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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF  
THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON  
THURSDAY 28 FEBRUARY 2019 COMMENCING AT 5:00PM**

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**PRESENT (FILE C13-2)**

Councillors Lilliane Brady OAM (Mayor), Peter Abbott (Deputy Mayor), Tracey Kings, Janine Lea-Barrett, Jarrod Marsden, Peter Maxwell, Julie Payne, Robert Sinclair and Kate Winders.

**OBSERVERS**

Messrs Peter Vlatko (General Manager), Kym Miller (Director of Finance and Community Services), Garry Ryman (Director of Planning and Environmental Services) and Brytt Moore (Administration Officer).

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**MESSAGE FROM THE CHAIR:**

*In the spirit of open, accessible and transparent government, Cobar Shire Council Ordinary and Committee Meetings are video recorded and webcast. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast. Cobar Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council or Committee Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Cobar Shire Council.*

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**APOLOGIES (FILE C13-2)**

**01.02.2019**

**RESOLVED:**

1. That the apologies received from Councillors Harley Toomey, Christopher Lehmann and Peter Yench be accepted.
2. That Councillor Janine Lea-Barrett be granted a leave of absence for the March Ordinary Council Meeting to be held on Thursday, 28 March 2019.
3. That Councillor Peter Yench be granted a leave of absence for the next three months (February, March and April).

*Clr Payne/ Clr Marsden*

**CARRIED**

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

- Clr Bob Sinclair declared a Pecuniary interest in Notice of Motion Date Change for Clearing Consent
- Clr Bob Sinclair declared a Non- Pecuniary interest in Clause 7A – Section 356 donations 2019/2020
- Crl Jarrod Marsden declared a Pecuniary interest and a Non-Pecuniary interest in Notice of Motion – Great Cobar Project – Review of Environmental Factors (REF)
- Clr Janine Lea-Barrett declared a Non-Pecuniary interest in Clause 10A- BioHub
- Crl Jarrod Marsden declared a Pecuniary interest in Clause 11A – Great Cobar Project – Review of Environmental Factors (REF)
- Clr Jarrod Marsden declared a Non-Pecuniary interest in Clause 13A – Raw Water to Dalton Park Horse Complex;
- Mr Kym Miller declared a Non-Pecuniary interest in Clause 13A – Raw Water to Dalton Park Horse Complex.

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### **CONDOLENCES (FILE M2-3)**

- Dianne Roche;
- Jimmy Cockayne
- Geoffrey ‘Bronco’ Betts
- Chris Elder

A minutes silence was observed by those in attendance.

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### **PUBLIC ACCESS SESSION**

- Nil.

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### **CONFIRMATION OF MINUTES**

#### **ORDINARY MEETING OF COUNCIL (FILE C13-11)**

**02.2.2019**      **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 13 December 2019 be confirmed as a true and correct record of the proceedings of that meeting.  
*Clr Sinclair / Clr Abbott* **CARRIED**

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### **NOTICE OF MOTION – DATE CHANGE FOR CLEARING CONSENT**

**FILE: L5-26, L5-4-4 & C12-1**      **AOP REFERENCE: 5.2.1.1**  
**AUTHOR: Councillor, Peter Yench**

**Clr Sinclair left the room at 5:03pm due to his declaration of own farming land.**

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THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 FEBRUARY 2019

.....  
GENERAL MANAGER

.....  
MAYOR

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**Clr Sinclair returned at 5:04pm.**

**Clr Sinclair left the room at 5:05pm**

- 03.02.2019**      **RESOLVED:** That Council together with RDA Orana, Far North West Joint Organisation and the Western Division Councils lobby the Federal Government to have the methodology changed that all farms in the Western area have the same opportunity to participate in the emission reduction fund as currently stands for some properties at present and seek the State Government support.  
*Clr Payne / Clr Kings* **CARRIED**

**Clr Sinclair returned at 5:06pm**

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**NOTICE OF MOTION – LOBBY FOR WATER SECURITY**

