

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD  
AT THE HILLSTON DISTRICT OFFICE  
on Tuesday, 27 June 2023 commencing at 10.00 am**

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**1. PRESENT**

Councillors: DL Jardine (Mayor), GR Peters, JK Potter, DP Fensom, B Furner, DA Liddicoat, HJ Lyall and LW Cashmere.

Staff: General Manager Rick Warren, Director Corporate & Community Services Robert Rayner, Director Infrastructure Services Barry Heins, Manager Infrastructure Services Willem De Meyer and Management Accountant Sarah Donnelly.

**2. LEAVE OF ABSENCE**

A request for leave of absence was received from Cr MS Armstrong and Cr WR Kite.

**0540 RESOLVED** that the request for leave of absence from Cr MS Armstrong and Cr WR Kite be received and granted.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

**3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

Nil

**4. CONFIRMATION OF THE PREVIOUS MINUTES**

**0541 RESOLVED** that the minutes of the Ordinary meeting of the Carrathool Shire Council held 16 May 2023 as circulated to all Councillors, be confirmed.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr GR Peters

**5. BUSINESS ARISING**

Nil

**6. MOTIONS & QUESTIONS (NOTICE GIVEN)**

Nil

**7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)**

Citizenship Ceremony was conducted for Conferee – Mr Thomas Corry

**SUPPLEMENTARY AGENDA ITEMS**

Nil

**8. MAYORAL REPORTS**

**8.1 Mayors Report**

**0542 RESOLVED** that Council note the Mayors report to the June 2023 meeting.

CARRIED

Moved: Cr LW Cashmere / Seconded Cr B Furner

**9. DELEGATES REPORTS**

Nil

**10.0 GENERAL MANAGER'S REPORT**

**10.1 Ongoing Action from Previous Business Papers**

**0543 RESOLVED** that Council note the update on action report for June 2023.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

## **10.2 Precis of Correspondence**

### **10.2.1 Griffith Off Road Club – Financial Support**

Moved by Cr Peters and Cr Cashmere that Council provide \$3,000 financial assistance to the Griffith Off Road Club event in July 2023.

An amendment was moved by Cr Furner that the Council provide \$1,500 financial support to the club.

The amendment lapsed for want of a seconder.

The original motion was then put to the meeting and carried by Council.

**0544 RESOLVED** that Council provide \$3,000 of financial support to the Griffith Off Road Club event in July 2023.

CARRIED

Moved: Cr GR Peters / Seconded: Cr LW Cashmere

### **10.2.2 Natural Resources Access Regulator – Compliance**

**0545 RESOLVED** that Council:

1. note the response from Natural Resources Access Regulator.
2. write to the Minister for Planning and Environment outlining the issues caused by illegal development during the recent floods informing the Minister of the lack of response by Natural Resources Access Regulator.

CARRIED

Moved: Cr JK Potter / Seconded: Cr HJ Lyall

### **10.2.3 Hillston Show Society – Requesting Donation**

**0546 RESOLVED** that Council provide a donation of \$1,500 to the Hillston Show Society for the Hillston Show in September 2023.

CARRIED

Moved: Cr B Furner / Seconded: Cr JK Potter

## **10.3 Councillor Fees and Mayoral Allowance**

**0547 RESOLVED** that Council do not adopt any increases in the Councillor annual fee or the allowance of the Mayor for the 2023/24 financial year.

CARRIED

Moved: Cr JK Potter / Seconded: Cr DP Fensom

## **10.4 Monia Gap School Bus Committee – Sealing MR368**

**0548 RESOLVED** that Council:

1. note the request from the Monia Gap School Bus Committee regarding sealing works on the eastern end of the Springs Road.
2. inform the committee that the roads budget for 2023/24 has been determined.
3. consider the inclusion of sealing works at the 2024/25 budget processes.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr GR Peters

## **10.5 Floodplain Management Plans – Southern Murray Darling Basin**

**0549 RESOLVED** that Council:

1. note the review of the Floodplain Management Plans for the Southern Murray Darling Basin.
2. encourage all Councillors to attend any future meeting if they can.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

## **10.6 Unsupervised Swimming Pools**

**0550 RESOLVED** that Council:

1. continue to charge the same entry fees for admission to Hillston and Goolgowi swimming pools.
2. broaden the category of between age two to sixteen for admission to between age two and eighteen for entry (currently \$2.00).

