

HILLTOPS COUNCIL EXTRAORDINARY MEETING MINUTES

10 August 2016, commencing at 5.00 PM

Held in the Hilltops Council, Young Chamber, 189 Boorowa Street, Young

ATTENDANCE

Administrator W Tuckerman

STAFF

A McMahon General Manager
D Aber Deputy General Manager
C Filmer Director Building and Environmental Health

APOLOGIES

Dirk Wymer
Judy Jordan
Sharon Langman
Trevor Drowley
Greg Armstrong

16/79 RESOLVED:

That the apologies be accepted

Moved and declared carried by: Administrator W Tuckerman

DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

Administrator Wendy Tuckerman declared no declaration of interest and no conflict of interest

OPEN FORUM

Mr John White addressing Council regarding EOM16/02 – 2016/DA-00061 – Industrial Shed, 41 Rockdale Road, Young.

GENERAL MANAGERS REPORT

EOM16/02 51 – 2016/DA-00061 – INDUSTRIAL SHED – 41 ROCKDALE ROAD, YOUNG

16/80 RESOLVED:

That Council determine the following development application, by way of deferred commencement consent, subject to conditions identified below:

- **Application No.:** 2016/DA-00061,
- **Property:** Lot 1 DP 1205380, 41 Rockdale Road, Young
- **Development:** Industrial - erect a steel framed, corrugated aluminium clad shed to be utilised as a workshop.

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PART 1 – DEFERRED COMMENCEMENT CONDITIONS

1. Pursuant to section 80(3) of the Environmental Planning and Assessment Act, 1979, this consent is not to operate until Council is satisfied that the following condition contained in Part 1 of this consent, has been satisfied, as signified by Council in writing.
2. As a minimum, the following information shall be supplied to Council, to demonstrate that the proposed shed will not be located in a floodway, will not be impacted by floodwaters:
 - a current survey, showing existing site levels, the diversion bank, and the landform in and around the railway drain,
 - an assessment of the catchment draining into the railway drain, and the capacity of the diversion bank, to handle this catchment in a 1:100 year rainfall event, without breaching the bank,
 - if the assessment demonstrates that the diversion bank cannot handle a 1:100-year rainfall event, and water will flow over the bank, details of additional mitigation measures proposed to collect and discharge the water around the shed, or to increase the capacity of the diversion bank.

PART 2 – CONDITIONS OF CONSENT

General

- 1 The development shall be generally in accordance with development application number 2016/DA-0061 submitted by the applicant on 27th April 2016, and be in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Drawing No.	Rev/ Issue	Name of Plan	Dated	Submitted
1420-110	7	Site layout detail	16 th May 2016	18 th May 2016
89C-34001	1	Steelwork Marking plans and elevations	29 th November 2007	27 th April 2016
89C-34002	1	Steelwork Sheet 1	29 th November 2007	27 th April 2016
Photographs of the shed (x 2), submitted 27 th April 2016,				
Statement of environmental effects ((3 pages), ref 5213, prepared by Allied Grain Systems, dated 16 th May 2016				

as modified by any conditions of this consent.

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- 2 ***No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.***
- 3 ***In the event of any inconsistency between the documentation referred to in the above condition, the most recent document shall prevail to the extent of the inconsistency.***
- 4 ***In the event of any inconsistency between conditions of this approval and documents referred to in the above condition, the conditions of this approval shall prevail to the extent of the inconsistency.***
- 5 ***The builder must at all times maintain on the job, a legible copy of the plans and specifications bearing the stamp and building permit of Council.***
- 6 ***A notice bearing the lot number and the builders name and license number shall be prominently displayed at the front of the land from the time the development application is submitted to Council until the building is complete, or until the occupation certificate is issued.***
- 7 ***The building works shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council. No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.***
- 8 ***Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.***
- 9 ***The following details are to be displayed in a maximum of 2 signs to be erected on the site***
 - ***the name of the Principal Certifying Authority, their address and telephone number***
 - ***the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours***
 - ***that unauthorised entry to the work site is prohibited***
 - ***that designated waste storage area must be covered when the site is unattended, and***
 - ***all sediment and erosion control measures shall be fully maintained until completion of the construction phase.***

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Signage, but no more than 2 signs, stating the above details is to be erected:

- **at the commencement of, and for the full length of the, construction works onsite, and**
- **in a prominent position on the work site and in manner that can be easily read by pedestrian traffic.**

All construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

Parameters of Consent

- 10 **The western facing roof of the shed shall be:**
- **constructed in a colorbond cladding, that has a proven solar reflective index of 25 or less, or**
 - **painted in a dark colour, or**
 - **be treated by another method that reduces potential glare impact.**