**FILE: L5-26 & C12-1** **AOP REFERENCE: 4.1.4**

**AUTHOR: *Councillor, Peter Yench***

- 04.2.2019**      **RESOLVED:** That the Cobar Shire Council lobby the State and Federal Government to provide alternative and viable solutions to provide water security for our towns and villages in the Western Region and seek the support of the Far North West Joint Organisation, RDA Orana and the Western Division Association.  
*Clr Lea-Barrett / Clr Kings* **CARRIED**
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**NOTICE OF MOTION – GREAT COBAR PROJECT –  
AURELIA METALS LTD FOR PROPOSED MINERAL  
EXPLORATION ACTIVITIES**

**FILE: L5-26 & C12-1** **AOP REFERENCE: 1.6.3**

**AUTHOR: *Councillor, Peter Yench***

- 05.2.2019**      **RESOLVED:** That the matter be deferred for consideration until item 11A.  
*Clr Payne / Clr Sinclair* **CARRIED**
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**CLAUSE 1A – MAYORAL REPORT**

**FILE: C13-1-5** **AOP REFERENCE: 3.1**

**AUTHOR: *Mayor, Councillor Lilliane Brady OAM***

- 06.02.2019**      **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of February 2019.  
*Clr Payne / Clr Marsden* **CARRIED**
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**CLAUSE 2A – GENERAL MANAGER’S EMPLOYMENT CONTRACT**

**FILE: C6-11 & Personnel**

**AOP REFERENCE: 3.3.2**

**AUTHOR: Mayor, Councillor Lilliane Brady OAM**

**07.2.2019**

**RESOLVED:** That the General Manager’s Employment Contract be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning particular individuals (not Councillors).

*Clr Marsden / Clr Kings*

**CARRIED**

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**CLAUSE 3A – APRIL COUNCIL MEETING DATE CHANGE REQUEST**

**FILE: C12-1**

**AOP REFERENCE: 3.1.5**

**AUTHOR: General Manager, Peter Vlatko**

**08.2.2019**

**RESOLVED:**

1. That the 2019 April Ordinary Meeting of Council be held in the Council Chambers commencing at 5pm on Wednesday, 24 April 2019.
2. That the Agendas for the meeting be distributed seven (7) days prior to the meeting on the Wednesday afternoon.

*Clr Sinclair/ Clr Payne*

**CARRIED**

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**CLAUSE 4A – CONDUCT OF THE 2020 LOCAL GOVERNMENT ELECTION FOR COBAR SHIRE COUNCIL**

**FILE: E2-3-8**

**AOP REFERENCE: 3.1.4**

**AUTHOR: General Manager, Peter Vlatko**

**09.2.2019**

**RESOLVED:** That the Cobar Shire Council (“*the Council*”) resolves to engage the New South Wales Electoral Commission for the conduct of the 2020 Cobar Shire Local Government Election:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“*the Act*”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.

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3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

*Clr Payne/ Clr Marsden*

**CARRIED**

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**CLAUSE 5A – SALE OF LAND TO HEALTH  
ADMINISTRATION CORPORATION**

**FILE: A10-3**

**AOP REFERENCE: 4.4.2**

**AUTHOR: *Director of Finance and Community Services, Kym Miller***

- 10.2.2019**      **RESOLVED:** That the sale of land contract be considered in the Committee of a Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the *Local Government Act 1993*, as discussions of this matter in Open Council would prejudice the commercial position of the person who supplied it.  
*Clr Marsden / Clr Kings*      **CARRIED**
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**CLAUSE 6A – PROVISION OF DOUBTFUL DEBTS**

**FILE: R2-3**

**AOP REFERENCE: 3.1.1**

**AUTHOR: *Director Finance and Community Services, Kym Miller***

- 11.2.2019**      **RESOLVED:** That the sale provision of doubtful debts be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning particular individuals (not Councillors).  
*Clr Marsden / Clr Kings*      **CARRIED**
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**CLAUSE 7A – SECTION 356 DONATIONS 2019/2020**

