

Minutes

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 23rd July, 2024

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON TUESDAY, 23 JULY 2024 AT 6:00PM**

PRESENT: Cr Gil Kelly (Mayor), Cr Penny Nicholson (Deputy Mayor), Cr Les Boyd, Cr Logan Collins, Cr Trevor Glover, Cr David Graham and Cr Abb McAlister

IN ATTENDANCE: Steve McGrath (Interim General Manager), Matt Stubbs (Deputy General Manager - Operations), Linda Wiles (Manager Business)

1 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

2 OPEN FORUM

Nil

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 APOLOGIES

RESOLUTION 161/2024

Moved: Cr David Graham

Seconded: Cr Abb McAlister

Apologies from Cr Charlie Sheahan and Cr Leigh Bowden be received and leave of absence granted.

CARRIED

3.2 LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 25 JUNE 2024

RESOLUTION 162/2024

Moved: Cr David Graham

Seconded: Cr Logan Collins

The Minutes of the Ordinary Meeting of Council held on Tuesday 25 June 2024 be confirmed as a true and correct record of the meeting.

CARRIED

5.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY 16 JULY 2024

RESOLUTION 163/2024

Moved: Cr Penny Nicholson

Seconded: Cr Trevor Glover

The Minutes of the Extraordinary Meeting of Council held on Tuesday 16 July 2024 be confirmed as a true and correct record of the meeting.

CARRIED

6 MAYORAL MINUTES

6.1 MAYORAL MINUTE - COUNCILLOR ENGAGEMENT

RESOLUTION 164/2024

Moved: Cr Abb McAlister

Seconded: Cr Les Boyd

The information in the Councillor Engagements Mayoral Minute be received and noted.

CARRIED

6.2 MAYORAL MINUTE - THANKING FORMER MAYOR SHEAHAN

RESOLUTION 165/2024

Moved: Cr Gil Kelly

Seconded: Cr Trevor Glover

That Council acknowledge and thank Councillor Sheahan for his service to the CGRC community whilst serving in the position as Mayor.

CARRIED

7 REPORTS FROM COMMITTEES

Nil

8 GENERAL MANAGER'S REPORT

8.1 GENERAL MANAGER OFFICE

8.1.1 LAND CLASSIFICATION OF COUNCIL OWNED LAND - LOT 50 DP 1270489

RESOLUTION 166/2024

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

Council classify Lot 50 DP 1270489 as *Operational Land*.

CARRIED

8.1.2 DRAFT EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

RESOLUTION 167/2024

Moved: Cr Les Boyd

Seconded: Cr Abb McAlister

The Draft Equal Employment Opportunity (EEO) Policy, attached to the report, be adopted.

CARRIED

8.1.3 2024 NATIONAL GENERAL ASSEMBLY - BUILDING COMMUNITY TRUST

RESOLUTION 168/2024

Moved: Cr Trevor Glover

Seconded: Cr Logan Collins

The 2024 National General Assembly report, and attachment, be received and noted.

CARRIED

8.2 BUSINESS**8.2.1 AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL - RIVERINA REGIONAL LIBRARY DEED OF AGREEMENT****RESOLUTION 169/2024**

Moved: Cr Logan Collins

Seconded: Cr Penny Nicholson

Authority be granted to the Mayor and Interim General Manager to affix the common seal of Council and sign the Riverina Regional Library (RRL) Deed of Agreement for the period 2022/2026.

CARRIED

8.2.2 THE ARTS CENTRE COOTAMUNDRA S.355 COMMITTEE MEETING MINUTES**RESOLUTION 170/2024**

Moved: Cr Trevor Glover

Seconded: Cr Les Boyd

The Minutes of The Arts Centre Cootamundra s.355 Committee Meeting held 18 April 2024 and 20 June 2024 attached to the report, be received and noted.

