



GUNNEDAH SHIRE COUNCIL

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

Wednesday 15 November 2017

Consisting of Pages 1 to 12

(Minute Nos 1.11/17 to 27.11/17)

are confirmed as a true and correct record of the meeting
as per Minute No 5.12/17 of the
Ordinary Meeting held on 20 December 2017.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 15 November 2017 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 (E Paas)	X		
Chief Financial Officer (D Connor)	X		

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor RG SWAIN

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Boyde Richard Campbell, Jack Baldwin, Neville Stanley Parker, Norman Alfred Mills, Raymond Arthur Campbell, Aileen Marjorie Davidson, James Edwin Howarth, Keith John Moses, Thomas Rex Carter and Ian Robert Denman.

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
RG SWAIN	12.4	Medical Professionals Accommodation Policy		X			Councillor RG Swain is Director of Mackellar Care Services
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
C FORMANN	12.4	Medical Professionals Accommodation Policy		X			Director of Mackellar Care Services

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

Nil.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

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

1.11/17 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 18 October 2017 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

Nil.

10. CORPORATE AND COMMUNITY SERVICES

10.1 MODEL CODE OF CONDUCT – CONSULTATION SUBMISSION

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor A LUKE*

2.11/17 COUNCIL RESOLUTION:

That the points raised in the Officer's report be endorsed and submitted to the Office of Local Government in response to their request for submissions on the draft Model Code of Conduct and Procedures.

10.2 DRAFT POLICY – CULTURAL PRECINCT VENUE HIRE

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor OC HASLER
Seconded Councillor C FULLER*

3.11/17 COUNCIL RESOLUTION:

That the draft copy of the Cultural Precinct Venue Hire Policy be endorsed for public exhibition and further stakeholder consultation for a period of at least twenty eight (28) days.

10.3 DRAFT POLICY – ARTS AND CULTURAL GRANTS

AUTHOR Director Corporate and Community Services

OFFICER'S RECOMMENDATION:

That the draft copy of the Arts and Cultural Grants Policy be endorsed for public exhibition and further stakeholder consultation for a period of at least twenty eight (28) days.

A Motion was Moved Councillor OC Hasler, Seconded Councillor A Luke:

That the amended draft copy of the Arts and Cultural Grants Policy be endorsed for public exhibition and further stakeholder consultation for a period of at least 28 days:

RELEVANT TO

All community arts and cultural groups other than the Gunnedah Shire Band and Dorothea Mackellar Memorial Society within the Gunnedah Shire Council local government area

ABSTRACT

To govern the provision of financial assistance provided to Arts and Cultural groups other than Gunnedah Shire Band and Dorothea Mackellar Memorial Society which have separate, individual, funding agreements with Council, within the Gunnedah Shire LGA to assist in the continuation of existing local projects or to assist in funding new projects or initiatives that help to meet the needs of our growing community.

SCOPE

The policy applies to Gunnedah Shire resident not-for-profit Arts and Cultural organisations (excluding the Gunnedah Shire Band and Dorothea Mackellar Memorial Society which will have negotiated separate funding agreements with Council) seeking financial assistance from Council to produce Arts and Cultural programming in the Gunnedah Local Government Area in alignment with the outcomes and strategies stated in the Community Strategic Plan.

SUSPENSION OF STANDING ORDERS IN COMMITTEE OF THE WHOLE

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor RG SWAIN that Council move into Committee of the Whole for discussion in relation to Item 10.3 concerning the Draft Policy – Arts and Cultural Grants.

RESUMPTION OF STANDING ORDERS

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor C FULLER that Council move back into Ordinary Council.

*Council Resolution
Moved Councillor OC HASLER
Seconded Councillor A LUKE*

4.11/17 COUNCIL RESOLUTION:

That the amended draft copy of the Arts and Cultural Grants Policy be endorsed for public exhibition and further stakeholder consultation for a period of at least 28 days:

RELEVANT TO

All community arts and cultural groups other than the Gunnedah Shire Band and Dorothea Mackellar Memorial Society within the Gunnedah Shire Council local government area

ABSTRACT

To govern the provision of financial assistance provided to Arts and Cultural groups other than Gunnedah Shire Band and Dorothea Mackellar Memorial Society which have separate, individual, funding agreements with Council, within the Gunnedah Shire LGA to assist in the continuation of existing local projects or to assist in funding new projects or initiatives that help to meet the needs of our growing community.