**FILE: D3-1      AOP REFERENCE: 1.4.5**

**AUTHOR: *Director of Finance and Community Services, Kym Miller***

- 12.2.2019**      **RESOLVED:** That Council award a cash donation of \$1,000.00 To ROAR for the year ended 30 June 2020.  
*Clr Kings/ Clr Abbott*      **CARRIED**
- 13.2.2019**      **RESOLVED:** That Council award a donation of approximately \$2,200 to Kubby House Child Care to cover garbage, water access and sewer charges for the year ended 30 June 2020.  
*Clr Marsden / Clr Kings*      **CARRIED**
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**CLAUSE 9A – QUARTER 2 2018/2019 BUDGET REVIEW**

**FILE: L5-22**

**AOP REFERENCE: 3.3**

**AUTHOR: *Director of Finance and Community Services, Kym Miller***

**21.2.2019 RESOLVED:**

1. That the changes recommended in the attachment be made to the operating budget for 2019/2020.
2. That the changes recommended in the attachment be made to the capital budget for 2019/2020.
3. That \$416,000, being the balance of funds from gravel road maintenance not used in 2018/19 be moved to next year's re-sheeting budget

***Clr Lea-Barrett/ Clr Abbott***

**CARRIED**

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**CLAUSE 10A – COBAR BIOHUB**

**FILE: D7-4**

**AOP REFERENCE: 1.6.3**

**AUTHOR: *Director of Planning & Environmental Services, Garry Ryman***

**Clr Lea-Barrett left the room at 5:21pm**

**22.2.2019 RESOLVED:**

1. That Council authorise the Director of Planning and Environmental Services to submit formal comments on behalf of Council to the Department of Planning and Environment in respect of the preparation of an Environmental Impact Statement for the Cobar Biohub project in line with matters outlined in the subject report.
2. That Council authorise the Director of Planning and Environmental Services to engage the services of Warwick Giblin, Managing Director, Oz Environmental Pty Ltd to assist Council in its consultation with Renewed Carbon Pty Ltd in respect of the Cobar Biohub project.
3. That the Director of Planning and Environmental Services writes to Renewed Carbon Pty Ltd on behalf of Council to formally commence consultation regarding the Cobar Biohub project.
4. That voting on this matter be record on the basis of an automatic division as required by legislation.

***Clr Payne / Clr Maxwell***

**CARRIED**

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Division:

For  
Clr Abbott  
Clr Maxwell  
Clr Winders  
Clr Marsden  
Clr Payne  
Clr Sinclair  
Clr Kings  
Mayor Brady

Against  
Nil

**Clr Lea- Barrett returned at 5:26pm**

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**CLAUSE 11A – GREAT COBAR PROJECT – REVIEW OF ENVIRONMENTAL FACTORS (REF)**

**FILE: M4-6**

**AOP REFERENCE: 1.6.3**

**AUTHOR: *Director of Planning & Environmental Services, Garry Ryman***

**Clr Marsden left the room at 5:26pm due to declaration of interest – Aurelia Metals being his primary employer and being president of the Cobar Rugby Union Club which is a neighbouring property to the proposed development.**

**23.2.2019**

**RESOLVED:**

1. That Council recommends to the Resources Regulator that the Great Cobar Project - Review of Environmental Factors Revision 1 dated January 2019 must be further revised in consultation with all relevant stakeholders so that proper consideration and comments can be prepared regarding environmental impacts associated with the Great Cobar Project.
2. That Council authorise the Director of Planning and Environmental Services to submit a formal response on behalf of Council to the Resources Regulator in line with the matters outlined in the subject report.
3. That Council authorise the Director of Planning and Environmental Services to engage the services of Warwick Giblin Managing Director, Oz Environmental Pty Ltd to assist Council with further consultation with Aurelia Metals Limited regarding the Great Cobar Project.
4. That the Director of Planning and Environmental Services writes to Aurelia Metals Ltd on behalf of Council to formally insist on Council being consulted in regards to all aspects of the Great Cobar Project.

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**THIS IS PAGE 8 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 FEBRUARY 2019**

.....  
**GENERAL MANAGER**

.....  
**MAYOR**



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5. That the General Manager on behalf of Council write to the Resources Regulator to advise that Council objects to the Resources Regulator approving the application as lodged by Aurelia Metals Ltd on or about 5 December 2018 in respect of proposed exploration activities as part of the Great Cobar Project.
6. That voting on this matter be recorded on the basis of an automatic division as required by legislation.

