



GUNNEDAH SHIRE COUNCIL

The minutes of the Ordinary Meeting of
Gunnedah Shire Council
held on

Wednesday 15 August 2018

Consisting of Pages 1 to 11

(Minute No 1.08/18 to 24.08/18)

are confirmed as a true and correct record of the meeting
as per Minute No 2.09/18 of the
Ordinary Meeting held on 19 September 2018.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 15 August 2018 in the
Council Chambers, Elgin Street, Gunnedah commencing at 4:30pm

1.	COUNCILLOR	PRESENT	APPROVED LEAVE OF ABSENCE	ABSENT
	J Chaffey (Chair)	X		
	RG Swain	X		
	JR Campbell	X		
	C Fuller	X		
	OC Hasler	X		
	R Hooke	X		
	A Luke	X		
	D Moses	X		
	M O'Keefe	X		
	STAFF			
	General Manager (E Groth)	X		
	Director Corporate and Community Services (C Formann)	X		
	Director Planning and Environmental Services (A Johns)	X		
	Acting Director Infrastructure Services (D Noble)	X		
	Chief Financial Officer (D Connor)	X		

2. **PRAYER**

The Mayor opened the meeting with the customary prayer.

3. **BEREAVEMENTS**

The Mayor read off the list of bereavements being Gordon Keith Bush, Edith Marjorie Riley, Edna Eather, John Stephan West, Marjory Joyce Nicholls, Michael Joseph Halliday, Harold James Law, Beryl Mary Richardson, William John Bower and Lynda Jane Smith.

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
D NOBLE	16.2	Closed Report – Tender T1718-12 – Preferred Supply Panel Plant Equipment Hire.			X		Father-in-law owns one of the unsuccessful tenderers.

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

5. **COMMUNITY PRESENTATIONS/CONSULTATIONS**

Mrs Lauren Robertson was in attendance as representative of Rotary 2380 in relation to Item 5 of the Director Corporate and Community Services Report concerning the Drought Relief Project.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

*Council Resolution
Moved Councillor R HOOKE
Seconded Councillor D MOSES*

1.08/18 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 18 July 2018 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

6.2 CONFIRMATION OF PREVIOUS MINUTES

*Council Resolution
Moved Councillor J CAMPBELL
Seconded Councillor C FULLER*

2.08/18 COUNCIL RESOLUTION:

The Minutes of the Extraordinary Meeting held on Wednesday 1 August 2018 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 DONATION – DROUGHT FUNDRAISER

AUTHOR General Manager

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

3.08/18 COUNCIL RESOLUTION:

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

9.2 DONATION – GUNNEDAH JUNIOR RUGBY LEAGUE 60TH ANNIVERSARY - CARNIVAL

AUTHOR General Manager

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

4.08/18 COUNCIL RESOLUTION:

That Council endorses the action of the General Manager in providing the donated items to the Gunnedah Junior Rugby League.

9.3 DONATION OF PRIZES – GUNNEDAH HIGH SCHOOL

AUTHOR General Manager

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

5.08/18 COUNCIL RESOLUTION:

That Council endorses the action of the General Manager in providing a monetary donation to Gunnedah High School for their annual school presentations.

9.4 LG NSW ANNUAL CONFERENCE - MOTIONS

AUTHOR General Manager

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor RG SWAIN

6.08/18 COUNCIL RESOLUTIONS:

That Council submit the following motions to the LG NSW 2018 Annual Conference:

1. That LGNSW call upon the Federal Government to extend an income management scheme based upon the 'Farm Management Deposit' scheme to businesses which rely upon the agricultural sector for the majority of their revenue; and
2. That the State and Federal Governments put a Strategic Plan in place for future drought protection in Australia; and
3. That the State Government call on the Federal Government, as a matter of urgency, to investigate the significant decline in the Civil Aviation industry, including pilot training and the current shortage of Australian trained pilots with the aim to put in place appropriate measures to revitalise all sectors of the Civil Aviation industry; and
4. That LGNSW calls upon the NSW Government to make legislative changes that will allow some Travelling Stock Routes (TSR's) to be utilised by recreational vehicle (RV) users where so identified and supported by Councils in consultation with LLS; and

5. That LGNSW petition the NSW Government to change the Local Government (General) Regulation 2005 to allow a Council by resolution to shorten the pre-poll voting period to the period including the Monday to Friday of the week before Election Day; and
6. That LGNSW lobby the Commonwealth Government to consider:
 - a. Increasing the availability of slots for regional air services into Kingsford Smith International Airport, and
 - b. Reserving the availability of underutilised slots at Kingsford Smith International Airport incurred as a result of the current pilot shortage, and
 - c. Investigating an assistance package to increase available pilot numbers for airlines servicing regional airports.
7. That LGNSW lobby Qantas Ltd to locate its proposed pilot training academy at Tamworth, NSW; and
8. That LGNSW calls upon the NSW Government to reverse their decision in regards to funding cuts for public libraries; and
9. That LGNSW lobby the Commonwealth Government to review and provide options for a more sophisticated allocation of the Financial Assistance Grants funding that increases the allocation of funds to rural and remote areas of need; and
10. That LGNSW lobby the NSW Government to abolish rate pegging; and
11. That LGNSW request the NSW Government carry out a review of the Local Government Act orders and costs recovery powers to create a new system of powers and costs recovery mechanisms that will allow Councils to more simply and effectively address unsightly, untidy, overgrown and unhealthy properties in line with community expectations; and
12. That LGNSW lobby the NSW Government seeking a more equitable distribution of its health infrastructure funding to support current health services in regional and remote NSW.

