

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)
Manager Events	(Ms S Nolan)
Manager Corporate Strategy, Communications & Governance	(Mrs C Priest)
Manager People & Culture	(Mr L Flack)
Manager Environmental & Recreation Services	(Mr M Gardiner)
Manager Waste & Stormwater Services	(Mr G Veneris)
Manager Development Services	(Mr C Farmer)
Manager Executive Support	(Mr S Gray)
Manager Project Operations	(Ms C Angel)
Project Management Supervisor	(Mr D Christiansen)
Project Manager	(Mr D Woods)
Acting Strategic Partner, People & Culture	(Ms T Hosie)
Land and Real Property Coordinator	(Ms D Wright)
Town Planner	(Ms J Duck)
Cultural Officer	(Ms T Miller)
Learning & Development Coordinator	(Ms T Jackson)
Communications & Engagement Officer	(Mr J Lang)
Corporate Governance & Risk Coordinator	(Mrs J Watkins)

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.

CONFIRMATION OF MINUTES

CM-1 SUPPLEMENTARY COUNCIL MEETING - 11 JULY 2016

16/178 RESOLVED:
On the Motion of Councillors A Brown and G Hiscock

That the Minutes of the proceedings of the Supplementary Council Meeting held on 11 July 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 K Poynter declared a Non-Significant Non-Pecuniary Interest in RP-6 – ANNUAL GRANTS PROGRAM 2016/2017 the reason being that one of the applicants is a resident of his residential street and remained in the chamber during its consideration.

Councillor Y Braid declared a Non-Pecuniary Interest in RP-6 – ANNUAL GRANTS PROGRAM 2016/2017 the reason being that she is on the Board of Country Hope and vacated the chamber during its consideration.

Councillor G Conkey OAM declared a Non-Pecuniary Interest in RP-5 – MAJOR EVENTS SPONSORSHIP FUND the reason being that he is a member of the Wollundry Rotary Club and vacated the chamber during its consideration.

Councillor G Conkey OAM declared a Non-Pecuniary Interest in RP-6 – ANNUAL GRANTS PROGRAM 2016/2017 the reason being that he is a member of the Wagga City Rugby Male Choir and vacated the chamber during its consideration.

Councillor K Pascoe declared a Non-Pecuniary Interest in RP-5 – MAJOR EVENTS SPONSORSHIP FUND the reason being that he is a member of the Wollundry Rotary Club and vacated the chamber during its consideration.

Councillor K Pascoe declared a Non-Pecuniary Interest in RP-6 – ANNUAL GRANTS PROGRAM 2016/2017 the reason being that he is on the Board of Country Hope and vacated the chamber during its consideration.

Councillor K Pascoe declared a Non-Pecuniary Interest in CONF-1 – PROPOSED LEASE RENEWAL – BOTANIC GARDENS RESTAURANT SITE the reason being that he owns a restaurant in Wagga Wagga and vacated the chamber during its consideration.

REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 POLICY AND STRATEGY COMMITTEE MEETING - 11 JULY 2016

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

16/179 RESOLVED:
On the Motion of Councillors A Brown and K Pascoe

That the Minutes of the Policy and Strategy Committee Meeting held on 11 July 2016 be confirmed and recommendations numbered PSCM-1, PSNOM-1, PSRP-1, PSRP-3 to PSRP-8 contained therein be adopted.

CARRIED

PSRP-2 DA16/0204 - CONVERSION OF CORNER STORE AND DWELLING TO CAFE - 82 THORNE STREET WAGGA WAGGA - LOT 16 DP 1347

16/180 RESOLVED:

On the Motion of Councillors A Brown and K Pascoe

That Council approve Development Application DA16/0204 for the conversion of the corner store and dwelling to café, 82 Thorne Street, Wagga Wagga 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.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects (REVISED)	Fiona Ziff	-	18/5/16
-	Annexure D Off-street Parking Variation	Fiona Ziff	-	8/4/16
-	Statement of Heritage Impact	Fiona Ziff	-	22/3/16
-	Proposed Floor Plan (AMENDED PLAN)	Fiona Ziff	-	22/5/16
-	Southern Elevation (AMENDED PLAN)	Fiona Ziff	-	22/5/16
160136-1	Layout Plan	Xeros Piccolo Consulting Engineers	B	6/6/16
160136-2	Elevation and Section Details	Xeros Piccolo Consulting Engineers	B	6/6/16

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 the Construction Certificate, details of the proposed garbage/bin storage area must be submitted for assessment and approval by the Director of Planning and Regulatory Services or delegate. The development shall be carried out in accordance with the approved details.**

NOTE: Waste and bin storage areas must be wholly contained within the property boundaries and shall be screened from public view.