*Clr Lea-Barrett / Clr Payne*

**CARRIED**

Division:

For	Against
Clr Abbott	Nil
Clr Maxwell	
Clr Winders	
Clr Payne	
Clr Lea-Barrett	
Clr Sinclair	
Clr Kings	
Mayor Brady	

**Clr Marsden returned at 5:27pm**

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**CLAUSE 12A – PROPOSED SUPERMARKET DEVELOPMENT**

**FILE: 2018/LD-013**

**AOP REFERENCE: 1.6.3.1**

**AUTHOR: *Manager Planning and Environment, Stephen Poulter***

**24.2.2019 RESOLVED:**

Section 4.16 of the *Environmental Planning and Assessment Act 1979* requires a consent authority to determine an application by:

- a) Granting consent to the application, either unconditionally or subject to conditions,
- b) Refusing consent to the application.

In this particular case, it is recommended:

That Council resolve to determine Development Application 2018/LD-013 under Section 4.16 (1) of the *Environmental Planning and Assessment Act 1979* by granting consent subject to conditions.

The following conditions have been drafted in consultation with the applicant before the completion of this report are recommended to form part of the Development Consent for this proposed development:

## ADMINISTRATIVE CONDITIONS

1. The development may only be carried out:
  - a) In compliance with the conditions of consent;
  - b) In accordance with the following documents and plans in the table below:

<b>Architectural Plans prepared by PRD Architects</b>			
Drawing Number	Revision	Name of Plan	Date
DA-00-D	D	Title Sheet	28/11/2018
DA-01-C	C	Survey/Demolition Plan	8/11/2018
DA-02-C	C	Site Analysis	8/11/2018
DA-03-C	C	Site Plan	8/11/2018
DA-04-D	D	Ground Floor Plan	28/11/2018
DA-05-C	C	First Floor Plan	8/11/2018
DA-06-C	C	Elevation and Section	8/11/2018
DA-07-C	C	Shadow Diagrams	8/11/2018
DA-08-D	D	3D Perspective and Signage	28/11/2018
DA-10-C	C	3D Impression	8/11/2018
<b>Site Waste Minimisation and Management Plan prepared by PRD Architects dated November 2018</b>			
<b>Stormwater Disposal Plan prepared ATB Consulting Engineers</b>			
Drawing Number	Revision	Name of Plan	Date
SW2	3	Ground Floor Stormwater Layout	8/11/2018
C3	1	Erosion and Sediment Details	31/10/2017
SW3	2	Stormwater Details	1/3/2018
C1	1	Soil and Water Management Notes	31/10/2017
SW1	1	STW Specifications	31/10/2017
<b>Landscape Plan prepared by Ochre Landscape Architects</b>			
Drawing Number	Revision	Name of Plan	Date
1834-LC01A	A	Landscape Plan	31/10/2017
1834-LC02	-	Landscape Details	31/10/2017
<b>Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy</b>			
Reference No.	Revision	Name of Report	Date
D3303	-	Arboricultural Impact Assessment	Feb 2017
<b>Traffic and Parking Impacts Assessment Report by McLaren Consultants</b>			
Reference No.	Revision	Name of Report	Date
17025.01FA	Final	Traffic and Parking Impact Assessment of Proposed IGA Supermarket at Corner of Marshall Street and Lewis Street Cobar	28/11/2017

2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.

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3. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

4. This consent in no way implies or grants approval for the following:

a) Internal fit-out of any areas within the building

Separate approvals shall be obtained from the relevant consent and/or certifying authority for the above works and uses (except where exempt development applies)

5. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with conditions of this consent relevant to activities they carry out in respect of the development, including operation.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

6. 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.

7. Prior to the issue of a construction certificate, a receipt for the payment to Cobar Shire Council of Section 7.12 the fixed development consent levy (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.

The total contribution to be paid to Council (as applicable at the date of this consent) is \$29,070.80 as per Councils 2018-19 Fees and Charges.

8. Prior to the issue of a construction certificate, an approval pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council in relation to all proposed or required works to a public road (including laneway), or road related area. Full construction drawings, including levels, and specifications shall be submitted to Council as part of this application. The details accompanying this application shall also detail the safety upgrades to the lane.

