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**MINUTES OF THE EXTRAORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD IN THE COUNCIL  
CHAMBERS ON THURSDAY 10 AUGUST 2017 COMMENCING AT  
4:01PM**

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**PRESENT (FILE C13-2)**

Councillors Peter Abbott (Deputy Mayor)(arrived at 4:16pm), Tracey Kings, Janine Lea-Barrett, Greg Martin, Peter Maxwell, Julie Payne, Harley Toomey and Bob Sinclair. Messrs Kym Miller (Acting General Manager), Garry Ryman (Director of Planning and Environmental Services), Stephen Taylor (Director of Engineering Services) and Mmes Angela Shepherd (Director of Corporate and Economic Development) and Janette Booth (Executive Assistant – General Manager/ Mayor).

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**196.8.2017 RESOLVED:** That in the absence of the Mayor and Deputy Mayor that Councillor Janine Lea-Barrett be nominated as the Chairperson.  
*Clr Payne/ Clr Sinclair* **CARRIED**

**Clr Janine Lea-Barrett took the Chair due to the absence of Mayor Lilliane Brady OAM and Deputy Mayor Peter Abbott.**

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**APOLOGIES (FILE C13-2)**

**197.8.2017 RESOLVED:** That the apologies received from Councillor Lilliane Brady OAM, Christopher Lehmann and Peter Yench be accepted.  
*Clr Martin/ Clr Sinclair* **CARRIED**

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**DECLARATIONS OF INTEREST (FILE C12-3)**

Nil.

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**CLAUSE 1A – COPPER CITY HOTEL AND MOTEL  
DEVELOPMENT APPLICATION**

**FILE: 2017/LD-016**

**AOP REFERENCE: 1.6.3.1**

**AUTHOR: *Manager Planning and Environmental Services,  
Stephen Poulter***

**198.8.2017 RESOLVED:** That Council resolve to determine Development Application 2017/LD-016 under Section 80(1) of the Environmental Planning and Assessment Act 1979 by granting consent subject to the following conditions:

1. The development must be carried out in accordance with the documents listed below, except where amended by other conditions of this consent:

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**THIS IS PAGE 1 OF THE MINUTES OF THE EXTRAORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 10 AUGUST 2017**

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ACTING GENERAL MANAGER

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CHAIRPERSON

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- i. Approved development plans as prepared by Regency Design Centre, Job No. 6920, Drawing No.s 1 of 1, 2 of 2 and 3 of 3, dated 13.2.17, except as modified in red by Council and/or any conditions of consent.
  - ii. Statement of Environmental Effects as prepared by PGH Environmental Planning, Report No. SEE 16-0667, Version Final and dated 6<sup>th</sup> March 2017, including appendices 1-5, except as modified in red by Council and/or any conditions of consent.
  - iii. Letter from Traffic Solutions Pty Ltd dated 15 June 2017, written by Craig Hazell, detailing assessment findings of potential traffic and parking implications.
2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.
  3. The applicant must ensure that all obligations under the Building and Construction Industry Long Service Payments Act 1986 have been satisfied prior to commencing any development on the site. A Construction Certificate cannot be issued until any required Long Service Levy payable under the above Act has been paid.
  4. The “Hotel Plan of Management” dated 6 March 2017 and provided in Appendix No. 1 of the Statement of Environmental Effects shall be adhered to during the operation of the pub and is subject to review as detailed in condition 10 below.
  5. Prior to the issue of a construction certificate, a receipt for the payment to Cobar Shire Council of Section 94A developer contributions (pursuant to the Environmental Planning and Assessment Act 1979 and the Cobar Shire Council Infrastructure Contributions Plan 2012) shall be submitted to the certifying authority. Where Cobar Shire Council is the certifying authority, a copy of the receipt shall be forwarded to the Planning and Environmental Services Department.

The total contribution to be paid to Council (as applicable at the date of this consent) is \$9,902.25.

6. Prior to the issue of a construction certificate, a receipt for the payment to Cobar Shire Council of Section 64 water and sewerage levies (pursuant to the Local Government Act and the Cobar Shire Council Development Servicing Plans for Water Supply and Sewerage 2013) shall be submitted to the certifying authority. Where Cobar Shire Council is the certifying authority, a copy of the receipt shall be forwarded to the Planning and Environmental Services Department.