10. CORPORATE AND COMMUNITY SERVICES

10.1 2017-2021 DELIVERY PROGRAM PROGRESS REPORT AS AT 30 JUNE 2018

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor D MOSES

7.08/18 COUNCIL RESOLUTION:

That the 2017-2021 Delivery Program Progress Report as at 30 June 2018 be received and noted.

10.2 **PUBLIC LIBRARY FUNDING**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor C FULLER

8.08/18 **COUNCIL RESOLUTIONS:**

1. That Council endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. That Council make representation to the local State Member(s), Kevin Anderson, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
3. That Council write to the Hon Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
4. That Council take a leading role in activating the campaign locally.
5. That Council endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. That Council formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

10.3 **AUSTRALIAN REGIONAL TOURISM 2018 CONVENTION**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor M O'KEEFE

9.08/18 **COUNCIL RESOLUTION:**

That Councillor R HOOKE be Council's delegate at the 2018 Australian Regional Tourism Convention.

10.4 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor A LUKE

10.08/18 **COUNCIL RESOLUTION:**

That the information be received and noted.

10.5 **LATE REPORT – DROUGHT RELIEF PROJECT**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

11.08/18 **COUNCIL RESOLUTION:**

That Council donate movie vouchers to the maximum value of \$750.00 to Rotary 2380 Drought Relief Project.

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

11.1 **DRAFT PLANNING AGREEMENT POLICY**

AUTHOR Director Planning and Environmental Services

A Motion was Moved Councillor OC Hasler, seconded Councillor D Moses:

That Council adopt the Draft Planning Agreement Policy as advertised.

An Amendment was Moved Councillor RG Swain, seconded Councillor M O'Keefe:

That the original Officer's Recommendation be supported.

The Amendment was withdrawn.

The Motion on being put to the meeting was Lost.

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor RG SWAIN

12.08/18 **COUNCIL RESOLUTIONS:**

That Council adopt the Draft Planning Agreement Policy, subject to the following changes being made to the version publicly exhibited:

a) That the following text:

“Councillors may be (where deemed desirable by Council, but not usually) involved in the face to face negotiation of the agreement and will ultimately execute the planning agreement as part of their role as Councillors.”

Be replaced with the words

“Councillors will not be involved in the face to face negotiation of the agreement but will ultimately execute the planning agreement as part of their duties as Councillors.”

b) That the following text:

“Council will:

- i) outline to their negotiating team/officer their clear expectations of an outcome of a VPA with a proponent prior to negotiations commencing;
- ii) receive regular reports on the progress of negotiations.
- c) A Council officer (or negotiating team appointed by Council) with appropriately delegated authority, (and in consultation with Council as per (b) will negotiate a planning agreement on behalf of Council in accordance with this policy.

Be replaced with:

“Council Officer/s with appropriately delegated authority will negotiate a planning agreement on behalf of Council in accordance with this policy.

Prior to the commencement of the negotiation, the Council Officer/s will meet with Councillors to ascertain a clear understanding of the expectations of the elected Council in respect to the process. It is expected that the Council Officer will provide regular reports on the progress of negotiations.”

Councillors OC Hasler and C Fuller requested his vote against the motion be recorded.

11.2 CRIME PREVENTION WORKING GROUP MEMBERSHIP

AUTHOR Community and Social Planner

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor D MOSES

13.08/18 COUNCIL RESOLUTIONS:

That Council amend membership of the Gunnedah Crime Prevention Working Group to include:

1. Joy Wilson (Homes North Community Housing);
2. Joshua Launders (community representative); and
3. John Harford (community representative).

12. INFRASTRUCTURE SERVICES

12.1 GUNNEDAH AND DISTRICT SPINNERS AND WEAVERS REQUEST TO WAIVE ANNUAL LICENSE

AUTHOR Manager Public Facilities

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R HOOKE

14.08/18 COUNCIL RESOLUTIONS:

1. That Council waive the amount \$557.45 for the Gunnedah and District Spinners and Weavers Crown License fee to occupy the showground from 2018 onwards.
2. That the License fee charge of \$557.45 for the Gunnedah and District Spinners and Weavers is refunded from Council's Facility Hiring Support Fund so not to impact the income of the Showground Reserve.