SCOPE

The policy applies to Gunnedah Shire resident not-for-profit Arts and Cultural organisations (excluding the Gunnedah Shire Band and Dorothea Mackellar Memorial Society which will have negotiated separate funding agreements with Council) seeking financial assistance from Council to produce Arts and Cultural programming in the Gunnedah Local Government Area in alignment with the outcomes and strategies stated in the Community Strategic Plan.

10.4 2016/17 ANNUAL REPORT

AUTHOR Director Corporate and Community Services

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

5.11/17 COUNCIL RESOLUTION:

That the Annual Report for the year ended 30 June 2017 be adopted and forwarded to the Minister for Local Government prior to 30 November 2017.

10.5 OUTSTANDING RESOLUTION REGISTER

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor J CAMPBELL
Seconded Councillor A LUKE*

6.11/17 COUNCIL RESOLUTION:

That the information be received and noted.

11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 ADDENDUM TO KOALA PLAN OF MANAGEMENT – DEVELOPMENT APPLICATION 2017/094 – LOT 1 DP1229834, 221 BARLOW ROAD, GUNNEDAH

AUTHOR Town Planner

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor A LUKE

7.11/17 COUNCIL RESOLUTION:

That Council endorse the Koala Plan of Management, prepared by Stewart Surveys Pty Ltd, dated October 2017, ref: 4885, and the further information letter prepared by Stewart Surveys dated 7 November 2017 ref: 4885 submitted with Development Application No 2017/094 – subdivision of one lot into five lots, at Lot 1 DP1229834, 221 Barlow Road, Gunnedah.

11.2 REJECTION OF WORKER DOMICILE MODEL AS A QUANTUM OPTION FOR VOLUNTARY PLANNING AGREEMENTS

Author Director Planning and Environmental Services

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor R HOOKE

8.11/17 COUNCIL RESOLUTION:

That Council write to the Minister for Planning, the Hon Anthony Roberts, to advise that Council rejects the Worker Domicile Model as a Non-Infrastructure Calculator for compensation for social and economic impacts on the community as a result of mining developments in the Gunnedah Local Government Area.

11.3 2017 CHINA CITRUS CONGRESS AND TFRESH SHANGHAI CHINA AND VEGETABLE CONFERENCE

Author Director Planning and Environmental Services

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor R HOOKE

9.11/17 COUNCIL RESOLUTIONS:

1. That Council endorse Mayor Jamie Chaffey attending the 2017 China Citrus Congress (21 November 2017) and 2017 TFresh Shanghai China Fruit and Vegetable Conference and Expo (22-24 November 2017) and to support investment discussions between Gunnible Pastoral Company and Chinese investors while there.
2. That funds be allocated from Councillors Travel Expenses.

12. INFRASTRUCTURE SERVICES

12.1 QUEEN'S BATON RELAY – COMMUNITY EVENT 31 JANUARY 2018

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor A LUKE

10.11/17 COUNCIL RESOLUTION:

That Council allocate \$20,000 from general fund towards the community event for the Queen's Baton Relay on Wednesday 31 January 2018.

12.2 ENVIRONMENTAL PROTECTION AUTHORITY INVESTIGATION

AUTHOR **Acting Director Infrastructure Services**

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor J CAMPBELL

11.11/17 COUNCIL RESOLUTIONS:

That Council transfer \$30,000 from the General Fund, for the legal costs associated with the EPA Investigation at Lot 7053 DP116141 (Alfords Reserve).

12.3 ELGIN STREET KERB AND GUTTER

AUTHOR **Acting Director Infrastructure Services**

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor A LUKE

12.11/17 COUNCIL RESOLUTION:

That Council transfer \$16,300 from the Elgin Street Kerb and Gutter works to Elgin Street footpath, to realign budgets for actual costs incurred.