.....  
CR DL JARDINE, CHAIRMAN

3. following the recent public consultation regarding the operation of the Hillston Pool install the infrastructure necessary to commence unsupervised operations of the pool on normal weekdays.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

10.51 am Cr JK Potter left the meeting

### **10.7 Local Government Award – Pay Rate Information**

**0551 RESOLVED** that Council note the financial implications of the proposed Local Government State Award to commence 1 July 2023 for a three-year period.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr DA Liddicoat

### **10.8 Funded Works Program – Pothole Repair**

**0552 RESOLVED** that Council note the status of:

1. the Pothole Repair Program, and
2. the schedule for sealed patching under the Regional and Local Road Repair funding.

CARRIED

Moved: Cr GR Peters / Seconded: Cr B Furner

### **10.9 Infrastructure Report**

**0553 RESOLVED** that Council note the Infrastructure Report for June 2023.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr LW Cashmere

### **10.10 Mossgiel Road – Umbrella Creek Crossing Upgrade**

**0554 RESOLVED** that Council:

1. proceed with motion 0508 from the May 2023 meeting of Council.
2. obtain a design for the widening of the bridge, and
3. this information and costings be brought back to a future meeting of Council.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr GR Peters

11.44 am Cr JK Potter re-joined the meeting

11.54 am Manager Infrastructure Services left the meeting

11.54 am Manager Building & Regulatory Services joined the meeting

### **10.11 Plant Report**

**0555 RESOLVED** that Council note the Plant Report as at 6 June 2023.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

### **10.12 Plant Replacement**

**0556 RESOLVED** that Council note the Plant Replacement report for June 2023.

CARRIED

Moved: Cr B Furner / Seconded: Cr LW Cashmere

### **10.13 Development Applications – June 2023**

**0557 RESOLVED** that the Determinations for Development Applications received for May 2023 be noted.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr DA Liddicoat

### **10.14 Development Application DA2023/027 – Demolition and Use of land to install a Manufactured Home**

**0558 RESOLVED** that Council:

1. removes the building from the list on Schedule 5 of Council's LEP
2. approves Development Application DA2023/027, demolition of an existing building and the use of land to install a manufactured home, subject to conditions attached.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DA Liddicoat

Division: All in Favour

12.11 pm Manager Building & Regulatory Services left the meeting

### **10.15 Finance Report – Statement of Bank Balances – May 2023**

**0559 RESOLVED** that Council note the Statement of Bank Balances as at 31 May 2023 and confirm payment of accounts as summarised in the reconciliation statement totalling \$5,543,390.23

CARRIED

Moved: Cr GR Peters / Seconded: Cr HJ Lyall

### **10.16 Finance Report – Investments Schedule – May 2023**

**0560 RESOLVED** that Council receive the investment report as at 31 May 2023 and it be noted that in accordance with clause 212 paragraph (1)(b) of the Local Government (General) Regulation 2021, it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr B Furner

### **10.17 Operational Plan 2023/24 (including the General Rate Levy and Fees & Charges)**

**0561 RESOLVED** that Council:

1. adopt the 2023/24 Operational Plan as amended.
2. adopt the Ordinary Rates for 2023/24 as detailed below and within the 2023/24 Operational Plan (General Rate Structure).

