

Shire of
Gunnedah
Land of Opportunity

GUNNEDAH SHIRE COUNCIL

The minutes of the Ordinary Meeting of
Gunnedah Shire Council

held on

Wednesday 18 May 2016

Consisting of Pages 1 to 11

(Minute No 1.05/16 to 26.05/16)

are confirmed as a true and correct record of the meeting
as per Minute No 1.06/16 of the
Ordinary Meeting held on 15 June 2016.



Mayor Owen Hasler
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 18 May 2016 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:00pm

1. COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	APOLOGY TENDERED	ABSENT
OC Hasler	X			
RG Swain	X			
C Fuller	X			
GA Griffen	X			
D Quince			X	
R Ryan	X			
SJ Smith	X			
STAFF				
General Manager (E Groth)	X			
Executive Manager Business Systems and Governance (C Formann)	X			
Director Planning and Environmental Services (MJ Silver)	X			
Acting Director Infrastructure Services (K Sheridan)	X			

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R RYAN

*** Two casual vacancies exist due to the passing of the Late Hans Allgayer and the resignation of Mr Tim Duddy.*

2. **PRAYER**

The Mayor opened the meeting with the customary prayer.

3. **BEREAVEMENTS**

The Mayor read off the list of bereavements being Vera Maude Fermor, Amarni Ambah Fordham, Donald Henry Gimbert, Margaret Rose Whitfield, Elaine Agnes Davies, Rodney Charles Cooper, Margaret Florence White and Alphonsus Edward Evans.

It was **RESOLVED** that Council pay their respects to the deceased and extend their condolences to the family and friends of the deceased with a minute's silence.

4. **DECLARATIONS OF INTEREST**

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
MJ SILVER	12.7	Review to Gunnedah Shire Council Development Plan – Stormwater			X		Relationship with applicant seeking stormwater contributions on development application

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

5. **COMMUNITY CONSULTATIONS**

Nil.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor C FULLER*

1.05/16 COUNCIL RESOLUTIONS:

The Minutes of the Ordinary Meeting held on Wednesday 20 April 2016 were received and it was RESOLVED that the minutes be adopted as a true and correct record of that meeting.

7. NOTICE OF MOTION

Nil.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 THIRD QUARTER BUDGET REVIEW AS AT 31 MARCH 2016

AUTHOR Management Accountant

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor GA GRIFFEN*

2.05/16 COUNCIL RESOLUTIONS:

1. That the March 2016 Third Quarter Budget Review of the 2015/16 Operational Plan be received and noted;
2. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted.

9.2 DONATION – COSTELLO FAMILY FUNDRAISER

AUTHOR General Manager

*Council Resolution
Moved Councillor GA GRIFFEN
Seconded Councillor C FULLER*

3.05/16 COUNCIL RESOLUTION:

That Council endorses the action of the General Manager in providing the donated items to the Costello Family Fundraiser.

9.3 LEGAL ASSISTANCE FOR BATHURST REGIONAL COUNCIL

AUTHOR General Manager

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

4.05/16 COUNCIL RESOLUTION:

That the General Manager be authorised to make the requested voluntary payment of \$704.07 (including GST) to Local Government NSW.

9.4 PAINTING OF CREATIVE ARTS CENTRE BACK GALLERY

AUTHOR Executive Manager Customer Relations Communications and Lifestyle

Council Resolution

Moved Councillor C FULLER

Seconded Councillor GA GRIFFEN

5.05/16 COUNCIL RESOLUTION:

That \$7,000 of the 2015/16 capital allocation for the Painting of the Creative Arts Centre Back Gallery be transferred to the 2016/17 financial year in Council's Long Term Financial Plan.

