



GUNNEDAH SHIRE COUNCIL

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

Wednesday 18 October 2017

Consisting of Pages 1 to 10
(Minute Nos 1.10/17 to 17.10/17)

are confirmed as a true and correct record of the meeting
as per Minute No 1.11/17 of the
Ordinary Meeting held on 15 November 2017.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 18 October 2017 in the
Kelvin Hall, Kelvin 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

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Peter Edward Silver, Betty Irene Atkinson, Rhonda Joan Talbot, Rupert Barry Hamilton, Gordon Bailey (Sam), Betty May Niquet, Jeffrey Desmond Chapman and Thomas Sidney Knight.

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
J CHAFFEY	11.2	Spirit of Christmas Fair – Request for Assistance	X				Owner of a company that is a financial member of the Gunnedah and District Chamber of Commerce involved in promotion during this event.
A LUKE	11.2	Spirit of Christmas Fair – Request for Assistance	X				Owner of business which participates in Gift Card.
D MOSES	12.4	NSW Fire Fighting Championships – Request for Assistance		X			Member of FR NSW.
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
A JOHNS	12.4`	NSW Fire Fighting Championships – Request for Assistance		X			Member of FR NSW.

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 R HOOKE

Seconded Councillor D MOSES

1.10/17 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 20 September 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

7.1 VOLUNTARY PLANNING AGREEMENTS

AUTHOR Councillor OC Hasler

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor J CAMPBELL

NOTICE OF MOTION:

That Gunnedah Shire Council write to the Minister for Planning, the Hon Anthony Roberts MP, seeking clarification as to whether it is legally appropriately under present legislation (and any proposed legislation) for elected Councillors to actively participate in the negotiation process involved in securing Voluntary Planning Agreement between a local government body and mining company proposing a mining development.

In seeking this clarification, Council should emphasise the previous experience of Gunnedah Shire Council, Narrabri Shire Council, and other LGA's where Councillor participation in such negotiations has been the standard practice.

An Amendment was Moved Councillor R HOOKE:

That Gunnedah Shire Council write to the Minister for Planning, the Hon Anthony Roberts MP, seeking clarification as to whether it is legally appropriately under present legislation (and any proposed legislation) for elected Councillors to actively participate in the negotiation process involved in securing Voluntary Planning Agreement between a local government body and mining company proposing a mining development, wind farm or solar development.

In seeking this clarification, Council should emphasise the previous experience of Gunnedah Shire Council, Narrabri Shire Council, and other LGA's where Councillor participation in such negotiations has been the standard practice.

The Amendment Lapsed for lack of a Secunder.

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 the Notice of Motion.

RESOLUTION OUT OF COMMITTEE OF THE WHOLE

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor RG SWAIN that Council move back into the Ordinary Meeting with no recommendation from committee of the whole.

An Amendment was Moved Councillor M O'KEEFE, Seconded Councillor RG SWAIN:

That Gunnedah Shire Council write to the Minister for Planning, the Hon Anthony Roberts MP, seeking clarification as to whether it is legally appropriately under present legislation (and any proposed legislation) for elected Councillors to actively participate in the negotiation process involved in securing Voluntary Planning Agreement between a local government body and a development applicant.

In seeking this clarification, Council should emphasise the previous experience of Gunnedah Shire Council, Narrabri Shire Council, and other LGA's where Councillor participation in such negotiations has been the standard practice.

The Amendment on being Put to the Meeting was Lost.

A Motion was Moved Councillor OC HASLER, Seconded Councillor J CAMPBELL:

That Gunnedah Shire Council write to the Minister for Planning, the Hon Anthony Roberts MP, seeking clarification as to whether it is legally appropriately under present legislation (and any proposed legislation) for elected Councillors to actively participate in the negotiation process involved in securing Voluntary Planning Agreement between a local government body and mining company proposing a mining development, wind farm or solar development.

In seeking this clarification, Council should emphasise the previous experience of Gunnedah Shire Council, Narrabri Shire Council, and other LGA's where Councillor participation in such negotiations has been the standard practice.

The Motion on being Put to the meeting was Carried.

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor J CAMPBELL

2.10/17 COUNCIL RESOLUTION:

That Gunnedah Shire Council write to the Minister for Planning, the Hon Anthony Roberts MP, seeking clarification as to whether it is legally appropriately under present legislation (and any proposed legislation) for elected Councillors to actively participate in the negotiation process involved in securing Voluntary Planning Agreement between a local government body and mining company proposing a mining development, wind farm or solar development.