12.4 POLICY – MEDICAL PROFESSIONALS ACCOMMODATION SUPPORT

Councillor RG Swain and the Director Corporate and Community Services declared an interest, left the Chamber and took no part in discussion or consideration of this item.

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

13.11/17 COUNCIL RESOLUTION:

That the Medical Professionals Accommodation Support Policy be placed on public exhibition for 28 days seeking public submissions.

12.5 **CRICKET PRACTICENETS – NAMOI PLAYING FIELDS**

AUTHOR **Manager Public Facilities**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor M O'KEEFE

14.11/17 **COUNCIL RESOLUTIONS:**

1. That Council provide a letter of support to Gunnedah Junior Cricket Association to accompany their funding applications for the construction of new cricket practice nets at the Namoi Playing Fields.
2. That Council allocate \$900 towards the annual maintenance costs of the new practice nets dependent upon the Junior Cricket Association's funding application success.

SUSPENSION OF STANDING ORDERS

A Motion was Moved Councillor RG SWAIN, Seconded Councillor A LUKE that Council consider the Late Report of the Acting Director Infrastructure Services in relation to the Deeds of Agreement for Creation of Electricity Easement – Gunnedah Memorial Pool Complex.

12.6 **DEEDS OF AGREEMENT FOR CREATION OF ELECTRICITY EASEMENT – GUNNEDAH MEMORIAL POOL COMPLEX**

AUTHOR **Contract Project Manager**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor A LUKE

15.11/17 **COUNCIL RESOLUTION:**

That Council as Crown Reserve Manager for R78765 enter into Deeds of Agreement with Essential Energy to create easements for electricity affecting Lot 441 DP755503 as defined in Essential Energy Plan No 112319CPLAN with the Mayor and General Manager authorised to execute the Deeds on Council's behalf.

13. ***BUSINESS AND FINANCE***

13.1 **2016/17 FINANCIAL STATEMENTS**

AUTHOR **Financial Accountant**

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

16.11/17 **COUNCIL RESOLUTION:**

That the Auditor's Report and Annual Financial Statements for the year ended 30 June 2017 be adopted.

13.2 **PROJECT PROGRESS REPORT**

AUTHOR **Management Accountant**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

17.11/17 **COUNCIL RESOLUTION:**

That the report be received and noted.

13.3 **SEPTEMBER QUARTERLY BUDGET REVIEW**

AUTHOR **Management Accountant**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor M O'KEEFE

18.11/17 **COUNCIL RESOLUTIONS:**

1. That the first quarter budget review summary for the 2017/18 financial year be received and noted; and
2. That the adjustments to budget allocations, including transfers to and from restricted assets, as listed in the attachments to the report, be adopted.

13.4 **INVESTMENTS**

AUTHOR **Financial Accountant**

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor A LUKE

19.10/17 **COUNCIL RESOLUTION:**

That the principal investment of \$66.2 million for all funds to date be received and noted.

14. ***PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE***

14.1 **PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING REPORT**

AUTHOR **Director Corporate and Community Services**

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

20.11/17 **COUNCIL RESOLUTION:**

That the Council note that the items of the Planning Environment and Development Committee Meeting Report for the meeting held on Wednesday 1 November 2017 were dealt within the delegated powers of the Committee.

15. AUDIT COMMITTEE MEETING

15.1 AUDIT COMMITTEE MEETING REPORT

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor RG SWAIN

21.11/17 COUNCIL RESOLUTION:

That the Council note that the items of the Audit Committee Meeting Report for the meeting held on Wednesday 18 October 2017 be received and noted.

16. QUESTIONS ON NOTICE

Nil.

CLOSED COUNCIL

Council Resolution

Moved Councillor A LUKE

Seconded Councillor C FULLER

22.11/17 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 Planning and Environmental Services Report to Closed Council;**
- b) Acting Director Infrastructure Services Report to Closed Council; and**
- c) Mayoral Report to Closed Council.**

17. PLANNING AND ENVIRONMENTAL SERVICES

17.1 STRATEGIC LAND ACQUISITION

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor C FULLER

23.11/17 COUNCIL RESOLUTION:

That Council endorse the development of a Strategic Land Acquisition Strategy that includes the development and sites identified herein.