9.5 REQUEST FOR DONATION – HIRE OF GUNNEDAH TOWN HALL

AUTHOR Executive Manager Customer Relations Communications and Lifestyle

Council Resolution

Moved Councillor C FULLER

Seconded Councillor SJ SMITH

6.05/16 COUNCIL RESOLUTION:

- 1. That Council endorse the donation of \$825.00 to GS Kidd Memorial School to assist with offsetting costs associated with the venue hire with the provision that the group be required to undertake all rubbish removal associated with the event.**
- 2. That a donation be drawn from the Facility Hiring Support Fund.**

9.6 RAINBOW SERPENT WATER FOUNTAIN

AUTHOR Executive Manager Customer Relations Communications and Lifestyle

OFFICER'S RECOMMENDATION:

That council approve the allocation of \$25,000 from the general fund to secure the development of design and construction plans (including hydraulic engineering) of the Rainbow Serpent Water Fountain to assist with the progression of the project to the construction phase.

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

7.05/16 COUNCIL RESOLUTION:

That Council approve the allocation of an upper limit of \$25,000 from the general fund to secure the development of design and construction plans (including hydraulic engineering) of the Rainbow Serpent Water Fountain to assist with the progression of the project to the construction phase.

9.7 DESINTATION MANAGEMENT PLAN

AUTHOR Executive Manager Customer Relations Communications and Lifestyle

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

8.05/16 COUNCIL RESOLUTION:

That the draft Gunnedah Shire Destination Management Plan be endorsed by Council with the amendment of Action 3.16 to include:

- a) The development of a Public Arts Strategy; and
- b) Deletion of the proposed extension of the airport strip to accommodate sprint car racing.

9.8 INVESTMENTS

AUTHOR Financial Accountant

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor C FULLER

9.05/16 COUNCIL RESOLUTION:

That the principal investment of \$54.9 million for all funds to date be received and noted.

10. BUSINESS SYSTEMS AND GOVERNANCE

10.1 DRAFT DELIVERY PROGRAM 2013-2017 AND OPERATIONAL PLAN 2016/17

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

10.05/16 COUNCIL RESOLUTIONS:

- 1. That Council receive the Draft Delivery Program for 2013-2017 and Operational Plan for 2016/17 to be placed on public exhibition for a 28 day period; and
- 2. That an Extraordinary Meeting be held on Wednesday 22 June 2016 to consider any submissions following the exhibition period and to adopt the Draft Delivery Program for 2013-2017 and Operational Plan 2016/17.

10.2 **PROJECT PROGRESS REPORT**

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor C FULLER

Seconded Councillor GA GRIFFEN

11.05/16 **COUNCIL RESOLUTION:**

That the information be received and noted.

10.3 **WATER METER TAMPERING INCIDENTS**

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor RG SWAIN

12.05/16 **COUNCIL RESOLUTION:**

That Council allocate a budget of \$2,000 from the Water Fund to obtain further legal advice in relation to prosecuting these offences.

10.4 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR Executive Manager, Business Systems and Governance

Council Resolution

Moved Councillor R RYAN

Seconded Councillor RG SWAIN

13.05/16 **COUNCIL RESOLUTION:**

That the information be received and noted.

11. ***PLANNING AND ENVIRONMENTAL SERVICES***

11.1 **MODIFICATION OF CONSENT APPLICATION 96036.007 – MODIFICATION TO HOURS OF OPERATION**

AUTHOR Project Town Planner

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

14.05/16 **COUNCIL RESOLUTIONS:**

That Modification of Consent Application No. 96036.007, for an amendment to business trading hours at the land known as Lot 1 DP83760 – 362 Conadilly Street, Gunnedah be approved subject to the following conditions:

