



MINUTES

OF THE

ORDINARY MEETING

OF

GILGANDRA SHIRE COUNCIL

HELD ON

20 JULY 2021

PRESENT

Councillors

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

Employees

D J Neeves  
General Manager  
N J Alchin  
Director Corporate Services  
J Manion  
Director Community Services  
D Colwell  
Director Infrastructure  
L Mathieson  
Director Planning & Environment  
K Larkin  
Marketing & Communications Manager

Proceedings of the meeting commenced at 4.00pm, noting that Covid restrictions prevented access to the meeting room public gallery of more than two people, due to the 4m<sup>2</sup> rule and Council's Covid Safe Plan, and that an additional gallery space had been made available in the Shire Hall.

LEAVE OF ABSENCE

Nil

ADJOURNMENTS

Nil

DECLARATIONS OF INTEREST

Cr Batten – Gilgandra Cultural Precinct – *Expression of Interest 10/21 Café Commercial Lease at Coo-ee Heritage Centre (Closed)*. Cr Batten's nephew has submitted an expression of Interest

CONFIRMATION OF MINUTES

<b>RESOLVED 114/21</b>	Cr Peart/Cr Mockler
That the minutes of the Ordinary meeting held on 29 June 2021, which were circulated to members prior to this meeting, be hereby confirmed as a faithful record of the meeting referred to.	

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Proceedings in Brief

Council departed from standing orders to consider the first 4 items of the open section of the business paper due to the number of members of the public present in the Gallery.

(CU.PR.1)

**THE GIL LIBRARY HUB – ‘SAVE OUR PUBLIC TOILETS’ PETITION**

SUMMARY

To present Council an overview of the petition from the community referring to ‘Save our Public Toilets’ as part of the plaza upgrades with the GIL Library Hub project.

<b>RESOLVED 115/21</b>	<b>Cr Mockler/Cr Walker</b>
<p>1. That matters which are referred to in the Petition and written submissions have been fully considered by Council, noting:</p> <ul style="list-style-type: none"><li>• previous community and stakeholder consultation;</li><li>• that the Gil Library Hub and Plaza upgrade project involves relocation of the existing toilet block;</li><li>• that the demolition and relocation costs are fully funded without any cost to ratepayers;</li><li>• that toilet facilities in the Plaza precinct will continue to remain for the convenience of residents and travelling public, with seating spaces enhanced.</li></ul>	
<p>2. That Council reaffirm its support to demolish the existing toilets and replace them with new toilets as part of the upgrades to the plaza as proposed in line the Development Application 2021/402.</p>	
<p>3. That Council issue a media release detailing outcomes from the meeting.</p>	

**GIL LIBRARY HUB AND PLAZA**

SUMMARY

To present Development Application 2021/402 for determination.

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<b>RESOLVED 116/21</b>	Cr Peart/Cr Walker
1. That Council approve Development Application 2021/402 subject to the conditions outlined in Schedule 1 2. That Council grant a variation to the Development Control Plan 2011 for a reduction in car spaces from 14 to 6 car spaces for the proposed development. 3. That Council proceed to tender the constructions works once all necessary approvals have been obtained. 4. That, in accordance with section 375A of the Local Government and Planning Legislation Amendment (Political Donations Act) 2008, the names of Councillors who support and oppose the decision be recorded.	

## SCHEDULE 1 - CONDITIONS

- Development of the site shall be carried out 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
<b>Architectural Plans by Dunn &amp; Hilliam Architects</b>			
Cover Sheet & Drawing Schedule	DA01-01	A	15/06/2021
Site Analysis	DA01-02	A	15/06/2021
Site Plan	DA01-03	A	15/06/2021
Demolition Plan	DA01-04	A	15/06/2021
Ground Floor Plan	DA01-05	A	15/06/2021
Section AA	DA01-06	A	15/06/2021
North Elevation	DA01-07	A	15/06/2021
South and West Elevation	DA01-08	A	15/06/2021
Shadow Diagram	DA01-09	A	15/06/2021
Shadow Diagram	DA01-10	A	15/06/2021
Notification Plans	DA01-12	-	15/06/2021
Access Report	P220_458-2 (Access) KG	-	03/06/2021
NCC Report	P220_458-3 (BCA) LB		08/06/2021
Flood Risk Management Report	E322102_ Flood Risk		07/06/2021
Heritage Impact Statement	-		08/06/2021
Landscape plan	L01	E	03/06/2021
Landscape plan	L02	A	03/05/2021

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Landscape plan	L03	NTS	03/06/2021
Statement of Environmental Effects	9106_5_Final_210615	Final	June 2021
Storm water Drainage Plans	GSC 01-02	A & B	June 2021
Structural Engineers Statement	-	-	03/06/2021
Survey Plan	02	A	12/05/2021
Traffic Report	1117-21	-	June 2021
Waste Management Plan	-	-	08/06/2021

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

Reason: To ensure compliance with 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 the Environmental Planning and Assessment Act and 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:
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- 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. 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.

10. 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.

11. 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.

12. 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

13. 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

14. 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.

15. 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.