The total levy payable to Council (as applicable at the date of this consent) is \$27,542.27.

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7. Prior to the release of a construction certificate, the following additional information shall be submitted to and approved by Council:
- (i) An amended site plan detailing a carpark designed to comply with Australian Standard 2890- Parking facilities. At least 34 additional off-street car spaces shall be incorporated into this carpark design and shall allow for vehicles to enter and exit the carpark in a forward direction. The carpark shall include accessible car spaces at a rate applicable for the accommodation and pub complex as detailed in the Building Code of Australia.
  - (ii) Details of how deliveries will be managed on site. These details shall include frequency of deliveries, locations of external stored goods like beer kegs, crates and other materials that have been delivered or awaiting collection and how goods and deliveries/collections will be managed by staff.
  - (iii) An amended waste management plan that details how waste is to be managed during the operation of the pub. This plan shall be developed taking into consideration the NSW EPA's Better practice Guidelines for Waste Management and Recycling in commercial and industrial facilities.
8. A sign must be erected in a prominent position on any site on which building work is being carried out, identifying the following:
- a) The name, address and telephone number of the principal certifying authority for the work,
  - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) Stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.
9. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.
10. To ensure better management practices, the referenced Plan of Management must be reviewed by the Hotel Management on a regular basis following consultation with NSW Police and Cobar Shire Council. The plan of management, including the detailed hours of operation, is not a static document and is subject to review if required by Council on a twelve monthly basis or following consideration of a complaint relating to noise, anti-social behaviour, over-population of the venue or any other issue that impacts on the amenity of the surrounding locality.

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11. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
  12. A contaminated land preliminary site investigation referencing the SEPP 55 Planning Guidelines must be undertaken in respect of this development site and recommendations from the investigation implemented as a condition of this consent. The preliminary site investigation is required to be prepared and lodged with and accepted by Council as satisfying this condition prior to any demolition, civil or construction works commencing on site.
  13. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the pub building pursuant to Clause 98D of the Environmental Planning and Assessment Regulation 2000. The maximum number of occupants (including staff) permitted in the building are as following:

Lounge and Dining	- 161
Function room 1	- 67
Function room 2	- 69
Function room 3	- 74
Combined Function rooms	- 210

The pub shall be managed in a way where maximum occupant numbers are not exceeded at any time.
  14. Car spaces for staff, motel guests, patrons of the pub and accessible car spaces shall be appropriately delineated in both the existing carpark and the new carpark.
  15. The use or occupation of the subject premises is not to commence until such time as the terms of Development Consent have been complied with to the satisfaction of the principal certifying authority (PCA). The use of/or occupation of incomplete premises is not permitted until the premises have been inspected by the PCA and an Occupation Certificate (interim or final) released.
  16. The construction of the building or any demolition works, the subject of this development consent **MUST NOT** commence until:
    - a) A Construction Certificate has been issued.
    - b) A Principal Certifying Authority has been appointed.
    - c) A notice of intention to commence work has been issued to Council as the consent authority at least two (2) days prior to the commencement of any construction works.
    - d) Where greater than 10 square metres of asbestos material is to be removed, altered or disturbed, notify Safe-Work NSW at least 5 business days before hand.

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17. The building work subject of this consent must be carried out in accordance with the requirements of the Building Code of Australia.
  18. The existing commercial kitchen shall be upgraded to comply with the Food Act 2003 and the Food Standards Code.
  19. Appropriate site security fencing shall be erected to restrict unauthorised access to the construction site. This fencing shall be at least 1.8 metre high and erected in a way that it does not restrict public access or impose a risk to the public on footpaths or in the adjacent rest area.
  20. Prior to the release of a construction certificate, suitable plans shall be supplied to Council detailing the proposed system of managing stormwater from the new development.
  21. Prior to the release of the final occupation certificate, the following work shall be undertaken to the satisfaction of the Principal Certifying Authority:
    - a. Grading of the external ground;
    - b. Removal of the construction site fencing;
    - c. Repair of any damage to Councils or RMS infrastructure.
  22. Demolition of any structure shall be carried out in accordance with the requirements of AS 2601-2001.
  23. During the construction or demolition period, the person/s having benefit of the development consent shall ensure that:
    - a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition; and
    - b. All waste materials due for disposal generated during demolition and construction stages shall be disposed of at the Cobar Waste Facility; and
    - c. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
    - d. Any building work is to be carried out within the following hours:
      - i. Monday to Friday between 7am and 6pm and Saturday between 8am and 1pm. No work may be carried out on Sundays or public holidays.
  24. This consent does not approve any signage that is otherwise shown on the approved plans as referenced in condition 1. Any other proposed signage, that is not exempt development, will require separate development consent before installation.