9. Prior to the issue of a construction certificate, an approval under Section 68 (Part C-4) shall be obtained in relation to the proposed discharge of liquid trade waste into Councils sewer. Details shall be supplied demonstrating how the proposal will adhere to the

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requirements of the Department of Industry's "Liquid Trade Waste Regulation Guidelines".

10. Prior to the issue of a construction certificate, full construction drawings, including levels and specifications shall be submitted to Council for assessment and approval of the renewal/ upgrade of the pedestrian pathway, nature strip areas and kerb and gutter in Marshall Street, Lewis Street, Becker Street and Louth Road that bounds this development site. This renewed/upgraded infrastructure shall consist of:

- a) Kerb and guttering- standard profile matching the existing levels in all relevant streets bounded by this development site.
- b) Footpaths and Nature Strip Area (excluding the area beneath the canopy line of the fig tree- Full width concrete footpath having a surface and gradient consistent with the Austroads "Guide to Road Design: Part 6A Pedestrian and Cyclist Paths" and shall take into consideration utility infrastructure and any street trees (excluding the fig tree in Marshall Street).
- c) Pedestrian area below Fig Tree Canopy Line: An elevated pedestrian pathway that is permeable and consistent with the Austroads "Guide to Road Design: Part 6A Pedestrian and Cyclist Paths".

11. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Cobar Shire Council for assessment and approval. The following details shall be shown on the plans.

- a) Location and surface levels of all drainage pits, weir levels and dimensions.
- b) Invert levels of:
  - The internal drainage lines.
  - Orifice plates.
  - Outlet control pit.
- c) Finished floor levels of proposed building.
- d) All levels shall be determined in conjunction with and certified by a registered land surveyor.

12. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Council detailing the proposed developments connection to Councils Water and Sewer mains.

13. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Council identifying compliance with AS 2890.1-2004 "Off Street Car Parking, AS 2890.2-2002 "Off-Street Commercial Vehicle Facilities, AS 2890.3-1993 "Bicycle parking facilities" and AS 2890.6: 2009 "Off Street Carparking for People with Disabilities".

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14. Prior to the issue of a construction certificate, the applicant shall submit a tree protection management plan detailing how the Port Jackson Fig located in Marshall Street is to be protected during the works stages and operational stage of the development. These details should at a minimum include the following details:
- a) Providing details of an elevated pedestrian pathway that is to be located under the canopy line of the subject tree, including construction details, material selection, pathway gradients/levels and slip resistance ratings.
  - b) Tree protection measures to be implemented during the work stages such as fencing type, warning signage, mulching details and watering schedules.
15. 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 \$5288.76 as calculated by the 2018-19 Cobar Shire Council Fees and Charges.

*Please note that the applicable Section 64 Levy has been calculated based on the current Equivalent Tenement charge as detailed in the 2018-19 Fees and Charges. This charge may change if not paid within the 2018-19 financial year.*

16. Prior to the issue of a construction certificate, all existing structures are to be demolished on site. Following the demolition process a contaminated land preliminary site investigation referencing the SEPP 55 Planning Guidelines 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.
17. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard AS 4282-1997 so as not to impact upon the amenity of the occupants of nearby residential premises. 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.

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**PRIOR TO THE COMMENCEMENT OF WORKS**

18. Prior to the commencement of any works on site Erosion and Sediment Control Measures shall be established in accordance with Managing Urban Stormwater- Soils and Construction Volume 1 (2004). These measures shall be maintained during the course of works and shall be removed at the completion of the construction stage.
19. Pursuant to Roads and Maritime's concurrence to this development, the following conditions shall be complied with during the development:
  - a) Any redundant kerb layback kerb crossings servicing the land are to be removed and replaced with kerb and gutter to match existing kerb and gutter.
  - b) All vehicle movements to and from the land are to be in a forward direction.
  - c) The driveway access is to be constructed of concrete, match existing road and footpath levels and not interfere with existing road drainage.
  - d) Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) is to be provided and maintained in both directions at the intersection of each driveway entrance to the development site.
  - e) Prior to the commencement of construction work, the proponent is to contact Roads and Maritime's Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy License (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of Louth Road.
20. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.
21. Prior to the commencement of any works on site 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.