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.

- 3. **Provision must be made in the building and on the site for:**
 - a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
 - b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building.**

NOTE: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 4. **Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.**

NOTE1: ‘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 water supply works for development in the Council’s area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council 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 base figure is \$3148.82
The Section 64 Sewer contribution (updated by the CPI, 106.8/100.5) required to be paid is \$3346.21

NOTE 6: The Section 64 Stormwater base figure is Nil.
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is Nil.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

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).

- 5. Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation and storage areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6. Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.**

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

- 7. Prior to the issue of Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council’s Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council’s Trade Waste section on 1300 242 442 regarding the application process.**

The applicant shall supply WWCC with detailed plans of the new trade waste

layout. The existing trade waste agreement with council will need to amended to show these changes.

Trade waste material is not to be discharged into Council’s sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

REASON: To prevent damage to the Council’s Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

8. If the work involved in the erection or demolition of a building or structure:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contactor’s vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

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.

9. 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.

- 10. 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.

- 11. 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.

12. 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 2.6 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.

13. Public liability insurance is to be taken out and maintained during the period this Consent operates in relation to the activity authorised by this Consent for an amount of \$20,000,000.00 noting the Council's interest as the owner of the public footpath over which the ramp and handrail is located. Written evidence of such insurance is to be provided to the Council before any work authorised by this Consent commences and by not later than the month of the date of this consent (July) in each year during which this Consent operates or at any other time requested by the Council.

REASON: It is in the public interest that the development provides Public Liability. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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: It is in the public interest that plumbing and drainage 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.

15. 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.

16. 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.

17. 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. Please contact Council’s Activities in Road Reserves

Officer on 1300 292 442.

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

- 18. 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
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
	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.
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.
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 critical stage inspections be issued for these components of the development in accordance with Section 162A of the

Environmental Planning and Assessment Regulations 2000 as amended.

- 19. **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.

- 20. **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 9.4.6 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.

- 21. **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 following information shall be submitted to Council for assessment and approval:

- 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 any 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.

22. **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.

23. **The construction and finished area of the food business premises shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. **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 and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

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

25. **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

- 25 (a) **The applicant shall ensure the provision of three (3) car parking spaces on site in the rear courtyard area.**

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

26. 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.

27. A Venue Management Plan shall be prepared by police attached to the Wagga Wagga Local Area Command in consultation with the consent holder. The consent holder is to ensure that they actively engage with police to ensure the management plan is completed prior to any final occupation certificate being issued by Council. The plan must be signed and approved by the Local Area Commander or the Commander’s Delegate. A copy of the management plan must be lodged with the Wagga Wagga City Council by the consent holder.

The plan must include a range of measures which may include but are not limited to, patron safety and security, use of security guards, management of crime scenes, recording and reporting incidents of violence, the installation and maintenance of closed circuit television (CCTV), the quiet and good order of the neighbourhood, safe transport options, clearing of rubbish, addressing complaints relating to the operation of the premise and reviews, amendments and updates to the plan.

The requirements of this management plan are designed to maintain the amenity of the area and are separate to any conditions that may be placed on a liquor licence by the appropriate Authority under the Liquor Act 2007. The consent holder must ensure that all parts of each individual requirement of the management plan are complied with at all times.

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

28. Prior to the issue of the occupation certificate, the applicant is to ensure toilets located in the food premises are to be separated from areas where food is handled, displayed or stored by an airlock equipped with self-closing doors, or fitted with self-closing doors and provided with mechanical ventilation that operates when in use and 30 seconds after the cubicle is vacated.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. Prior to the issue of the occupation certificate, the colour for the painting of the handrail to the ramp shall match the building walls. Alternative colours can be considered by Councils Planning Section but shall be approved in writing by Council prior to the issue of the occupation certificate.

NOTE: The subject site is located within the Heritage Conservation Area and as such any external works, particularly those that may be viewed from the road frontage which affect the streetscape require the submission of a Development Application to Council for consideration.

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.

- 30. Prior to the issue of the occupation certificate, the license agreement held with Council for Activities on Public Footpaths shall be updated for the use as Café and any associated BYO or liquor license.**

REASON: To ensure a positive impact on the streetscape and consistency with Councils Policies. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 31. Prior to the issue of the occupation certificate, any new or upgraded services and mechanical vents and equipment installed as part of this development shall be located away from and noise and odours directed away from the dwelling to the North (84 Thorne St).**

REASON: To minimise adverse impacts and ensure a positive impact on the locality and achieve consistency with Councils Development Control Plan. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 32. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 33. Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards**

Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 34. Prior to the release of the Occupation Certificate the current Food Safety Supervisor must be notified to the appropriate regulatory authority.**

REASON: To aid in the storage, preparation and display of food that is safety to be consumed by the public. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 35. 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.