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

This matter is classified confidential because of 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.

18. INFRASTRUCTURE SERVICES

18.1 TENDER T1617-13 – DONNELLY SPORTS FIELDS LIGHTING UPGRADE

AUTHOR Chief Engineer

OFFICER'S RECOMMENDATIONS

1. That Council delegate authority to the General Manager to award and execute Contract T1617-13 for the Donnelly Sports Fields Lighting Upgrade to REES Electrical Pty Ltd for separable portions 1 and 2 for \$499,670 ex GST; and
2. That an additional \$130,000 for the supply and installation of the lights be allocated from the General Fund.

An Amendment was Moved Councillor M O'Keefe, Seconded Councillor C Fuller:

1. That Council delegate authority to the General Manager to award and execute Contract T1617-13 for the Donnelly Sports Fields Lighting Upgrade to REES Electrical Pty Ltd to separable portions 1 and 2 for \$499,670 ex GST;
2. That an additional \$130,000 for the supply and installation of the lights be allocated from the General Fund; and
3. That a report be presented to the December Ordinary Meeting outlining options and ability to proceed to the third separable portion concurrently with separable portions 1 and 2.

The Amended Motion was Put and becomes the Motion.

The Motion on being Put to the meeting was Carried.

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor C FULLER

24.11/17 COUNCIL RESOLUTIONS:

1. That Council delegate authority to the General Manager to award and execute Contract T1617-13 for the Donnelly Sports Fields Lighting Upgrade to REES Electrical Pty Ltd for separable portions 1 and 2 for \$499,670 ex GST;
2. That an additional \$130,000 for the supply and installation of the lights be allocated from the General Fund; and
3. That a report be presented to the December Ordinary meeting outlining options and ability to proceed to the third separable portion concurrently with separable portions 1 and 2.

This item is classified CONFIDENTIAL under Section 10A(2)(c) 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 because of 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.

18.2 TENDER PROVISION OF ROAD STABILISING REGPRO251718

AUTHOR Acting Director Infrastructure Services

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor R HOOKE*

25.11/17 COUNCIL RESOLUTIONS:

That Council appoints the following supplier Panel for supply of Stabilising Services (REGPRO251718):

- 1. BMR Quarries Pty Ltd t/as Roadwork Industries;**
- 2. Central West Civil Pty Ltd;**
- 3. Earth Plant Hire Pty Ltd;**
- 4. Highway Stabilisers Australia Pty Ltd;**
- 5. Stabilcorp;**
- 6. Stabilised Pavements of Australia Pty Ltd;**
- 7. THE Mining Pty Ltd;**
- 8. Stabilco Pty Ltd.**

This item is classified CONFIDENTIAL under Section 10A(2)(c) 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:*
- (iv) *prejudice the commercial position of the person who supplied it, or*
 - (v) *confer a commercial advantage on a competitor of the Council, or*
 - (vi) *reveal a trade secret.*

This matter is classified confidential because of 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.

19. MAYOR'S OFFICE

19.1 GENERAL MANAGER'S REVIEW

AUTHOR Mayor J Chaffey

Council Resolution

Moved Councillor J CHAFFEY

Seconded Councillor R HOOKE

26.11/17 COUNCIL RESOLUTIONS:

1. That the General Manager's performance review increase be of the amount of 2.5% giving a total increase for the year (including the 2.5% anniversary increase) of 5%.
2. That the Council invites the General Manager to discuss the terms of his employment contract renewal with the Mayor.
3. That a report on the discussions be submitted to the December meeting of Council.

RESOLUTION OUT OF CLOSED COUNCIL

Council Resolution

Moved Councillor A LUKE

Seconded Councillor M O'KEEFE

27.11/17 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 6:19pm.

**Mayor J Chaffey
CHAIRPERSON**