act as matters incapable of being delegated**
- b All powers, authorities, duties and functions conferred or imposed on the Council under any other Act**

LIMITATIONS

- a A power, authority, duty or function the subject of this delegation shall not be exercised in a particular case if the holder of the office of General Manager receives a direction from the Council withdrawing a power, authority, duty or function in relation to any matter for which the Council is enabled to withdraw that power, authority, duty or function**
- b These delegations may be exercised only in accordance with legislation, prescribed standards, codes, policies and decisions of the Council**

EXCEPTIONS

- a Resolution of any matter relating to a development application requested**

- by two or more Councillors to be referred to the Council by notice in writing addressed to the General Manager
- b Determination of any development application, which relies on a SEPP 1 application that is required to be referred to the Council for determination in accordance with any directive issued by the Department of Planning
- c Any matter required under clause 47E of the Local Government Act 1993, 'development of community land', to be referred to the Council
- d Development applications submitted either as applicant or landowner by Councillors, senior officers or staff with delegations in the Planning Services Directorate
- e Determination of any matter involving Council properties other than:
 - i operational matters including maintenance, repairs and improvement
 - ii leases or tenancies
 - iii development applications where the property is a community asset, there has been no public objection, and there is no commercial advantage to the Council from any proposed works
 - iv for minor types of development on operational land, where there are no community objections, and there is no commercial advantage to the Council from any proposed works
- f Any commercial activity involving Council assets other than specified in EXCEPTION (e)(ii)
- g Those functions or matters which are required to be exercised 'by resolution' of the Council

CARRIED

Councillors K Pascoe and A Brown re-entered the chamber, the time being 7:31pm.

RP-3 OUTSTANDING DEBTORS - AMOUNTS UNRECOVERABLE

16/122 RESOLVED:

On the Motion of Councillors P Funnell and G Conkey OAM

That Council:

- a authorise, in accordance with Clause 131 of the Local Government (General) Regulation 2005, the write-off of Outstanding Debtor Accounts and Rates totalling \$60,034.55 against the existing Provisions for Doubtful Debts as outlined in the report
- b note the \$27,974.05 total for outstanding accounts under \$1,000 which is also to be written off under the General Manager's delegation

CARRIED

RP-4 FINANCIAL PERFORMANCE REPORT APRIL 2016

16/123 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council:

- a approve the variations to the 2015/16 original budget for the month ended 30 April 2016 and note the forecast balanced budget as presented in this report**
- b note the Responsible Accounting Officer’s reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3: Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendations made above**
- c note Council’s external investments as at 30 April 2016**

CARRIED

Councillor A Brown vacated the chamber and did not return, the time being 7:50pm.

RP-5 2015/16 LOAN FACILITY

16/124 RESOLVED:
On the Motion of Councillors P Funnell and J McLaren

That Council:

- a utilise up to \$516,320 in funding from the Internal Loans Reserve as an alternative to external borrowings to complete the remainder of the 2015/16 borrowings program for capital projects as identified in this report**
- b utilise up to \$1.83 million as an internal loan utilising funding from the Livestock Marketing Centre Reserve as an alternative to external borrowings to complete the remainder of the 2015/16 borrowings program for the RiFL project, with a repayment period not to exceed 10 years**
- c authorise the affixing of Council’s Common Seal to all necessary documents as required**
- d investigate funding sources and receive a further report which proposes to repay the Livestock Marketing Centre Reserve the \$1.2 million utilised last financial year for the RIFL project, over a 10 year repayment period, as per Council’s Internal Loan Borrowings Policy POL 020**

CARRIED

RP-6 2016 NSW PUBLIC LIBRARIES ASSOCIATION CONFERENCE

16/125 RESOLVED:
On the Motion of Councillors D Tout and K Poynter

That Council:

- a be represented at the 2016 NSW Public Libraries Association Conference and Annual General Meeting to be held in Ulladulla on 22-25 November 2016**
- b appoint two (2) Councillors as Council’s delegates to attend the conference**

CARRIED

Councillor P Funnell nominated Councillors Y Braid and D Tout.

Councillors Y Braid and D Tout accepted the nominations.

Councillor Y Braid and D Tout were duly elected to attend the 2016 NSW Public Libraries Association Conference in Ulladulla on 22-25 November 2016.

RP-7 EQUESTRIAN FACILITIES OPERATION DEED

16/126 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council:

- a receive and note the report**
- b authorise the General Manager or his delegate to sign the Equestrian Facilities Operation Deed with Charles Sturt University**
- c authorise the execution of all documents under Council’s common seal as necessary**

CARRIED

RP-8 TRAFFIC CONTROLS AT ROUNDABOUTS

16/127 RESOLVED:
On the Motion of Councillors P Funnell and J McLaren

That Council:

- a receive and note the content of this report**
- b write to Roads and Maritime Services and the NSW Police and advise that it intends to change directional controls on the roundabout at the intersection of Morgan Street and Peter Street to allow through vehicle movements from both eastbound and both westbound lanes on Morgan Street**

CARRIED

RP-9 PLANNING TASK FORCE

16/128 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council endorse the scope of work and timelines of the Planning Task Force as outlined in this report.

CARRIED

Councillor Y Braid vacated the chamber, the time being 8:29pm.

Councillor Y Braid re-entered the chamber, the time being 8:33pm.

RP-10 PLANNING PROPOSALS FOR LAND AT INGLEWOOD ROAD GUMLY GUMLY AND 77 OLD NARRANDERA ROAD AND 17 RIVER ROAD, GOBBAGOMBALIN

A Motion was moved by Councillors K Poynter and K Pascoe.

