



MINUTES

OF THE

ORDINARY MEETING

OF

GILGANDRA SHIRE COUNCIL

HELD ON

16 MARCH 2021

PRESENT

Councillors

D Batten (Mayor)
A Walker (Deputy Mayor)
S Baker
B Mockler
N Mudford
D Naden
N Wrigley
G Peart

Employees

D J Neeves
General Manager
N Alchin
Director Corporate Services
J Manion
Director Community Services
D Colwell
Director Infrastructure
L Mathieson
Director Planning & Environment
J Prout
Executive Assistant

Proceedings of the meeting commenced at 4.00pm.

LEAVE OF ABSENCE

Nil

ADJOURNMENTS

Nil

DECLARATIONS OF INTEREST

Cr Baker, *Tenders – Road Restoration Packages 1-4 (Closed) and Construction of Landfill Cell*. Cr Baker's husband's company has submitted a tender for road restoration works and will be submitting a quotation for the landfill cell project.

Cr Peart, Cr Mudford and Cr Walker - *Inland Rail Improvement Program (Closed)*. Each of these councillors either has land or family/extended family members have land in close proximity to the proposed rail corridor.

CONFIRMATION OF MINUTES

RESOLVED 22/21	Cr Mudford/Cr Baker
That the minutes of the Ordinary meeting held on 16 February 2021, which were circulated to members prior to this meeting, be hereby confirmed as a faithful record of the meeting referred to.	

LISTING OF MATTERS
TO BE CONSIDERED IN CLOSED COUNCIL

RESOLVED 23/21	Cr Baker/Cr Wrigley
That Council note the following matters to be listed as specified under Section 10 (2) of the Local Government Act 1993:	
<ul style="list-style-type: none">• Offer to purchase land (c)• Tenders – Road Restoration Packages 1-4 (d)• Inland Rail Interface Improvement Program	

RESOLVED 24/21	Cr Baker/Cr Wrigley
That the Press and Public be excluded from the meeting by reason of the confidential nature of the matters to be considered in line with the confidentiality policy of Council and Clause 10 (2) of the Local Government Act, 1993, relating to financial matters, staff matters, industrial matters, acceptance of tenders, personal affairs of private individuals, possible or pending litigation and such other matters considered appropriate at 4.02pm	

RESOLVED 29/21	Cr Naden/Cr Mockler
That the General Manager, Mr David Neeves, in line with Clauses 9(3), 377 and 335 of the Local Government Act, 1993, list all business relating to financial matters, staff matters, industrial matters, acceptance of tenders, personal affairs of private individuals, possible or pending litigation and such other matters considered appropriate in line with the confidentiality policy of Council and Clause 10 (2) of the Act for consideration by the next meeting of the Council as such matters are deemed to be of confidential nature or such that Council's interest may be prejudiced by publicity, that the press and public be excluded from the meeting, provided however that, at the discretion of the Mayor, interested parties and/or their agents be granted approval to address the Council so that they are provided with the opportunity to substantiate any proposals under consideration and answer any questions from Councillors in relation thereto.	

(GO.PO.1)

RESIGNATION FROM JOINT ORGANISATION

SUMMARY

To seek a resolution for Gilgandra Shire Council to resign its membership of the Orana Joint Organisation of Councils (JO).

RESOLVED 30/21	Cr Walker/Cr Baker
<ol style="list-style-type: none">1. That Council note the ongoing concerns about the financial sustainability of the Orana Joint Organisation.2. That Council resign its membership of the Orana Joint Organisation.3. That Council make the relevant representations to the Orana Joint Organisation seeking agreement from all members Councils on this issue.4. That Council work with the Orana Joint Organisation to write to the Minister for Local Government seeking the relevant legislation be enacted to dissolve the Orana Joint Organisation.5. That Council write letters of thanks to Narromine Shire Council and Mid-Western Regional Council for providing support as Chair and Executive Officer respectively.	

(EM.PL.1)

MEMBERSHIP TO MURRAY DARLING ASSOCIATION

SUMMARY

To seek Council's endorsement to become a member of the Murray Darling Association (MDA).

RESOLVED 31/21	Cr Mockler/Cr Naden
That Council become a member of the Murray Darling Basin Association.	

ARA/ALC INLAND RAIL CONFERENCE

SUMMARY

To consider attendance at the Australasian Railway Association and Australia Logistics Council (ARA/ALC) Inland Rail Conference 2021 in Albury Wodonga from 25-27 May 2021.

RESOLVED 32/21	Cr Walker/Cr Mudford
That the Mayor (or his nominee) and General Manager be authorised to accompany the Inland Rail Project Manager at the ARA/ALC Inland Rail Conference in Albury Wodonga from 25-27 May 2021.	

(CM.CF.1)

2021 WESTERN DIVISION COUNCILS CONFERENCE

SUMMARY

To consider attendance at the 2021 Western Division Conference to be held in Broken Hill from 19-21 April 2021.

RESOLVED 33/21	Cr Mockler/Cr Peart
That Council not attend the 2021 Western Division Conference however wish the group all the best with the conference.	