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22. Prior to the commencement of any works on site, fencing shall be installed to restrict unauthorised public access to the development site. The fencing shall be installed so as to permit access to the laneway that connects Lewis Street and Linsley Street. The fencing shall be maintained during the course of works at the site and removed at the completion of the construction works stage. 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.
  23. The construction of the building, 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.
  24. All utility service infrastructure shall be identified prior to the commencement of any works on site. A ‘dial before you dig’ enquiry shall be undertaken before the commencement of works to establish the location of any infrastructure network. The applicant shall make all relevant enquiries with known infrastructure network asset owners to identify all required measures or procedures to be implemented during the works stages of this development.

#### **WORKS STAGES**

25. Demolition work must comply with the provisions of Australian Standard AS 2601-1991 “The Demolition of Structures” as per Clause 92 of the *Environmental Planning and Assessment Regulation 2000*.
26. An asbestos clearance certificate shall be submitted to Cobar Shire Council following the removal of all asbestos contaminated material from the development site and any other site that may be subject of any works associated with this development.
27. The development shall comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and SafeWork NSW’s Code of Practice- Work near Overhead Power Lines.
28. The building work subject of this consent must be carried out in accordance with the requirements of the Building Code of Australia.
29. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises

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causing the emission of noise, dust, smoke or any polluted discharge whatsoever.

30. All on-street car parking spaces shall be line marked to identify their location and dimensions. The car parking spaces shall have dimensions required for a high turnover use category as detailed in AS 2890.5-1993.
31. All construction and demolition works, including the delivery of material to and from the site, may only be carried out between the following hours:
  - a) Between 7am and 7pm Monday to Fridays inclusive;
  - b) Between 7am and 5pm, Saturdays;
  - c) No works may be carried out on Sundays or Public Holidays.
32. Any noise generated during the works stages of this development must not be offensive noise within the meaning of the Protection of the *Environment Operations Act 1997* or exceed approved noise limits for the subject development site.
33. Heavy Vehicles and oversized vehicles must not queue or idle in Becker Street or within 50 metres of the intersection of Marshall Street, Louth Road and Lewis Street.
34. All adjacent building elements, utility services and public infrastructure shall be protected during the works stages from potential damage. Where damage does occur, work shall cease on site until such time as the appropriate authority having jurisdiction is contacted and the damage is evaluated. Rectification works to any damaged adjacent building elements, utility services or public infrastructure shall be at the cost of the developer.
35. Should any new information come to light during any of the works stages which has the potential to alter previous conclusions about site contamination, Council must be immediately notified and works must cease. Works must not recommence on site until Council confirms works can recommence.
36. The laneway, public footpath and any public road shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances during the works stages of this development. Where the laneway needs to be closed to facilitate new work, all relevant users of the site shall be notified at least one (1) week prior to the closure.
37. All loading and unloading associated with the works stages of this development must be accommodation wholly on the development site, other than with written approval from Cobar Shire Council.



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38. 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.
  39. 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, RMS or utility company infrastructure.
  40. Following completion of the road works and prior to the issue of an occupation certificate, the applicant shall provide to the Principal Certifying Authority a detailed “work as executed” drawing signed by a registered surveyor showing the finished surface levels of the access, road shoulder, driveway and any lot filling, carried out under this consent.
  41. On completion of the drainage works and prior to issue of an Occupation Certificate, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.
    - a) Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
    - b) Location and surface levels of all drainage pits, weir levels and dimensions.
    - c) Invert levels of:
      - The internal drainage lines:
      - Orifice plates.
      - Outlet control pit.
    - d) Finished floor levels of the proposed building.
    - e) Verification that the orifice plates have been fitted and the diameter of the fitted plates.
    - f) Verification that a trash screen is installed.
    - g) Location and levels of any overland flow paths through the site.
    - h) Details of any variations made from approved plans.
  42. Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the *Conveyancing Act 1919*, burdening the

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property with the requirement to maintain the on-site stormwater system on the property.