Rate Type	Category	Sub-category	Ad Valorem Amount (c in \$)	Minimum Rate \$	Approximate Rate Yield 2023/24 \$
Ordinary	Farmland	General	0.1213181	530.00	1,889,664
Ordinary	Farmland	Irrigable S6A(3) Land Valuation Act	0.1621904	530.00	1,190,590
Ordinary	Farmland	Farmland West	0.1175740	530.00	22,754
Ordinary	Residential	General	1.2904166	388.00	379,322
Ordinary	Residential	Rural	0.5672489	388.00	30,002
Ordinary	Business	Hillston	2.7602435	530.00	93,070
Ordinary	Business	Hillston/Main	4.3973485	530.00	94,616
Ordinary	Business	Goolgowi	2.5023831	530.00	11,897
Ordinary	Business	Villages	2.4898701	530.00	5,417
Ordinary	Business	Rural	1.6089978	530.00	52,565

3. make each annual access and consumption charge for water, sewer, liquid trade waste and waste for 2023/24 as detailed in the Fees & Charges document contained within the 2023/24 Operational Plan.

4. set the interest rate payable on overdue rates & charges at the maximum rate specified by the Minister for Local Government being 9% for the period 1 July 2023 to 30 June 2024.

CARRIED

Moved: Cr B Furner / Seconded: Cr JK Potter

### **10.18 Draft Policies for Review**

**0562 RESOLVED** that Council:

1. place the draft Internal Reporting policy 99 on public exhibition for a period of 28 days
2. adopt the policy after the exhibition period if no submissions are received.

CARRIED

Moved: Cr B Furner / Seconded: Cr DP Fensom

### **10.19 Policies for Review and Possible Deletion**

**0563 RESOLVED** that Council approve the revocation of the below listed policies:

- On-Time Payment Policy 152
- Environmental Policy 139
- Companion Animals Policy 161
- Compliance Policy 162

.....  
CR DL JARDINE, CHAIRMAN

CARRIED

Moved: Cr B Furner / Seconded: Cr JK Potter

### **10.20 Workforce Management Strategy Review**

**0564 RESOLVED** that Council:

1. approve the draft Workforce Management Strategy and place the document on public exhibition for a period of 28 days.
2. adopt the Workforce Management Strategy after the exhibition period if no submissions are received.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr B Furner

### **10.21 Review of Information Guide**

**0565 RESOLVED** that Council adopt the draft Information Guide for a period of 12 months.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DA Liddicoat

12.30 pm Community Development Officer joined the meeting

### **10.22 Community Development Officer Report – June 2023**

**0566 RESOLVED** that Council note the Community Development Officers report for June 2023.

CARRIED

Moved: Cr B Furner / Seconded: Cr DP Fensom

12.45 pm Community Development Officer left the meeting.

### **11.0 COMMITTEE REPORTS**

Nil

### **12.0 CLOSED COUNCIL REPORTS**

#### **CLOSED COUNCIL**

12.46 pm

**0567 RESOLVED** that Council resolve into closed council pursuant to Section 10A of the *Local Government Act 1993*, to consider the closed Council reports.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

### **12.1 Illegal Development Hillston – DP257 Lot 19**

**0568 RESOLVED** that Council:

1. waive the building line requirement for development at Lot 19, DP257,
2. require the owner to submit and pay all the fees in accordance with the development application.
3. impose a fine on the owner for undertaking development without development consent.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr JK Potter

### **12.2 Award Tender 2022-004 – Drilling, Blasting & Crushing Gravel**

**0569 RESOLVED** that:

1. Council accept the tender of;
  - Crushrite Pty Ltd,
  - EB Mawson & Sons Pty Ltd
  - National Civil Contracting Pty Ltd and
  - Regional Quarries Australia Pty Ltd

for inclusion on the panel of contractors for Drilling, Blasting, Crushing of Gravel for an initial term of 2 years.

2. the term may be extended for a further two years, this option is for Council to exercise should it so determine.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DP Fensom

1.15 pm Adjourned for lunch

2.01 pm Returned from lunch

.....  
CR DL JARDINE, CHAIRMAN

**OPEN COUNCIL**

2.33 pm

**0570 RESOLVED** that Council return to open Council.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr LW Cashmere

**CLOSED COUNCIL REPORT**

The resolutions of Council made while the meeting was closed to the public were read to the open Council meeting by the General Manager.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

**13.0 Next Meeting**

The next **Ordinary Meeting** of Council will be held at the **Goolgowi Council Chambers** on **Tuesday 18 July 2023** commencing at **10.00am**.