CARRIED

8.2.3 MUTTAMA HALL MANAGEMENT S.355 COMMITTEE MEETING MINUTES**RESOLUTION 171/2024**

Moved: Cr David Graham

Seconded: Cr Logan Collins

The Minutes of the Muttama Hall Management s.355 Committee Ordinary Meeting held, 12 June 2024, attached to the report, be received and noted.

CARRIED

8.2.4 COOTAMUNDRA SHOWGROUND USERS S.355 COMMITTEE MEETING MINUTES**RESOLUTION 172/2024**

Moved: Cr Trevor Glover

Seconded: Cr Abb McAlister

The Minutes of the Cootamundra Showground User s.355 Committee Ordinary Meeting held on 19 June 2024 attached to the report, be received and noted.

CARRIED

8.3 FINANCE

8.3.1 INVESTMENT REPORT - JUNE 2024

RESOLUTION 173/2024

Moved: Cr Penny Nicholson

Seconded: Cr Les Boyd

The report detailing Council Cash and Investments as at 30th June 2024, be received and noted.

CARRIED

8.4 SUSTAINABLE DEVELOPMENT

8.4.1 DA MOD 2023/101.2 - 6 PINKERTON LANE, COOTAMUNDRA

RESOLUTION 174/2024

Moved: Cr Logan Collins

Seconded: Cr David Graham

That Council issue development consent for the following development subject to the consent conditions below:

- Application No: DA MOD 2023/101.2
- Property: Lot: 1 DP: 1296902, 6 Pinkerton Lane, Cootamundra
- Erection of a new shed ancillary to existing dwelling and continued use of carport (erected without consent) ancillary to existing dwelling.

General Conditions

- 1 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
 6. This section does not apply—

- a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
- b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

2 Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3 Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - a. for work that requires a principal contractor to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b. for work to be carried out by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4 Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A.01	C	Site Plan	DA Busters	21/09/2023 received by council 30/11/2023
A.01	4	Site Plan	DA Busters	10/7/2024 showing 2.195m setback at closest point for shed
-	B	Carport Plans	DA Busters	30/11/2023
-	-	Shed Plan and Elevations	Shed Tech	24/03/2023

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Before building work commences

5 Appointment of a Principal Certifier

Prior to the commencement of any construction works, the person having benefit of this Development Consent must appoint a Principal Certifier.

Condition reason: To ensure legislative requirements are met.

6 Construction Certificate

A Construction Certificate must be submitted and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal.

Condition reason: To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation 2021.

7 Erosion and sediment controls in place

Before any site work commences, the Principal Certifier, must be satisfied that erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

8 Notice of intention to commence building work

The proponent must give the Principal Certifier at least 2 days notice of their intention to commence building works. The notice of intention to commence building works must be lodged on the NSW Planning Portal in accordance with Section 6.6 of Environmental Planning and Assessment Act 1979 and Section 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Condition reason: To ensure legislative requirements are met

9 Underground Services

The proponent shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

Condition reason: To ensure the utility services are protected and satisfactory for the proposed development.

During building work

10 Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

11 Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection.

12 Approved Plans

A copy of the endorsed plans, specifications, development consent, the construction certificate and any other certificates to be relied upon shall be available on site at all times during construction.

Condition reason: To ensure compliance with relevant plans and approvals

13 Deliveries

While site work is being carried out, deliveries of material and equipment must only be carried out between—

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm;
- No work permitted on Sundays and Public Holidays.

Condition reason: To protect the amenity of neighbouring properties.

14 Earthworks

No earthworks are permitted to be undertaken beyond those detailed on the approved plans unless otherwise permitted by the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Condition reason: To ensure that the development is consistent with the approval

15 Footpath Storage

Building materials not to be stored on Council footway or nature strip at any time.

Condition reason: To ensure an adequate level of public safety is maintained.

16 Hours of Work

Site work must only be carried out between the following times –

- Mondays to Fridays - 7:00am to 6:00pm;
- Saturdays - 8:00am to 1:00pm; and

- **No work is permitted on Sundays and Public Holidays.**

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason: To protect the amenity of the surrounding area.