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16. The awning modifications are to be constructed and maintained to ensure the safety of patrons, motorists and pedestrians is not compromised. The awning modification is to be designed in accordance with the National Construction Code (building code of Australia) and certified by a structural engineer. Should the proposed design be altered TfNSW would require re-submission of the application for consideration and concurrence. The applicant is to provide certification from a structural engineer to certify that the façade and awning are structurally sound and fit for purpose prior to the issue of the Occupation Certificate.

Reason: To protect public safety

17. During Construction work, provision is to be made for safe passage of pedestrians on Miller Street footpaths approaching and passing the subject land. A traffic and pedestrian management plan is to be submitted and approved by Council prior to works commencing.

Reason: To protect Public safety

18. The proposed works and associated scaffolding and or hoarding should not impact on Safe Intersection Sight Distance (SISD) requirements outlined in Austroads guide to Road Design Part 4A and relevant TfNSW supplements.

Reason: To protect public safety

19. Landscaping, signage and fencing must not impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site.

Reason: To protect public safety

20. Prior to the commencement of construction works, the proponent must contact TfNSW Traffic Operations Coordinator on 1300 656 371 to determine if a road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent must obtain the ROL prior to Works commencing within (3) metres of the travel lanes of Miller Street

Reason: To protect Public Safety

21. 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.

22. All roofed and paved areas are to be drained and the water from those areas conveyed to Council's storm water 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.

23. 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.
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Reason: Required by the Local Government (Water, Sewerage and Drainage) Regulation.

24. 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.

25. 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.

26. Dedicated garbage/recycling storage area shall be provided to service the development.

Reason: To ensure provision is made for garbage and recycling.

27. 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

28. 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.

29. 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.

30. At least one (1) 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.

31. 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
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Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: Compliance with statutory requirements.

32. 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.

33. 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

34. Prior to carrying out any works, a "Dial Before you Dig" enquiry is to be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995(NSW)

Reason: Safe work requirement

#### Division

For: Cr Peart, Cr Mudford, Cr Batten, Cr Naden, Cr Walker, Cr Mockler

Against: Cr Baker, Cr Wrigley

(WM.PL.1)

### **LONG TERM PLAN OF MANAGEMENT - GILGANDRA WASTE FACILITY**

#### SUMMARY

To present a Long Term Plan of Management (LTPoM) for the delivery of waste collection/processing services and for the future operation of Council's Waste Facility.

<b>RESOLVED 117/21</b>	<b>Cr Mockler/Cr Wrigley</b>
1. That the information contained within the LTPoM report be noted.	
2. That the LTPoM, as presented, be placed on public exhibition seeking feedback from the community for a minimum period of 28 days.	
3. That a further report be presented to Council outlining community feedback provided during the public exhibition period together with a recommendation for Council's consideration.	

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(PE.1071.1)

**MAYORAL MINUTE - 4/21**  
**GENERAL MANAGER'S PERFORMANCE REVIEW**

**SUMMARY**

To report on the Annual Performance Review of the General Manager.

<b>RESOLVED 118/21</b>	Cr Batten
That the report be noted.	

**LISTING OF MATTERS**  
**TO BE CONSIDERED IN CLOSED COUNCIL**

<b>RESOLVED 119/21</b>	Cr Walker/Cr Mockler
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"><li>• Gilgandra Cultural Precinct – CHC Construction Element (d)</li><li>• Tenders – Coo-ee Heritage Centre (d)</li><li>• CHC Commercial Lease (c)</li><li>• Industrial Subdivision (c)</li><li>• Purchase of Land (d)</li></ul>	

<b>RESOLVED 120/21</b>	Cr Peart/Cr Walker
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 4.15pm	

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<b>RESOLVED 127/21</b>	Cr Mockler/Cr Wrigley
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.	

(FM.FR.1)

### **QUARTERLY BUDGET REVIEW 30 JUNE 2021**

#### **SUMMARY**

To detail the major variances to the original estimates for the 2020/21 financial year as presented in the Quarterly Budget Review as at 30 June 2021. In addition, to report as to whether the Quarterly Budget Review indicates that the financial position of Council is satisfactory, having regard to the original estimates adopted by Council.

<b>RESOLVED 128/21</b>	Cr Peart/Cr Walker
That the Quarterly Budget Review document and report as at 30 June 2021 be adopted subject to the following changes:	
<ol style="list-style-type: none"><li>1. General Fund: That Council transfer to reserves \$1,000,000 for local roads and \$200,000 to the Gilgandra Cultural Precinct Project.</li><li>2. Orana Living: That Council transfer to reserves \$750,000 to the Gilgandra Cultural Precinct Project.</li><li>3. That Council note the Cooee Lodge result, and changing environment in its occupancy.</li><li>4. That a report be prepared to allow Council to review its historical allocations in reserves.</li></ol>	

### **REPORTS FOR INFORMATION AND NOTATION**

#### **SUMMARY**

To present reports for information and notation.

<b>RESOLVED 129/21</b>	Cr Mudford/Cr Wrigley
That the reports be noted.	

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MINUTES OF: GILGANDRA SHIRE COUNCIL  
HELD ON: 20 JULY 2021

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Proceedings in brief

It was noted that a resolution to the Mudfords Road issue would be pursued with the local State Member Roy Butler and Nationals MLC, Sam Faraway.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 4.35PM.

Cr D Batten  
Mayor

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