Modified or Inserted Conditions Underlined

1. Construct a concrete layback and footpath crossing in an approved location and in accordance with Council's specifications.
2. The provision of seven (7) off-street car parking spaces for staff and customers. All car parking spaces are to be line marked.
3. The carpark is to be sealed and drained in accordance with Council's specifications.
4. The developer shall install a grease trap of minimum capacity 750 litres in accordance with Council's specifications.
5. Make application to Council for trade waste licence for discharge of all wastes in accordance with Public Works Department Guidelines.
6. The developer is required to make application to Council for any alterations required to the water service.
7. All vehicles are to enter and exit the site in a forward direction.
8. All loading and unloading of goods is to occur within the boundaries of the subject lot and at no times from the footpath or roadway.
9. Deleted.
- 9a. Deleted.
- 9b. Deleted
- 9c. Deleted
- 9ca. The hours of operation are restricted to the following:
6:00am-11:00pm Monday-Sunday
10. Access to the building shall be upgraded to allow for disabled access.
11. Deleted
12. The interior construction of the building shall comply with Council's "Food Premises Code".
13. Landscaping of the site is to be kept in a neat and tidy manner at all times.

Reasons for conditions/refusal: To ensure that the development is operated in such a manner that will not detract from the surrounding area and is in accordance with Council's policies and codes.

Note: It is the owner's responsibility to prepare and lodge an annual fire safety statement for the building.

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

COUNCIL RESOLUTION				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
C Fuller	X			
GA Griffen	X			
D Quince			X	
R Ryan	X			
SJ Smith	X			

11.2 GUNNEDAH AND DISTRICT CHAMBER OF COMMERCE AND INDUSTRY – GUNNEDAH BUSINESS AND SERVICE SPONSORSHIP

AUTHOR Director Planning and Environmental Services

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R RYAN

15.05/16 COUNCIL RESOLUTIONS:

1. That Council provide sponsorship of \$1,591 in respect of the use of the Gunnedah Town Hall and associated support services by the Gunnedah and District Chamber of Commerce and Industry for the staging of the 2016 Gunnedah Business and Service Awards.
2. That the sponsorship be drawn from the Economic Development budget.

12. INFRASTRUCTURE SERVICES

12.1 DONNELLY FIELD AMENITIES BLOCK EXTENSION

AUTHOR Manager Public Facilities

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

16.05/16 COUNCIL RESOLUTION:

That the allocation of \$180,000 in the 2015/16 Operational Plan for the extension of the Amenities Block at Donnelly Field be carried over to the 2016/17 financial year.

12.2 APPLICATION TO CLOSE A COUNCIL ROAD

AUTHOR Survey and Design Officer

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor SJ SMITH

17.05/16 COUNCIL RESOLUTION:

That Council agree to the closing of the unconstructed Council public road, between Lot 82 DP754938 and Lot 2 DP325482.

12.3 REQUEST – WATER CONSUMPTION CHARGE REDUCTION

AUTHOR Manager Water Services

OFFICER'S RECOMMENDATION:

That Council approve the request for assistance by the former Tambar Springs Bowling Club Trustees and reduce the tariff from the Tambar Springs Residential Rate to the tariff set for Sporting and Non-for-Profit Organisations for the past four years since 2012/13 and all future charges be levied at the Sporting and Non-for-Profit Organisations rate levied in Gunnedah Shire Council Annual Operational Plans, and the current balance on Assessment Number 13309420 be reduced from \$5,652.86 to \$1,903.16.

Council Resolution

Moved Councillor SJ SMITH

Seconded Councillor C FULLER

18.05/16 COUNCIL RESOLUTIONS:

1. That Council approve the request for one off assistance by the former Tambar Springs Bowling Club Trustees and reduce the tariff from the Tambar Springs Residential Rate to the tariff set for Sporting and Non-for-profit Organisations for the past four years since 2012/13 and all future charges be levied at the Sporting and Non-for-profit Organisation rate levied in Gunnedah Shire Council annual Operational Plans, and the current balance on Assessment Number 13309420 be reduced from \$5,652.86 to \$1,903.16.
2. That the organisations utilising the water be responsible for investigation of the water supply.