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25. The operation of the venue shall adhere to the noise limits and noise mitigation measures recommended in the acoustic report prepared by Rodney Stevens Acoustics, report number R160038R1 dated 14 February 2017, otherwise varied by this consent.
  26. If the operation of the approved development causes serious environmental concern, public nuisance or unreasonable disturbance to the quiet enjoyment of the neighbourhood then Council may require the owner or occupier to cease activities causing such conditions until abatement measures are implemented.
  27. Separate applications required under Section 68 of the Local Government Act 1993 for water supply and sewerage works and Section 138 of the Roads Act 1993 for any works in Lewis Street and/or Conduit Street.
  28. All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) are to comply with the Plumbing and Drainage Act 2011.
  29. The existing buildings under the terms of this consent must be brought into conformity with the following performance requirements of the Building Code of Australia:
    - a. The existing fire separating walls between the existing motel rooms shall be upgraded to comply with CP2 of the current Building Code of Australia.
    - b. Accessible carparking must be provided on the site to comply with DP8 of the Building Code of Australia.
    - c. Accessible accommodation units must be provided to comply with DP1 of the Building Code of Australia.
    - d. Access paths from accessible carparking spaces are to be provided to facilitate movement to the principal public entrance of the pub, the motel reception and any other unique facilities as per DP1 and DP2 of the Building Code of Australia.
    - e. The existing motel rooms shall have a smoke hazard management system installed to comply with EP2.1 of the current Building Code of Australia.
    - f. The base of the ramp on the northern side of the building that leads from the screened deck at the rear of the kitchen shall have installed an appropriate barrier (such as bollards) so as to prevent the blockage of the egress discharge point DP4 of the current Building Code of Australia.
    - g. The latch installed on the exit door from the existing commercial kitchen shall be upgraded to comply with DP4 of the Building Code of Australia.
    - h. The existing portable fire extinguishers and fire blankets installed in the existing commercial kitchen shall be upgraded to comply with EP1.2 of the Building Code of Australia.

- i. The existing cool room in the kitchen area shall be upgraded to comply with the current Building Code of Australia as detailed in GP1.3 of the Building Code of Australia.
  - j. The barrier provided to the existing swimming pool shall be upgraded to comply with NSW GP1.2 of the Building Code of Australia.
  - k. A fire hydrant system complying with EP1.3 of the Building Code of Australia. This system may include on-site water storage facilities and pump-sets, where required to achieve compliant flows and pressures.
30. The Construction Plans are to address the principles of Safer by Design in regard to external lighting and details submitted with the Construction Certificate application.

**REASONS:**

1. To ensure the proposed development:
  - a) Achieves the objects of the *Environmental Planning and Assessment Act 1979*;
  - b) Complies with the provisions of all relevant environmental planning instruments.
2. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.
3. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
4. To ensure the development does not conflict with the public interest.

*Clr Sinclair/ Clr Martin*

**CARRIED**

***A Division was called:***

***For:***

*Clr Peter Abbott  
 Clr Tracey Kings  
 Clr Janine Lea-Barrett  
 Clr Greg Martin  
 Clr Peter Maxwell  
 Clr Julie Payne  
 Clr Bob Sinclair  
 Clr Harley Toomey*

***Against:***

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 4:24PM**

**CONFIRMED.....**

**MINUTE NO.....**

**CHAIRPERSON .....**

**THIS IS PAGE 7 OF THE MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 10 AUGUST 2017**

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 ACTING GENERAL MANAGER

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 CHAIRPERSON