The terms of the instruments are to be determined by prior discussion and agreement with Cobar Shire Council. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

43. Dust suppression and management shall be undertaken and maintained during the works stages in accordance with the approved plans prepared by ATB Consulting Engineers.
44. The open drainage channel located on Lot 1 in Deposited Plan 937652 and Lot 1 in Deposited Plan 937651 shall be protected during the works stages of this development. Any debris of sediment shall be removed from this channel on a regular basis and at least daily and immediately before any scheduled wet weather events. Any damage incurred to this infrastructure shall be informed to Council as soon as possible and works surrounding this specific area shall cease until Council allows the works to continue.
45. Prior to installing any footing, wall panel or associated building element, a registered land surveyor shall undertake a set-out survey to confirm that the building is located in accordance with the approved plans as documented in this consent. A set-out survey verifying the siting of the proposed building must be provided to Council/Principal Certifying Authority before pouring any footing or floor slab establishing the position of the building on the site.
46. Any fill brought to the site during the works stages shall be validated as safe for its intended purpose and free of contamination. Documentary proof of this validation shall be provided to the Principal Certifying Authority.
47. During demolition and civil works stages of the development, care shall be exercised if relics or other elements associated with previous uses of the site are found that may be of community interest, particular at the site of the New Occidental Hotel. Where relics or other elements are found, Council shall be notified to identify the potential value of this relic or other element to the community. As the development site is potentially contaminated, any relic or other element found and confirmed as of community value, shall not leave the development site until the relic or other element is assessed for potential contamination and cleared for release.

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48. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

**OPERATION OF THE DEVELOPMENT**

49. Operation of the development shall comply with the following hours of operation:

Trading Hours

- a) 7 am to 9pm seven (7) days a week.

Delivery Hours

- b) 7am to 9am any day.

50. The supermarket shall operate in accordance with the legislative provisions of the Food Act 2003 and Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 "Construction and Fit-Out of Food Premises Standard".

51. Any advertising signage which is not exempt development or included by this consent, shall not be installed until prior approval is obtained from Council or a Principal Certifying Authority.

52. The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete and cement rendered walls covered to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

53. All pallets, waste, waste receptacles or goods for sale, shall be stored wholly within the building at all times.

54. 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*.

55. The development shall be maintained in order to be consistent with the approved plans referenced within this consent.

*Clr Sinclair / Clr Kings*

**CARRIED**

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Division:

For	Against
Clr Abbott	NIL
Clr Maxwell	
Clr Winders	
Clr Marsden	
Clr Payne	
Clr Lea-Barrett	
Clr Sinclair	
Clr Kings	
Mayor Brady	

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**CLAUSE 13A – RAW WATER SUPPLY TO DALTON PARK HORSE COMPLEX**

**FILE: A2-7-7**

**AOP REFERENCE: 4.4.4**

**AUTHOR: Graduate Water and Sewer Engineer, Victor Papierniak**

**Clr Marsden left the room at 5:31pm due to declaration of interest – President of the Cobar Miners Race Club**

**25.2.2019 RESOLVED:** That Council resolve to seek grant funding for \$202,140 for the extension of a raw water pipeline to the Dalton Park Racecourse as outlined in Option 3 of the attached report.

*Clr Payne / ClrSinclair*

**CARRIED**

**Clr Marsden returned at 5:32pm**

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**CLAUSE 1B – DEVELOPMENT APPROVALS: 5 DECEMBER 2018 – 19 FEBRUARY 2019**

**FILE: T5-1**

**AOP REFERENCE: 1.6.3.1**

**AUTHOR: Director of Planning & Environmental Services, Garry Ryman**

**26.2.2019 RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 5 December 2018 – 19 February 2019 be received and noted.