That Council in line with the recommendations of the Wagga Wagga Spatial Plan 2013-2043, defer consideration of land identified as potential urban land and potential intensification until the relevant strategic work is completed by the Planning Task Force.

An AMENDMENT was moved by Councillor P Funnell and seconded by Councillor J McLaren.

That Council proceeds with the gateway application process for 77 Old Narrandera Road and 17 River Road, Gobbagombalin and Inglewood Road, Gumly Gumly.

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

For the Amendment
P Funnell
J McLaren

Against the Amendment
R Kendall
Y Braid
G Conkey OAM
G Hiscock
K Pascoe
K Poynter
D Tout

The AMENDMENT on being put to the meeting was LOST.

16/129 RESOLVED:
On the Motion of Councillors K Poynter and K Pascoe

That Council in line with the recommendations of the Wagga Wagga Spatial Plan 2013-2043, defer consideration of land identified as potential urban land and potential intensification until the relevant strategic work is completed by the Planning Task Force.

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

For the Motion
R Kendall
Y Braid
G Conkey OAM
G Hiscock
K Pascoe
K Poynter
D Tout

Against the Motion
P Funnell
J McLaren

CARRIED

COMMITTEE MINUTES

M-1 FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE MINUTES

16/130 RESOLVED:
On the Motion of Councillors K Poynter and G Conkey OAM

That Council:

- a receive and note the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 28 April 2016**
- b receive a report at the June 2016 Ordinary Council meeting that provides options on placing a moratorium on, or limiting new applications for, development on the Murrumbidgee River floodplain, not contained within the main City levee, until the revision of the Floodplain Risk Management Study and Plan is completed**

CARRIED

CLOSED COUNCIL

16/131 RESOLVED:
On the Motion of Councillors K Pascoe and P Funnell

That the Council now resolve itself into a Closed Council, the time being 8:50pm.

CARRIED

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

PROCEDURAL MOTION - ENGLOBO

16/132 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That CONF-1 to CONF-4 and CONF-6, be adopted as recommended in the business papers.

CARRIED

CONFIDENTIAL REPORTS

CONF-1 PROPOSED GRAZING LICENCE AGREEMENT - TASMAN AND EDISON ROADS, EAST WAGGA

16/133 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That Council:

- a agree to enter into a five (5) year grazing licence agreement with Patrick Raymond Dwyer upon the following terms:**
 - i Property - Lots 11 and 12 in DP 1163676 at East Wagga**
 - ii Term - five (5) years commencing 1 June 2016**
 - iii Rental - as noted in the body of this report**
- b authorise the execution of all necessary documents under Council’s Seal as necessary**

CARRIED

CONF-2 PROPOSED AIRPORT SUB-LEASE TO C & J CABOT SUPER FUND PTY LTD

16/134 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That Council:

- a agree to enter into a sub-lease agreement with C & J Cabot Super Pty Ltd upon the terms outlined in the body of this report**
- b authorise the execution of all necessary documents under Council’s common seal as necessary**
- c note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

CONF-3 PROPOSED ACQUISITION OF PART LOT 42 DP 1000852 AT ESTELLA FOR ROAD PURPOSES

16/135 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That Council:

- a agree to acquire part Lot 42 DP 1000852 at Estella upon the terms outlined in the body of this report**
- b upon acquisition agree to dedicate the land as public road**
- c authorise execution of all necessary documents under Council’s common seal as necessary**
- d note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

CONF-4 WAGGA AIRPORT SUB-LEASE TO MOBIL OIL AUSTRALIA PTY LIMITED

16/136 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That Council:

- a enter into a sub-lease agreement with Mobil Oil Australia Pty Ltd upon the terms outlined in the body of this report**
- b note the proposal by Mobil Oil Australia Pty Ltd to assign the sub-lease to an entity of World Fuel Services Pty Ltd**
- c delegate authority to the General Manager to negotiate assignment of the sub-lease to an entity of World Fuel Services Pty Ltd**
- d delegate authority to the General Manager to execute any necessary documents on behalf of Council**

CARRIED

CONF-5 PROPOSED VARIATION OF AIRPORT SUB-LEASE

16/137 RESOLVED:
On the Motion of Councillors P Funnell and K Poynter

That Council defer consideration of this matter pending further information.

CARRIED

CONF-6 RIVERINA INTERMODAL FREIGHT AND LOGISTICS (RiFL) HUB

16/138 RESOLVED:
On the Motion of Councillors D Tout and G Hiscock

That Council enter into the attached Term Sheet with Genesee & Wyoming Australia regarding Stage Two of the RiFL Hub Program being the development of the Riverina Intermodal Freight and Logistics (RiFL) Hub.

CARRIED

At this stage of the meeting, all staff with the exception of the General Manager, Manager People & Culture, Acting Strategic Partner People & Culture and Manager Executive Services vacated the chamber, the time being 9:20pm.

CONF-7 RE-DETERMINATION OF COUNCIL'S ORGANISATION STRUCTURE

16/139 RESOLVED:
On the Motion of Councillors G Conkey OAM and P Funnell

That Council receive and note the report provided by the General Manager

CARRIED

REVERSION TO OPEN COUNCIL

16/140 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 9:45pm.

CARRIED

At this stage of the meeting, staff re-entered the chamber, the time being 9:45pm.

REPORT OF PROCEEDINGS OF CLOSED COUNCIL

16/141 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

QUESTIONS/BUSINESS WITH NOTICE

No Questions/Business with Notice received.

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 9:48pm.

.....
MAYOR