- 36. 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.

General

- 36(a) That this approval does not include the use of the area marked on the plans as 'future café use.' The use of this area for any purpose will require the prior development approval of Council.**

REASON: It is in the public interest that the development is carried out in accordance with the approved plans. Section 79c(1)(e)

- 36(b) The applicant at their cost is to provide angled line marking for a minimum 13 additional car parking spaces for vehicles within Thorne Street (on eastern side),**

in accordance with Council’s Engineering Guidelines for subdivisions and development and relevant Australian Standards.

Prior to any works occurring in the road reserve the applicant shall have lodged with and approved by Council a Section 138 permit application. Details of the line marking, including engineering details shall be submitted with the Section 138 permit application.

The above works and signposting shall be undertaken as per the recommendation(s) of Council’s Traffic Committee and is to be completed prior to the release of the Final Occupation Certificate or prior to an amended timing being agreed upon to the satisfaction of Council.

- NOTE 1 A Section 138 permit shall be lodged in accordance with application submission requirements and accompanied by relevant application fee.
- NOTE 2 The design and nature of proposed parking and signposting is to be reviewed and approved by Council’s Traffic Committee prior to the assessment by Council of the required Section 138 permit application.
- NOTE 3 The applicant shall be required to pay for all costs associated with erecting associated signage associated with this condition.
- NOTE 4 The applicant may approach Council and enter into an agreement for the council to undertake the works required to be satisfied under this condition at the applicants cost with payment and timing arrangements to be determined to the mutual satisfaction of the applicant and the council. The works must be completed not more than 12 months after issue of this approval.

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

37. The approved use must only be conducted

- (a) on Mondays to Thursdays, inclusive between the hours of 7:00am and 4:30pm.
- (b) on Fridays, between the hours of 7.00 am and 9.00 pm.
- (c) Saturday and Sunday 8:00am and 2:30pm.

The operation hours permitted on Fridays shall revert to between the hours of 7.00 am and 4.30 pm after 12 months from the date of this consent if a modification to amend this condition is not approved prior to the end of this 12 month period.

REASON: To ensure development does not reduce the amenity of the area. To permit a trial period and consideration of the impacts of the later trading hours for the new and intensified use. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

38. The building must not be used as a dwelling or domicile without Council’s

consent.

REASON: Development consent is for a non-habitable building. Section 79C(1)(a)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. The installation and operation of all cooling towers and warm water systems are to comply with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666. The applicant is required to register with Council’s Environment and Community Services Directorate all water cooled cooling towers and/or warm water mixing systems which are installed on the land.**

REASON: To comply with the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 2011. Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 40. Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.**

NOTE 1: 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

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: 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.

- 41. The use of Café shall be limited to Lot 16 DP 1347 (82 Thorne St) and the approved Use of Public Footpath License Agreement areas only. This consent does not give approval for delivery of food and drinks to customers located within Collins Park. Food for this purpose must be take-away only. Chairs/tables/picnic rugs shall only be rented to customers for use within Collins Park by the Café or owners of Lot 16 DP 1347 (82 Thorne St) during trading hours and not be stored in Collins Park at other times.**

REASON: To ensure the use is carried out in the zone it is permitted within and to

ensure the development has a positive impact on the streetscape and the character of the conservation area and local heritage items. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 42. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 43. Unless superseded by conditions of this consent, the development consent granted to Development Application DA14/0592.02 shall continue to be complied with in all respects.**

REASON: It is in the public interest that the development complies with all the conditions of the development consent. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 44. Provision shall be made for the parking of bicycles on site.**

NOTE: At least 1 bicycle space must be provided. This may be provided within an area defined under the license agreement or within the rear enclosed yard provided it is secure and accessible during operating hours.

REASON: To allow for alternative means of transport to and from the development site. Section 79C(1)(c) 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

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

Against the Motion

CARRIED

PSRP-9 OPTIONS FOR PLACING A MORATORIUM ON NEW APPLICATIONS FOR DEVELOPMENT ON THE FLOODPLAIN

16/181 RESOLVED:
On the Motion of Councillors K Poynter and G Hiscock

That Council:

- a notes the objective of minimising the effect of development on other land uses in the Wagga Wagga Local Environmental Plan 2010 (LEP)**
- b notes that an analysis of the effect of incremental development on the floodplains will form part of the floodplain risk management study and plan that is currently underway**
- c to be particularly mindful of the precautionary principle in assessing the irreversible incremental impact of development on third party property developments on the floodplain when considering applications for development on the floodplain outside the protection of the levee bank**
- d receive a further report on development controls that mitigate third party affectation on incremental development on the floodplain following the release of the floodplain risk management study and plan**

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

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 COMMUNITY WORKS RESERVE

A Motion was moved by Councillors P Funnell and J McLaren.