(RD.LI.1)

MUDFORDS ROAD

SUMMARY

To provide an update on the outstanding issue of Mudfords Road being proclaimed as a Council controlled public road.

RESOLVED 34/21	Cr Mockler/Cr Mudford
That the report be noted.	

DEVELOPMENT APPLICATION - COOEE HERITAGE CENTRE RENOVATIONS

SUMMARY

To present Development Application 2021/387 for determination

RESOLVED 35/21		Cr Walker/Cr Mockler	
That DA2021/387 application be approved subject to the following conditions.			
1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application, subject to any notations in red or modification required as a consequence of any condition. Reason: To ensure compliance with this consent.			
Plan Title	Drawing No.	Rev.	Date
Architectural Plans by Gilgandra Shire Council			
Cover Sheet & Drawing Schedule	004-3B-A01	3B	29/12/2020
Existing Site Plan	004-3B-A02	3B	29/12/2020
Proposed Detail Site Plan	004-3B-A03	3B	29/12/2020
Demolition Floor Plan	004-3B-A04	3B	29/12/2020
Proposed Roof Plan	004-3B-A05	3B	29/12/2020
Demolition Elevations	004-3B-A06	3B	29/12/2020
Proposed Floor Plan	004-3B-A07	3B	29/12/2020
Detail Floor Plan	004-3B-A08	3B	29/12/2020
Proposed Roof Plan	004-3B-A09	3B	29/12/2020
Proposed Elevations – Sheet 1	004-3B-A10	3B	29/12/2020
Proposed Elevations – Sheet 2	004-3B-A11	3B	29/12/2020
Section & Details – Sheet 1	004-3B-A12	3B	29/12/2020
Section & Details – Sheet 2	004-3B-A13	3B	29/12/2020
Section & Details – Sheet 3	004-3B-A14	3B	29/12/2020
Section & Details – Sheet 4	004-3B-A15	3B	29/12/2020
Ramp & Deck Details	004-3B-A16	3B	29/12/2020
Bathroom Details – Sheet 1	004-3B-A17	3B	29/12/2020
Bathroom Details – Sheet 2	004-3B-A18	3B	29/12/2020
Kitchen Details	004-3B-A19	3B	29/12/2020
Window & Door Schedules & Details	004-3B-A20	3B	29/12/2020
Car park plan by Duncan Priestly –Civil Engineering dated 31/08/2020			

2. Compliance with any attached Prescribed Conditions that may be relevant to the proposed development.

Reason: To ensure compliance with Section 80A (11) of the Environmental Planning and Assessment Act, 1979.
3. All construction work must be carried out in accordance with the requirements of the National Construction Code.

Reason: Compliance with statutory requirements.
4. A Construction Certificate must be obtained from Council or an accredited certifier for the following work at least two (2) days prior to any construction work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

Reason: Required by Section 81A of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.
5. Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the deemed-to-satisfy provisions or performance requirements of the National Construction Code.

Reason: Compliance with statutory requirements.
6. Road numbers must be affixed to the building or fence, and such numbers must be clearly visible from the street or road.

Reason: To properly identify the property.
7. Notice of appointment of a Principal Certifying Authority and Notice of Commencement must be submitted at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.

Reason: Required by Section 81A(2) of the Environmental Planning and Assessment Act, 1979 and Clause 135 & 136 of the Environmental Planning and Assessment Regulation, 2000.
8. A sign must be erected on the development site stating:
 - a) The name, address and telephone number of the Principal certifying Authority for the work.
 - b) 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.
 - c) That unauthorised entry to the work site is prohibited.
Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

9. The proponent is required to enter into a trade waste agreement with Council prior to the issue of the final occupation certificate. A grease arrestor must be provided to the sanitary drainage line from the sink, to trap and retain any oil/grease. In this regard the developer must first apply for and obtain a Trade Waste Approval from Council prior to the selection and installation of any grease arrestor. A trade waste agreement is required to discharge waste to Council's sewer.
Reason: Implementation of statutory provisions of the Local Government Act 1993.
10. Prior to any work commencing, toilet facilities must be provided at or in the vicinity of the work site.
Reason: To provide sanitary facilities for workers.
11. Construction works are to be limited as follows:
 - a) Monday to Friday - 7.00 am to 6.00 pm.
 - b) Saturday - 7.00 am to 1.00 pm.
 - c) No construction work which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.Reason: To preserve the amenity of the area.
12. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.
Reason: To protect the environment.
13. Drainage is to be provided to divert surface water clear of the building and dispose of such water in a way that avoids the likelihood of damage or nuisance to any other property.
Reason: To ensure adequate drainage
14. A hoarding or fence must be erected between the work site and a public place.
Reason: To protect the health and safety of the public
15. Prior to the release of the construction Certificate a detailed lighting plan is to be submitted to Council demonstrating compliance with clause 5.14 of the Gilgandra Local Environmental Plan 2011.
Reason: To minimise the effect of light on adjoining properties and reduce the effect of artificial lighting on the night sky.
16. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
Reason: Compliance with statutory requirements.