17 Restricted Public Access

It is the responsibility of the proponent to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW Regulations.

Condition reason: To ensure public safety is maintained.

18 Roof Water

Roof water generated by the development must be discharged to the water table or a rainwater tank complying with exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The stormwater outlet or tank overflow outlet must discharge:-

- to the water table; and
- away from any buildings, structures, property boundaries and effluent disposal area;

The point of discharge from the overflow must be

- protected from being crushed or damaged; and
- provided with scour protection to prevent erosion

Condition reason: To ensure that roof water is disposed of without nuisance to neighbours, damage to property or the environment.

19 Works Near Electricity Infrastructure

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Condition reason: Safety of workers and building occupants.

20 Activities within Electricity Easements and Close to Infrastructure

Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Condition reason: Safety of workers, building occupants and protection of electricity infrastructure.

Before issue of an occupation certificate

21 Repair of infrastructure

Before the issue of an occupation certificate any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.

Condition reason: To ensure any damage to public infrastructure is rectified.

22 Occupation of building

A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifier.

Condition reason: To ensure the development is completed to a safe standard to allow use or occupation and to ensure compliance with the requirements of this consent.

23 Stabilisation of Earthworks

Prior to the issue of an Occupation Certificate all earthworks must be appropriately retained or battered at a ratio no steeper than 1:3 (vertical: horizontal) and vegetated to prevent erosion.

Any retaining wall constructed on-site must comply with the exempt development provisions of State Environmental Planning Policy (Exempt and Complying development Codes) 2007 or have necessary development and construction approval.

Condition reason: To ensure earthworks are appropriately protected.

Occupation and Ongoing use

24 Use of non-habitable structures

The shed shall not be used or adapted for any residential, commercial or industrial purpose unless prior development consent has been obtained.

Condition reason: To ensure the structure is used in accordance with this approval.

25 Condition – Building Certificate Required.

As the existing carport structure was constructed without a valid Construction Certificate or Complying Development Certificate, you are required as part of this consent to obtain a Building Certificate from Council to formalize the erection of the structure in question.

Reason: To formalize the structure and prevent future orders being imposed.

CARRIED

VOTING RECORD	
FOR RESOLUTION	AGAINST RESOLUTION
Cr Gil Kelly (Mayor) Cr Les Boyd Cr Logan Collins Cr Trevor Glover Cr David Graham Cr Abb McAlister Cr Penny Nicholson	Nil
ABSENT	DECLARED INTEREST
Cr Charlie Sheahan Cr Leigh Bowden	Nil

8.5 ENGINEERING COOTAMUNDRA

8.5.1 COOTAMUNDRA ENGINEERING REPORT - JULY 2024

RESOLUTION 175/2024

Moved: Cr Les Boyd

Seconded: Cr Trevor Glover

The Cootamundra Engineering Report for the month of July 2024 be noted.

CARRIED

8.5.2 SOUTH EAST WEIGHT OF LOADS GROUP (SEWOLG)**RESOLUTION 176/2024**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

Council support continued membership of the South Eastern Weight Of Loads Group (SEWOLG)**CARRIED****8.6 ENGINEERING GUNDAGAI****8.6.1 DRAFT MOTOR VEHICLE LEASEBACK PARTICIPANTS POLICY****RESOLUTION 177/2024**

Moved: Cr Abb McAlister

Seconded: Cr Les Boyd

The draft Motor Vehicle Leaseback Participants Policy be adopted.**CARRIED****8.6.2 GUNDAGAI ENGINEERING REPORT - JULY 2024****RESOLUTION 178/2024**

Moved: Cr Trevor Glover

Seconded: Cr David Graham

The Gundagai Engineering Report for the month of July 2024 be noted.**CARRIED****8.7 REGIONAL SERVICES GUNDAGAI****8.7.1 REVIEW OF GUNDAGAI WASTE MANAGEMENT AND RELATED TRANSFER STATION OPERATIONS****RESOLUTION 179/2024**