12.4 PUBLIC FACILITIES REPLACEMENT DEFERRALLS

AUTHOR Director Infrastructure Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor GA GRIFFEN

19.05/16 COUNCIL RESOLUTION:

That Council defer carry over unspent Council Administration Building air conditioning and carpet replacement allocations to the 2016/17 financial year.

12.5 BUDGET ADJUSTMENT – QUIA ROAD RENEWAL

AUTHOR Works Manager

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor C FULLER*

20.05/16 COUNCIL RESOLUTION:

That Council reallocate \$200,000 from the Quia Road renewal to the Wandobah Road renewal within the Rural Sealed Roads asset class for the 2015/16 financial year.

12.6 BUDGET ADJUSTMENT – RANGARI ROAD RENEWAL

AUTHOR Works Manager

*Council Resolution
Moved Councillor C FULLER
Seconded Councillor R RYAN*

21.05/16 COUNCIL RESOLUTION:

That Council reallocate \$150,000 from the Rangari Road renewal in the 2015/16 Operational Plan to the Bloomfield Street renewal works for 2016/17 side strip works.

12.4 REVIEW TO GUNNEDAH SHIRE COUNCIL DEVELOPMENT SERVICING PLAN - STORMWATER

The Director Planning and Environmental Services declared an interest and left the Chamber.

AUTHOR Director Infrastructure Services

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor GA GRIFFEN*

22.05/16 COUNCIL RESOLUTIONS:

1. That Council endorse a review of the Gunnedah Shire Council Development Services Plan – Stormwater.
2. That an allocation of \$35,000 for consultancy work to support the review be incorporated into the 2015/16 Operational Plan.

14. PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

14.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

AUTHOR Executive Manager Business Systems and Governance

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor GA GRIFFEN*

23.06/16 COUNCIL RESOLUTIONS:

1. That Council note that Item 2 of the Planning Environment and Development Committee Meeting held on 4 May 2016 was dealt with by the Committee within its delegated powers.
2. That Council publicly exhibit and invite submissions from the community and interested stakeholders for a period of 28 days on a proposal to establish a smoke-free zone in a portion of the Gunnedah Central Business District in Conadilly Street between Elgin Street and Chandos Street and the public walkway to the Vernados Carpark and Souris Carpark.

CLOSED COUNCIL

Council Resolution

Moved Councillor GA GRIFFEN

Seconded Councillor C FULLER

- 24.05/16 A Motion was Moved into Closed Council for consideration of the following matters and that members of the press and public be excluded from the meeting, the reason being that the matters to be discussed concerned personnel and contractual matters, as detailed below:**

- a) **Director Infrastructure Services Report to Closed Council.**

15. *INFRASTRUCTURE SERVICES*

15.1 NAMOI WATER UTILITIES BINDING ALLIANCE

AUTHOR Manager Water Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

25.05/16 COUNCIL RESOLUTION:

That the enclosed Deed of Agreement for renewal of the Consultancy Agreement with Hunter H20 Pty Limited for a further period of two years as from 1 April 2016 be approved and Council authorise the affixing of the Common Seal of the Council to the Deed of Agreement.

This item is classified CONFIDENTIAL under Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- d) *Commercial information of a confidential nature that would, if disclosed:*
- i) *prejudice the commercial position of the person who supplied, or*
 - ii) *confer a commercial advantage on a competitor of the council; or*
 - iii) *reveal a trade secret.*

This matter is classified confidential because it relates to commercial information of a confidential nature. It is not in the public interest to reveal information that could prejudice a commercial position, confer a commercial advantage or reveal a trade secret.

RESOLUTION OUT OF CLOSED COUNCIL

*Council Resolution
Moved Councillor C FULLER
Seconded Councillor GA GRIFFEN*

26.05/16 COUNCIL RESOLUTION:

On the resumption of the Ordinary business of the meeting, the Chairperson reported that the previous resolution was adopted in Closed Council.

There being no further business, the meeting closed at 5:36pm.

**Mayor OC Hasler
CHAIRPERSON**