*Clr Payne/ Clr Abbott*

**CARRIED**

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**CLAUSE 2B – MONTHLY STATUS REPORT**

**FILE: C13-10**

**AOP REFERENCE: 3.1**

**AUTHOR: General Manager, Peter Vlatko**

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THIS IS PAGE 20 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 FEBRUARY 2019

.....  
GENERAL MANAGER

.....  
MAYOR





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**37.2.2019**     **RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.  
*Clr Lea-Barrett / Clr Abbott* **CARRIED**

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**CLAUSE 13B – RATES RECONCILIATION REPORT AS AT 31 DECEMBER 2018**

**FILE: R2-1** **AOP REFERENCE: 3.1.1.6**  
**AUTHOR: *Office Coordinator, Jo-Louise Brown***

**38.2.2019**     **RESOLVED:** That the Rates Reconciliation Report as at the 31 December 2018 be received and noted.  
*Clr Sinclair/ Clr Lea-Barrett* **CARRIED**

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**CLAUSE 14B – RATES RECONCILIATION REPORT AS AT 31 JANUARY 2019**

**FILE: R2-1** **AOP REFERENCE: 3.1.1.6**  
**AUTHOR: *Office Coordinator, Jo-Louise Brown***

**39.2.2019**     **RESOLVED:** That the Rates Reconciliation Report as at the 31 January 2019 be received and noted.  
*Clr Sinclair/ Clr Lea-Barrett* **CARRIED**

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**COMMITTEE OF THE WHOLE (CLOSED COUNCIL)**

**40.2.2019**     **RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 6:03pm as matters to be discussed are considered to be confidential vide *Section 10A (2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would if disclosed in open Council would prejudice the commercial position of the person who supplied it and Section 10A (2) (a) of the Local Government Act 1993 as the matter and information relates to personnel matters concerning particular individuals (not Councillors).*  
*Clr Lea-Barrett/ Clr Abbott* **CARRIED**

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**Council resumed in Open Council at 6:35pm.**

**RECOMMENDATIONS TO COUNCIL FROM COMMITTEE OF THE WHOLE (CLOSED COUNCIL)**

**41.2.2019**     **RESOLVED:** That the recommendations of the Committee of the Whole be adopted.  
*Clr Sinclair/ Clr Abbott* **CARRIED**

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**CLAUSE 1C – GENERAL MANAGER’S EMPLOYMENT CONTRACT**

**FILE: C6-11 & Personnel**

**AOP REFERENCE: 3.3.2**

**AUTHOR: *Mayor, Clr Lilliane Brady OAM***

**3COW.2.2019 RESOLVED:**

1. That the matter in relation of the General Managers contract be open for discussion

***Clr Sinclair /Clr Abbott***

**CARRIED**

2. That the General Manager’s employment contract is renewed for a further period of 5 years

***Clr Lea Barrett /Clr Payne***

**CARRIED**

3. Local Government Representative attend to facilitate terms and conditions of the GM contract

***Clr Marsden /Clr Winders***

**CARRIED**

4. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

***Clr Marsden /Clr Winders***

**CARRIED**

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**CLAUSE 2C – SALE OF LAND TO HEALTH ADMINISTRATION CORPORATION**

**FILE: A10-3**

**AOP REFERENCE: 4.4.2**

**AUTHOR: *Director of Finance and Community Services, Kym Miller***

**4COW.2.2019 RESOLVED:**

1. That the sale of land contract for Lot 102, DP 615721 to Health Administration Corporation for \$1.00 be signed under seal.

2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council until such time as Health Administration Corporation advise that it may be released to the public.

***Clr Sinclair / Clr Lea-Barrett***

**CARRIED**

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**CLAUSE 3C – PROVISION OF DOUBTFUL DEBTS - UPDATE MANUKA RESOURCES & MT BOPPY RESOURCES PTY LIMITED DEBTS**

**FILE: R2-3**

**AOP REFERENCE: 3.1.1**

**AUTHOR: *Director Finance and Community Services, Kym Miller***

**5COW.2.2019 RESOLVED:**

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THIS IS PAGE 24 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 FEBRUARY 2019

.....  
GENERAL MANAGER

.....  
MAYOR



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1. That Council receive advice from Marsdens Law Group to enable Council officers to decide the best course of action and present a recommendation to Council by June 2019.
  2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

*Clr Payne /Clr Sinclair*

**CARRIED**

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<b>THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:42PM</b>
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**CONFIRMED.....**

**MINUTE NO.....**

**MAYOR.....**