Moved: Cr David Graham

Seconded: Cr Penny Nicholson

- 1. Council acknowledges receipt of the report on the financial feasibility of transfer stations across the CGRC area.**
- 2. Council defer further consideration of the report pending a councillor workshop to be held 13 August 2024.**

CARRIED

8.7.2 SPORTGROUND & PUBLIC OPEN SPACE FEES & CHARGES 2023/2024**RESOLUTION 180/2024**

Moved: Cr Trevor Glover

Seconded: Cr Les Boyd

1. All Sports Ground and Open Space User Fees & Charges invoiced for the 2023/2024 financial year be waived.
2. Council contacts the sporting groups that have paid invoices for the 2023/2024 year advising them of the waiver and re-imburse the amount paid.
3. Council contacts the sporting groups that have not paid their invoices, or those groups which have not yet received an invoice for the 2023/2024 fees, advising them of the waiver.
4. The wavier of user fees doesn't exclude the user groups from the responsibility of paying for the use of their related utilities e.g., water, power etc.
5. Council acknowledges that there will be a reduction in revenue received for the hire of Councils Sports Grounds, associated facilities, and Open Spaces.
6. Whilst the Fees & Charges for Users of Sports Grounds and Open Spaces remains in Council's Fees and Charges, such Fees & Charges will not be levied on User Groups of Sports Grounds and Open Spaces until a further review/report is carried out following the determination of the Minister for Local Government regarding the demerger proposition.

CARRIED

8.7.3 GUNDAGAI REGIONAL SERVICES WORKS REPORT**RESOLUTION 181/2024**

Moved: Cr Penny Nicholson

Seconded: Cr David Graham

The Gundagai Regional Services Department, Monthly works report be received and noted.

CARRIED

8.8 REGIONAL SERVICES COOTAMUNDRA**8.8.1 DRAFT KEEPING OF ANIMALS POLICY****RESOLUTION 182/2024**

Moved: Cr Logan Collins

Seconded: Cr Abb McAlister

The 2024 revised edition of the Keeping of Animals Policy be received and adopted. Noting 2 issues that requiring amendment before being adopted.

CARRIED

8.8.2 REGIONAL SERVICES - COOTAMUNDRA DIVISIONAL MONTHLY REPORT TO COUNCIL**RESOLUTION 183/2024**

Moved: Cr Les Boyd

Seconded: Cr Trevor Glover

The Regional Services Cootamundra Department Monthly Works Report be received and noted.

CARRIED

9 MOTION OF WHICH NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL ITEMS**11.1 CLOSED COUNCIL REPORT****RESOLUTION 184/2024**

Moved: Cr David Graham

Seconded: Cr Trevor Glover

- 1. Item 11.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.**
- 2. In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 11.2 be withheld from the press and public.**

CARRIED

RESUMPTION OF OPEN COUNCIL MEETING**RESOLUTION 185/2024**

Moved: Cr Logan Collins

Seconded: Cr David Graham

The Open Council meeting resume.**CARRIED****ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS**

Note: The Chairperson announced the resolutions made in Closed Council.

11.2 CONTRACT FOR SALE - DOG ON THE TUCKERBOX - PROPOSED LOT IN UNREGISTERED PLAN OF SUBDIVISION OF LOT 2 IN DP160191 AND LOT 529B IN DP203601.**RESOLUTION 186/2024**

Moved: Cr Abb McAlister

Seconded: Cr Penny Nicholson

- 1. Council agree to an extension of time, from 12 months to 16 months, to CI38.14 of the Contract for Sale of the proposed lot in unregistered plan of subdivision of Lot 2 in DP160191 and Lot 529B in DP203601; and**
- 2. The amendment to CI38.14 detailed in 1. above is to be achieved by an exchange of correspondence between the parties to the Contact for Sale indicating acceptance of the subject amendment to CI38.14.**

CARRIED

The Meeting closed at 6:29pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 August 2024.

**CHAIRPERSON****GENERAL MANAGER**