That Council:

- a receive a report which considers creating a ‘Community Works Reserve’ and directing the annual budget allocations under the Public Art Policy (POL 109) to this ‘Community Works Reserve’ as part of the next review of the Public Art Policy
- b request that the report in (a) address the broadened use of the 1% capital works funding contributions that is currently ‘Public Art’ specific, to other community benefit projects through the ‘Community Works Reserve’ as set out in the body of the report

An AMENDMENT was moved by Councillor K Poynter and seconded by Councillor G Conkey OAM.

That Council:

- a as part of the budgeting process receive a report on options for building a reserve to fund public works including public art
- b identify funding sources to build the reserve

A Division was called for on the Motion of Councillors K Poynter and G Conkey OAM.

<u>For the Amendment</u> R Kendall G Conkey OAM K Poynter	<u>Against the Amendment</u> Y Braid A Brown P Funnell G Hiscock J McLaren K Pascoe D Tout
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The AMENDMENT on being put to the meeting was LOST.

16/182 RESOLVED:
On the Motion of Councillors P Funnell and J McLaren

That Council:

- a receive a report which considers creating a ‘Community Works Reserve’ and directing the annual budget allocations under the Public Art Policy (POL 109) to this ‘Community Works Reserve’ as part of the next review of the Public Art Policy**

- b request that the report in (a) address the broadened use of the 1% capital works funding contributions that is currently 'Public Art' specific, to other community benefit projects through the 'Community Works Reserve' as set out in the body of the report**

A Division was called for on the motion of Councillors K Poynter and G Conkey OAM.

For the Motion

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

Against the Motion

G Conkey OAM
K Poynter

CARRIED

NOM-2 RED HILL ROAD - LOCAL ARTICULATED TRANSPORT

16/183 RESOLVED:

On the Motion of Councillors P Funnell and K Pascoe

That Council receive a report on options to manage local articulated transport on the section of Red Hill Road between the Olympic Highway and Glenfield Road.

CARRIED

REPORTS FROM STAFF

PROCEDURAL MOTION - ENGLOBO

16/184 RESOLVED:

On the Motion of Councillors P Funnell and A Brown

That RP-1, RP-7 and RP-8, be adopted as recommended in the business papers

CARRIED

RP-1 RESPONSES TO QUESTIONS/BUSINESS WITH NOTICE

16/185 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council receive and note the report outlining responses to Questions/Business with Notice.

CARRIED

RP-2 GREGADOO ROAD AND PLUMPTON ROAD INTERSECTION - PROPOSED TREATMENT

16/186 RESOLVED:
On the Motion of Councillors D Tout and K Pascoe

That Council receive and note the contents of this report and accept the recommendation of Traffic Committee to prepare a detailed proposed treatment design for Gregadoo Road and Plumpton Road Intersection.

CARRIED

RP-3 GRAY'S LANE PARKING CONTROLS

16/187 RESOLVED:
On the Motion of Councillors P Funnell and G Conkey OAM

That Council:

- a receive and note the contents of this report and accept the recommendation of Traffic Committee**
- b initiate consultation with the school community about drop off options for the school**

CARRIED

RP-4 HOSPITAL PRECINCT TRAFFIC AND PARKING MANAGEMENT

16/188 RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council receive and note the content of this report and accept the recommendation of Traffic Committee.

CARRIED

RP-5 MAJOR EVENTS SPONSORSHIP FUND

Councillors K Pascoe and G Conkey OAM declared Non-Pecuniary Interests for RP-5 – MAJOR EVENTS SPONSORSHIP FUND and RP-6 – ANNUAL GRANTS PROGRAM 2016/2017 and vacated the chamber, the time being 7:34pm.

16/189 RESOLVED:
On the Motion of Councillors A Brown and P Funnell

That Council:

- a note that two (2) applications for Major Events Sponsorship have been received from; from the Rotary Club of Wollundry Wagga Wagga, for the 2016 Gears and Beers Festival and the 2016 Spring Street Festival**
- b approve Major Events Sponsorship for the following events:**
 - 2016 Gears and Beers Festival 2 October - \$20,000**
 - 2016 Spring Street Festival 17 September - \$8,000**

CARRIED

RP-6 ANNUAL GRANTS PROGRAM 2016/2017

Councillor Y Braid declared a Non-Pecuniary Interest and vacated the chamber, the time being 7:34pm.