Building

- 11 **All building work must be carried out in accordance with the requirements of the Building Code of Australia. In particular, your attention is directed to the following conditions.**

PRIOR TO CONSTRUCTION

Construction Certificate

- 12 **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to construction work commencing. A separate application, using the attached form shall be submitted prior to the issue of a construction certificate for the development.**

Appoint Principal Certifying Authority

- 13 **Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate shall:**
- (a) **appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and**
 - (b) **notify Council of their intention to commence the site works (at least 2 days' notice is required).**

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PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Additional Information required prior to issue of Construction Certificate

14 ***The following information shall be submitted to Council prior to commencement of construction of the relevant stage of the building:***

(a) BCA compliance

A full set of structural drawings that demonstrate compliance with the BCA. It may be necessary to contact an experienced certifier to furnish a BCA compliance report.

(b) Stormwater

Details on stormwater collection and disposal.

(c) Fire Safety List

Prior to issuing a Construction Certificate the applicant shall be required to furnish a diagram detailing all essential and fire safety services to the whole of the building.

(d) Details from a suitably qualified and practising Structural Engineer in regard to:

- (i) footings;**
- (ii) reinforced concrete slabs;**
- (iii) retaining walls;**
- (iii) structural steelwork;**

(e) Roof material and colour

Details of the material and/or colour of the western facing roof of the shed.

(e) Sedimentation and erosion control

Details of sedimentation and erosion control methods proposed to be implemented.

DURING CONSTRUCTION WORKS

Inspection/Certification

15 ***The Principal Certifying Authority (PCA) must determine when inspections and compliance certificates are required. Where Hilltops Council is nominated as the PCA, the following stages must be inspected and passed prior to the subsequent stages of construction. Twenty-four (24) hours' notice shall be given to Council to allow scheduling of the inspection.***

NOTE: ***Where inspections are requested and the work is either incomplete or not started, or unsatisfactory thus requiring an additional inspection, such re-inspections will be charged to***

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the applicant at the rate as outlined in the Fees and Charges section of Council's current Management Plan per additional inspection. This will be deducted from the security deposit (where held) or paid prior to the inspection being carried out.

- (a) Site inspection when all sediment and erosion controls are in place ready to commence work. At this time the condition of Council's footpath, kerb and gutter, nature strip, road reserve will be assessed;***
- (b) After excavation for, and prior to the placement of, any footings, and prior to pouring any in-situ reinforced concrete building element;***
- (c) The framework for any floor, wall, roof, or other building element prior to covering with any external element (including sarking, brickwork or cladding);***
- (d) Prior to backfilling or covering any stormwater drainage and connections to point of discharge;***
- (e) After all building work has been completed and prior to any occupation certificate being issued in relation to the building.***

Survey

- 16 A document from a registered and practising land surveyor shall be submitted to Council at the following stages of construction:***
- peg out and prior to construction commencing.***

Erosion Control

- 17 Erosion and sedimentation control measures shall be implemented in accordance with Council's Engineering Guidelines for Subdivision and Development, prior to work commencing.***

Builders Toilet

- 18 The applicant shall ensure that a suitable builders' toilet is situated on the property prior at the time of the first inspection, prior to commencing construction.***

Site Security

- 19 Access to the site shall be restricted by way of safety/security fencing and the access point clearly delineated.***

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Disabled Access and Facilities

- 20 **Access for the disabled must be provided to the whole floor in accordance with Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work.**
- 21 **Toilet accommodation shall be provided for disabled persons in accordance with the design criteria in Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work.**
- 22 **Ramps provided for disabled access shall comply with Australian Standard AS1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work.**

WorkCover Authority

- 23 **The applicant shall be responsible for compliance with the requirements of the WorkCover Authority of NSW.**

Hours of Construction

- 24 **Work on the project shall be limited to the following hours:**
- (i) **Monday to Friday - 7:00 am to 6:00 pm**
 - (ii) **Saturday - 8:00 am to 5:00 pm**
 - (iii) **No work to be carried out on Sunday/Public Holidays, without the prior consent of Council.**

Cut and fill

- 25 **The applicant shall ensure that any cut or fill on site is appropriately graded, drained or retained and drained as necessary.**

NOTE: Any graded land that slopes toward a neighbouring property shall incorporate dish or surface drains to divert water to a sump and then be piped to the existing stormwater drainage system.

Retaining walls greater than 1 metre in height shall be designed by a suitably qualified practising and insured Structural Engineer. The design shall be submitted to and permission to proceed granted by Council prior to work commencing.