12.2 COMMEMORATIVE SEAT – MEMORIAL PARK CEMETERY

AUTHOR Manager Public Facilities

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

15.08/18 COUNCIL RESOLUTIONS:

1. That Council approve the installation of a commemorative seat at the Memorial Park Cemetery and the naming of the seat "Memorial Seat for Stillbirth Children".
2. That Council approves the purpose of the seat for the installation of Commemorative plaques to reflect similar circumstances.

12.3 DRAFT DELIVERY PROGRAM 2017-2021 AND OPERATIONAL PLAN 2018/19 SUBMISSION

AUTHOR Acting Director Infrastructure Services

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor C FULLER

16.08/18 COUNCIL RESOLUTIONS:

1. That the information be received and noted;
2. Council staff continue to lobby the Roads and Maritime Services and other sources for suitable pedestrian facilities and funding; and
3. That the Bike Plan be reviewed and amended to accommodate the 'Second Road Over Rail Project'.

13. BUSINESS AND FINANCE

13.1 JUNE BUDGET REVIEW AND CARRY-FORWARD WORKS

AUTHOR Management Accountant

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor D MOSES

17.08/18 COUNCIL RESOLUTIONS:

1. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted;

2. That the changes to the 2018/19 Operational Plan as contained in the report and attachments, being budget allocation for revote, carried forward and future works, be adopted.

13.2 2017/18 PROJECT PROGRESS REPORT

AUTHOR **Management Accountant**

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor A LUKE

18.08/18 COUNCIL RESOLUTION:

That the Project Management Progress Report for the end of financial year 2017/18 be received and noted.

13.3 INVESTMENTS

AUTHOR **Financial Accountant**

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor J CAMPBELL

19.08/18 COUNCIL RESOLUTION:

That the principal investment of \$61.1 million for all funds to date be received and noted.

14. AUDIT COMMITTEE

14.1 AUDIT COMMITTEE MEETING REPORT

AUTHOR **Director Corporate and Community Services**

Council Resolution

Moved Councillor A LUKE

Seconded Councillor C FULLER

20.08/18 COUNCIL RESOLUTION:

That the minutes of the Audit Committee Meeting held on Wednesday 18 July 2018 be received and noted.

15. QUESTION ON NOTICE

Councillor OC Hasler:

1. Could the GM/Financial Officer supply a comparison of the council vehicle fleet, including a list of those individuals with personal private use of vehicles, between August 2016, and August 2018?
2. Could the GM provide a report on the outcome and cost of the recent Land and Environment court case (in which council defended its decision) and the potential implications for council having lost the case?

The Chief Financial Officer provided a response to Question1 and the Director Planning and Environmental Services provided a response to Question 2.

CLOSED COUNCIL

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor D MOSES

21.08/18 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) Acting Director Infrastructure Services Report to Closed Council.

16. INFRASTRUCTURE SERVICES

16.1 GUNNEDAH WASTEWATER EFFLUENT REUSE AGREEMENT

AUTHOR Manager Water Services

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor RG SWAIN

Aisle

22.08/18 COUNCIL RESOLUTION:

That Council resolve to amend the Draft Effluent Agreement as per Westchester Agriculture Asset Management's suggestion in correspondence dated 23 July 2018 to allow the Draft Agreement to be considered by IAI Australia Fund 11 Pty Ltd's Global Investment Committee.

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 it, or*
 - ii) confer a commercial advantage on a competitor of the Council, or*
 - iii) reveal a trade secret.*

This matter is classified confidential as it contains 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.

16.2 TENDER T1718-12 – PREFERRED SUPPLY PANEL FOR PLANT/EQUIPMENT HIRE SERVICES

AUTHOR Works Manager

Council Resolution

Moved Councillor C FULLER

Seconded Councillor D MOSES

23.08/18 COUNCIL RESOLUTIONS:

That subject to confirmation of current insurances as required by the contract, Council appoints the following tenderers to the Preferred Supplier Panel for Supply of Plant/Equipment Hire Services (T1718-12):

1. The Mining
2. Coates Hire Operations Pty Ltd
3. Rollers Australia
4. Felmac Investments Pty Ltd
5. Western Plant
6. Hyroll Hire Pty Ltd
7. Mackellar Excavations Pty Ltd
8. MPC Earthmoving Pty Ltd
9. Norwest Plant Hire Pty Ltd
10. Palmers Landscapes
11. Mocrib
12. SJ Excavations Pty Ltd
13. Somerville Earthmoving Pty Ltd
14. FB Heavy Plant
15. Nariron
16. Tutt Bryant Hire
17. Roadwork Industries

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 it, or*
 - ii) *confer a commercial advantage on a competitor of the Council, or*
 - iii) *reveal a trade secret.*

This matter is classified confidential as it contains 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 R HOOKE

Seconded Councillor D MOSES

24.08/18 COUNCIL RESOLUTION:

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

There being no further business, the meeting closed at 6:05 pm.

Mayor J Chaffey
CHAIRPERSON