16/190 RESOLVED:
On the Motion of Councillors A Brown and K Poynter

That Council:

- a approve the successful applications from the assessment process for the 2016/2017 Annual Grants Program as detailed in the report**
- b reallocate \$13,900 out of the \$15,440 unexpended funds from the Connected Rural and Urban Communities category in order to support the Downside Recreation Reserve & Public Hall Trust Mates and Great Covered BBQ Area.**
- c reallocate the remaining \$5,937 unexpended funds from the Connected Rural and Urban Communities category to Council’s rural halls maintenance budget for the 16/17 financial year**
- d note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

Councillors K Pascoe, G Conkey OAM and Y Braid re-entered the chamber, the time being 7:39pm.

RP-7 2015/16 CARRYOVERS AND 30 JUNE 2016 INVESTMENT REPORT

16/191 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council:

- a approve the 2015/16 project carryovers and reserve transfers as presented in this report**
- b note the works in progress as presented in this report**
- c note Council’s external investments as at 30 June 2016**

CARRIED

RP-8 AUSTRALIAN CLAY TARGET ASSOCIATION PROPOSED ACQUISITION OF LAND

16/192 RESOLVED:
On the Motion of Councillors P Funnell and G Hiscock

That Council:

- a receive and note the report**
- b defer consideration of selling the parcel of land Lot 102 DP1012965 to the Australian Clay Target Association until the completion of the Wagga Wagga Revised Floodplain Risk Management Study**

CARRIED

CLOSED COUNCIL

16/193 RESOLVED:
On the Motion of Councillors P Funnell and G Hiscock

That the Council now resolve itself into a Closed Council, the time being 7:39pm.

CARRIED

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

Councillor P Funnell vacated the chamber, the time being 7:40pm.

CONFIDENTIAL REPORTS

CONF-1 PROPOSED LEASE RENEWAL - BOTANIC GARDENS RESTAURANT SITE

Councillor K Pascoe declared a Non-Pecuniary Interest and vacated the chamber, the time being 7:41pm.

16/194 RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council:

- a agree to enter into a new lease with Adam John Mclean for the Botanic Gardens restaurant site known as 43 Tom Wood Drive, Wagga commencing 1 July 2016 upon the terms outlined in this report**
- b delegate authority to the General Manager to execute any necessary documents on behalf of Council**
- c note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

Councillors P Funnell and K Pascoe re-entered the chamber, the time being 7:42pm.

CONF-2 PROPOSED VARIATION - AIRPORT SUB-LEASE TO MAGUIRE

16/195 RESOLVED:
On the Motion of Councillors G Hiscock and A Brown

That Council:

- a agree to vary the sub-lease to James Maguire for sites 224 and 224A at Wagga Airport to include an additional area known as site 224B measuring 1,780 square metres upon the terms outlined in the body of this report**
- b note the new proposal for site 224B is subject to development consent**
- c require the sub-lessee to lodge a “use of existing” development application for sites 224 and 224A**
- d delegate authority to the General Manager to execute any necessary documents on behalf of Council**
- e note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

At this stage of the meeting, all staff with the exception of the General Manager, Manager Executive Support, Manager People & Culture, Acting Strategic Partner People & Culture, Learning and Development Coordinator and Communications & Engagement Officer vacated the chamber, the time being 7:42pm.

CONF-3 COUNCIL ORGANISATION STRUCTURE REVIEW

16/196 RESOLVED:

On the Motion of Councillors G Hiscock and P Funnell

That Council adopt the organisation structure in accordance with Section 333 of the Local Government Act 1993 as outlined in the confidential report distributed under separate cover.

CARRIED

REVERSION TO OPEN COUNCIL

16/197 RESOLVED:

On the Motion of Councillors G Conkey OAM and A Brown

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8:25PM.

CARRIED

REPORT OF PROCEEDINGS OF CLOSED COUNCIL

16/198 RESOLVED:

On the Motion of Councillors P Funnell and A Brown

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

CARRIED

At this stage of the meeting, staff re-entered the meeting, the time being 8:25pm.

QUESTIONS/BUSINESS WITH NOTICE

The following Question/Business with Notice was raised to be addressed in the next available Business Paper.

Councillor K Poynter requested consultation with Riverina Water County Council regarding IT resources for the future council.

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8:29pm.

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MAYOR