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PRIOR TO OCCUPATION

Occupation Certificate

- 26 A final Occupation (Completion) Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principle Certifying Authority must be satisfied that the requirements of section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.**

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Car Parking

- 27 A minimum of fourteen (14) parking spaces shall be provided on site. These parking spaces shall be constructed in accordance with Australian Standard AS2890 - Parking and vehicular Access Part 1 and Part 2. They shall be constructed to a gravel all-weather and effectively graded and drained. They shall be constructed so as to ensure vehicles enter and leave the site in a forward direction.**

Visitor Signage

- 28 The applicant shall ensure that signage is provided on parking spaces that have been identified for Visitors/Customers.**

Stormwater Drainage

- 29 After completion of the stormwater drainage works, prior to the issue of an Occupation Certificate, the applicant shall submit to Council a detailed Works As Executed plan of all completed stormwater works.**

Fire Safety Certificates

- 30 A Final Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.**

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Arrange issue of Occupation Certificate

- 31 *When all work as indicated on the approved plans/specifications is completed, the applicant shall notify the PCA to arrange for the issue of a final Occupation (Completion) Certificate.*

DURING OCCUPATION

Amenity

- 32 *The use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.*

Visual Amenity

- 33 *The development shall not involve exposure to view from any adjacent premises or from any public place of any unsightly manner.*

Noise

- 34 *The use of the premises, and operation of any equipment, shall not give rise to offensive noise, that by reason of its level, nature, character, quality or the time at which it is made, is likely to be harmful to, or interfere unreasonably with, a person who is outside the premises from which it is emitted.*

Hours of Operation

- 35 *The operations or vehicles associated with the development, shall be limited to the following hours of operation:*

- (i) Monday to Friday - 6:00 am to 8:00 pm*
- (ii) Saturday - 6:30 am to 5:00 pm, with no machine, tool or vehicle noise occurring before 7:00 am or after 5:00 pm*
- (iii) Sundays - 7:30 am to 4:00 pm, with no machine, tool or vehicle noise occurring before 8:00 am or after 4:00 pm*
- (iii) Public Holidays - 7:30 am to 4:00 pm, with no machine, tool or vehicle noise occurring before 8:00 am or after 4:00 pm (other than those with restricted trade limitations by the NSW Industrial Relations Commission).*

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Annual Essential Services Compliance Certification

- 36** *The owner shall submit to Council an Annual Essential Service Compliance Certificate, each twelve months after the original certificate was issued.*

Internal Access-ways

- 37** *Trafficable areas onsite shall be maintained to ensure a suitably gravelled and drained internal access way exists, to ensure all-weather access by cars and trucks.*
- 38** *These areas shall be suitably shaped to ensure that run-off does not create a nuisance or cause erosion to adjacent properties.*
- 39** *All vehicles shall be able to, and will, enter and leave the site in a forward direction.*
- 40** *Internal roads/trafficable areas shall be watered as necessary to minimise dust generation from vehicles.*
- 41** *All loading and unloading of materials and goods shall be carried out on-site.*

Roof Maintenance

- 42** *Should the quality of the workshop roof, deteriorate to a level that causes objectionable glare, the business owner shall ensure the roof is replaced with a colorbond cladding, having a solar reflective index of 25 or less, or other method to reduce glare.*

Works Inside

- 43** *The business is to undertake any potentially fire hazardous works, such as grinding or welding or works that generate a spark, within the curtilage of the sheds onsite.*

Moved and declared carried by: Administrator W Tuckerman

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CLOSED COUNCIL

16/03 52 – EXCLUSION OF THE PRESS AND PUBLIC

16/81 RESOLVED:

- 1. That Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.**
- 2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.**

Moved and declared carried by: Administrator W Tuckerman

ITEM 1: LEGAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

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GENERAL MANAGERS CLOSED REPORT

EOM16/04-53 – LEGAL MATTER – COURT ORDERS 13/11021, 13/11022, 14/10769 AND CERTIFICATE OF COSTS FOR SAME

EOM 16/82 RESOLVED:

That Council; instruct Bradley Allen Love to serve a bankruptcy notice on the appellant in respect of the outstanding costs orders, in order to recover those monies owed to it under Orders 13/11021, 13/11022, 14/10769 of the Land & Environment Court and the costs of the Certificate of Costs, on these matters.

Moved and declared carried by: Administrator W Tuckerman

16/83 RESOLVED:

That Council move out of closed.

Moved and declared carried by: Administrator W Tuckerman

NEXT MEETING

The next meeting of Council is scheduled to be on Wednesday, 24 August 2016, commencing at 5.30 pm at the Young Chambers, 189 Boorowa Street, Young.

TERMINATION

There being no further business the meeting closed 5.18 pm.

General Manager

Administrator