In seeking this clarification, Council should emphasise the previous experience of Gunnedah Shire Council, Narrabri Shire Council, and other LGA's where Councillor participation in such negotiations has been the standard practice.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 LG NSW ANNUAL CONFERENCE – VOTING DELEGATES

AUTHOR General Manager

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor R HOOKE

3.10/17 COUNCIL RESOLUTIONS:

That Council:

1. **Appoint Councillor M O'KEEFE as a delegate to attend the 2017 LG NSW Annual Conference in place of Deputy Mayor, Councillor RG Swain; and**

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

2. **Nominate the Mayor and Councillor M O'KEEFE as its voting delegates for the 2017 LG NSW Annual Conference for the purposes of both voting on motions and the election of the LG NSW Board.**

10. CORPORATE AND COMMUNITY SERVICES

10.1 DISCLOSURE BY COUNCILLORS AND DESIGNATED PERSONS

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor A LUKE

4.10/17 COUNCIL RESOLUTIONS:

That in relation to the report "Disclosures by Councillors and Designated Persons", Council:

1. **Note that all Councillors and identified designated persons have completed and lodged Disclosure of Interest Returns in accordance with Section 449(3) of the Local Government Act 1993; and**
2. **Advise the Office of Local Government accordingly.**

10.2 **RAINBOW SERPENT WATER FEATURE**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor C FULLER

Seconded Councillor R HOOKE

5.10/17 **COUNCIL RESOLUTIONS:**

1. That the concept designs for the Rainbow Serpent Water Feature be endorsed so that engineering designs can be finalised and then submitted to grant funding bodies should a suitable opportunity to fund the project arise.
2. That Council thanks the members of the working group that have contributed to the project for the contributions thus far.

10.3 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR Director Corporate and Community Services

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor A LUKE

6.10/17 **COUNCIL RESOLUTION:**

That the information be received and noted.

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

11.1 **NAMOI COUNCILS JOINT ORGANISATION – ENGAGEMENT PROJECT CHINA**

AUTHOR Manager Economic Development

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

7.10/17 **COUNCIL RESOLUTIONS:**

1. That Council support the proposed International Mission to China in collaboration with the Namoi JO.
2. That Council agree in principle to the funding of attendance of the Mayor to the Namoi JO International Mission to China from the Namoi JO budget.
3. That Council endorse a senior staff representative to travel as a member of the Namoi JO joint International Mission to China with up to \$4,000 travel and expenses costs to be drawn from the Economic Development budget.

11.2 **SPIRIT OF CHRISTMAS FAIR – REQUEST FOR ASSISTANCE**

Mayor J Chaffey and Councillor A Luke declared an interest, left the Hall and took no part in discussion or consideration of this item.

Deputy Mayor RG Swain assumed the Chair for consideration of this item.

Author Manager Economic Development

Council Resolution

Moved Councillor J CAMPBELL

Seconded Councillor M O'KEEFE

8.10/17 **COUNCIL RESOLUTIONS:**

1. That Council approve contribution of a donation up to \$200 to offset the cost of the street trading application fee.
2. That Council contribute up to \$2300 for the provision of labour costs associated with the temporary road closure of Elgin, Marquis and Chandos Streets.
3. That Council donate up to \$500 for two newspaper advertisements promoting the 2017 Christmas Fair.
4. That the donations be drawn from the Business Partner Program Fund.
5. That the Chamber of Commerce acknowledges Council's support in relation to the conduct of the event.
6. That Council require a report early in 2018 indicating the success or otherwise of the Spirit of Christmas Fair conducted by the Gunnedah and District Chamber of Commerce including income and expenditure and benefit to the community of Gunnedah.
7. That the Gunnedah and District Chamber of Commerce be advised that prior to any future applications for funding being sought from Council, their financial statements be provided as per the Financial Assistance Policy.

12. *INFRASTRUCTURE SERVICES*

12.1 **SIMPSON BRIDGE RECONSTRUCTION – BUDGET ADJUSTMENT**

AUTHOR Works Manager

OFFICER'S RECOMMENDATION:

That Council re-allocate \$610,000 from the Simpson Bridge allocation in the 2017/18 budget for Council's General Fund.

A Motion was Moved Councillor OC HASLER, Seconded Councillor D MOSES:

That Council allocate \$150,000 from the Simpson Bridge budget as co-funding towards attracting a grant to complete the Rainbow Serpent Water Feature and the balance of \$460,000 be returned to General Fund.

The Motion being Put to the meeting was Carried.

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

9.10/17 COUNCIL RESOLUTION:

That Council allocate \$150,000 from the Simpson Bridge budget as co-funding towards attracting a grant to complete the Rainbow Serpent Water Feature and the balance of \$460,000 be returned to General Fund.