**CLOSURE**

There being no further business, the meeting terminated at 2.38 pm.

The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday, 27 June 2023 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday, 18 July 2023

.....  
Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, 18 July 2023, at which meeting the above signature was subscribed.

## **CONDITIONS – DA2023/027**

### **1. COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA (Prescribed Condition)**

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

### **2. RESIDENTIAL BUILDING WORK (Prescribed Condition)**

Building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifier for the development:

- a) in the case of work done by a licensee under the Act:
  - i) has been informed in writing of the licensee's name and contractor license number, and
  - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- b) In the case of work to be done by any other person:
  - i) has been informed in writing of the person's name and owner-builder permit number, or
  - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

### **3. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES (Prescribed Condition)**

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifier.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

#### **4. NOTICE OF COMMENCEMENT (Prescribed Condition)**

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a 'Notice to Council of Intention to Commence Work'.

#### **5. COMPLETION CERTIFICATE**

The applicant must obtain a Completion Certificate, pursuant to Clause 69 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 from Council, prior to occupation of the building.

#### **6. DEVELOPMENT APPLICATION RECORD TO BE KEPT ONSITE**

The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

#### **7. CONFORM WITH APPROVED PLANS**

The development shall take place in accordance with the approved development plans as submitted with DA2023/027. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

#### **8. HOURS OF OPERATION**

The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 8.00am to 1.00pm, excepting public holidays.

#### **9. RUBBISH AND DEBRIS**

All building rubbish and debris, including that which can be wind-blown, must be contained on site in a suitable enclosure, approved by Council, at all times prior to disposal at Council's Waste Management Centre. The container must be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

#### **10. CLOTHES DRYING**

Each dwelling must be provided with an outdoor area or appropriate equipment for the drying of laundry.

NOTE: A suitably screened outdoor drying area in close proximity to each dwelling and equipped with clothes line or similar, would satisfy this condition.



## 11. DEMOLITION

The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

## 12. BUILDING NUMBER

A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be visible against the background on which it is placed. The correct building number is stated on the Notice of Determination.

The reason for the imposition of the above consent conditions is as follows:-

1. To achieve the objectives of Section 1.3 of the Environmental Planning and Assessment Act 1979, having regard to the relevant matters for consideration contained in Section 4.15 of the Act and the Environmental Planning Instruments applying to the land;
2. To ensure compliance with the Building Code of Australia, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future;
3. To confirm the details of the application and plans submitted by the applicant;
4. To ensure compliance with relevant planning controls;
5. To ensure that appropriate environmental protection measures are in place;
6. To ensure the development complies with the requirements of Council policies;
7. To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## ADVICE TO APPLICANT

1. The above consent is not an approval to commence work or to carry out any structural work. A Sec68 approval under the *Local Government Act 1993* shall be sought and obtained before any work is carried out to implement the above consent. Also, the applicant is not relieved of any obligation to obtain an approval required under any other Act.
2. This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.
3. Part 8, Sections 8.3 and 8.7 of the *Environmental Planning and Assessment Act 1979* confers on the applicant who is not satisfied with determination of the consent authority a right of appeal to the Land and Environment Court exercisable within 6 months of receipt of this notice.
4. Any person who contravenes this Notice of Determination of the above consent shall be guilty of a breach of the *Environmental Planning and Assessment Act, 1979*, and shall be liable to a monetary penalty and/or a restraining order which may be imposed by the Land and Environment Court.
5. The applicant should be aware of the provisions of the *Disability Discrimination Act 1992*. This Act imposes responsibilities additional to planning legislation.
6. Prior to commencing works on site, Telstra's "Dial Before You Dig" should be contacted by phoning 1100 (follow the prompts) and provide the following details:

- Street name and number;
- Side of street (north side, east or west);
- Distance to nearest cross street

7. Division 8.2 of the *Environmental Planning and Assessment Act 1979* confers on the applicant the right to request Council to conduct a Review of this Notice of Determination within 6 months of receipt of this notice.