17. The subject land is to be consolidated into one allotment or alternatively a boundary adjustment is required. Evidence of consolidation is to be provided to Council prior to the issue of a Final Occupation Certificate.
Reason: Construction of the existing building is to be built over the existing boundary.
18. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
Reason: Compliance with statutory requirements.
19. All building work is to comply with the requirements of the Access to Premises Standard.
Reason: Compliance with statutory requirements
20. All roofed and paved areas are to be drained and the water from those areas conveyed to the street drainage system by means of a fully sealed downpipe and stormwater system. Where applicable, a metal kerb-box to suit lay-back kerb shall be fitted in accordance with AS/NZS 3500.
Reason: To ensure a safe and sustainable storm water drainage system.
21. All plumbing, drainage and stormwater work shall be carried out by a licensed person in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice.
Reason: Required by the Local Government (Water, Sewerage and Drainage) Regulation.
22. Existing services that require reconstruction or adjusting to suit a development (water, sewerage, stormwater, roadwork's, kerb and gutter, etc.) are to be done at the developer's expense. Construction is to be in accordance with AUS SPEC and Council's standards.
Reason: To protect existing services.
23. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Gilgandra Shire Council.
Reason: Reason: Compliance with statutory requirements.
24. Access for disabled persons shall be provided for disabled persons in accordance with AS 1428.1-2009 Design for Access and Mobility).
Reason: To ensure compliance with the Building Code of Australia.
25. Dedicated garbage/recycling storage area shall be provided to service the development.
Reason: To ensure provision is made for garbage and recycling.

26. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

Reason: Compliance with statutory requirements

27. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

Reason: Compliance with statutory requirements.

28. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.

Reason: Compliance with statutory requirements.

29. At least two (2) disabled car parking spaces are to be provided. These spaces shall be clearly identified by sign posting complying with AS1428.1-2009.

Reason: To ensure compliance with Gilgandra Development Control Plan 2011 and The National Construction Code.

30. The occupation or use of the building must not commence until an Occupation Certificate has been issued by the Principal Certifying Authority. (N.B. All Critical Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: Compliance with statutory requirements.

31. The proposed building works must be designed and constructed in conformity with the applicable criteria under the NCC and the Disability (Access to Premises — Buildings) Standards 2010 of the DDA and in accordance with AS 1428.1-2009 (Design for Access and Mobility). In particular the Developer must address the 'affected parts' of the existing building and submit with the Construction Certificate application details of any upgrading to the existing building's 'affected parts' as required under the Disability (Access to Premises — Buildings) Standards 2010.

Reason: Council requirement in consideration of the Premises Standards under the DDA and the NCC.

32. The portions of the building to be used for receiving, storing, handling and handling food shall be constructed, fitted out and operated in accordance with the minimum requirements of the Australian Food Safety Standards.

Reason: Statutory requirement to comply with Food Safety Standards and associated childcare regulatory standards

Division

For: Unanimous

Against: Nil

Proceedings in Brief

Cr Baker declared an interest and left the meeting at 4.50pm.

(WM.PL.1)

CONSTRUCTION OF LANDFILL CELL

SUMMARY

To advise proposed construction of a new landfill cell at the Gilgandra Waste Facility.

RESOLVED 36/21	Cr Peart/Cr Naden
That the report be noted.	

Proceedings in Brief

Cr Baker returned to the meeting at 4.52pm having taken no part in discussion or voting.

(EM.PL.1)

BIODIVERSITY STEWARDSHIP SITE

SUMMARY

To consider the benefits and disadvantages of committing to the ongoing management of a Biodiversity Stewardship site.

RESOLVED 37/21	Cr Naden/Cr Baker
That the report be noted.	

MINUTES – COMMITTEE MEETINGS FOR ADOPTION

SUMMARY

To present the following minutes of Committee meetings for consideration and adoption.

MINUTES OF: GILGANDRA SHIRE COUNCIL
HELD ON: 16 MARCH 2021

Sports Council (AGM and General Meeting)
Tooraweenah Management Committee

22 February 2021
24 February 2021

RESOLVED 38/20	Cr Mockler/Cr Wrigley
That the above listed Committee minutes be adopted.	

MINUTES – COMMITTEE MEETINGS FOR NOTATION

SUMMARY

To present the following minutes of Committee meetings for notation.

Consultative Committee
Interagency

3 March 2021
25 February 2021

RESOLVED 21/20	Cr Peart/Cr Mudford
That the above listed Committee minutes and Traffic Committee information be noted.	

REPORTS FOR INFORMATION AND NOTATION

SUMMARY

To present reports for information and notation.

RESOLVED	Cr Walker/Cr Mockler
That the reports be noted.	

QUESTIONS FOR NEXT MEETING

CR WALKER	<u>PETROLEUM EXPLORATION LICENCES</u> Given there is a current gas review happening in NSW, could Council write to the NSW government asking for all PEL's over the GSC area to be extinguished?
MAYOR'S RESPONSE:	This will be considered at Council's next meeting.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.02 PM.

Cr D Batten
Mayor