12.2 CONSIDERATION OF FLUORIDATION IN GUNNEDAH WATER SUPPLY

AUTHOR Manager Water Services

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor RG SWAIN

10.10/17 COUNCIL RESOLUTIONS:

That Council endorse the proposed NSW Health community consultation process for the introduction of fluoridation of the Gunnedah Town Water Supply including:

1. Fact sheets prepared by NSW Health in conjunction with Council, provided to all ratepayers;
2. Website providing further information, and providing a portal for local submissions;
3. Opportunity for presentations to Councillors at a workshop if requested; and
4. Report and recommendations to Councillors summarising consultation process and submissions at the December 2017 Ordinary Council Meeting.

12.3 FIXING COUNTRY TRUCK WASHES GRANT FUNDING

AUTHOR Acting Director Infrastructure Services

OFFICER'S RECOMMENDATION:

That Council advise Infrastructure NSW that the grant funding under the Fixing Country Truck Washes Program will not be accepted.

A Motion was Moved Councillor M O'KEEFE, Seconded Councillor R HOOKE:

That Council seek support of Infrastructure NSW for use of the grant funding under the Fixing Country Truck Washes Program in order to:

1. Prepare a detailed business case, project scope and feasibility study for a new multi-purpose truck wash facility;
2. Identify and select a preferred location for any such truck wash and if applicable, investigate securing ownership of the site;
3. If the business case is positive, prepare a complete engineering design of the truck wash facility with a costed budget ready for a competitive tender process should further funding be identified and the project proceeds; and
4. This use of the funds does not commit Council to proceed with the project unless it is satisfied with the financial viability of the project.

The Motion on being Put the meeting was Carried.

Council Resolution

Moved Councillor M O'KEEFE

Seconded Councillor R HOOKE

11.10/17 COUNCIL RESOLUTION:

That Council seek support of Infrastructure NSW for use of the grant funding under the Fixing Country Truck Washes Program in order to:

1. Prepare a detailed business case, project scope and feasibility study for a new multi-purpose truck wash facility;
2. Identify and select a preferred location for any such truck wash and if applicable, investigate securing ownership of the site;
3. If the business case is positive, prepare a complete engineering design of the truck wash facility with a costed budget ready for a competitive tender process should further funding be identified and the project proceeds; and
4. This use of the funds does not commit Council to proceed with the project unless it is satisfied with the financial viability of the project.

Councillor RG Swain requested her vote against the motion be recorded.

12.4 REQUEST FOR ASSISTANCE – NSW REGIONAL FIRE FIGHTING CHAMPIONSHIPS

Councillor D Moses and the Director Planning and Environmental Services declared an interest, left the Hall and took no part in discussion or consideration of this item.

AUTHOR Manager Public Facilities

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

12.10/17 COUNCIL RESOLUTION:

That Council allocates additional funding of up to \$1000 in the 2017/18 Parks and Gardens Operational Budget for the provision and collection of bins for waste for the Fire Rescue NSW Regional Championships 2018.

13. BUSINESS AND FINANCE

13.1 DRAFT 2016/17 FINANCIAL STATEMENTS

AUTHOR Financial Accountant

Council Resolution

Moved Councillor C FULLER

Seconded Councillor A LUKE

13.10/17 COUNCIL RESOLUTIONS:

That:

1. Council's Draft Financial Report is prepared in accordance with:
 - the Local Government Act 1993 (as amended) and the regulations made there under;
 - the Australian Accounting Standards; and
 - the Local Government Code of Accounting Practice and Financial Reporting.
2. The report presents fairly the Council's operating result and financial position for the year;
3. The report accords with Council's accounting and other records;
4. Council is not aware of any matter that would render this report false or misleading in any way;
5. Council's Draft Financial Report be referred to audit for finalisation;
6. Council delegate authority to the Mayor, Deputy Mayor and General Manager and Responsible Accounting Officer to sign the 'Statement by Council and Management' for inclusion within the report;
7. Council delegate authority to the General Manager to finalise the date at which the auditor's report and financial statements are to be presented to the public; and
8. Council delegate authority to the General Manager to set the authorised issue date upon receipt of the auditor's report.

13.2 2016/17 OPERATIONAL PLAN BUDGET CARRYOVERS

AUTHOR Management Accountant

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor J CAMPBELL

14.10/17 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 2017/18 Operational Plan as contained in the report and attachments, being budget allocation for carried forward works, be adopted; and
3. That an additional \$154,000 be allocated to the Swimming Pool Upgrade Project budget for inflation calculated based on the Consumer Price Index increase at 1.9%.

13.3 BUDGET VARIATION – SALEYARDS – CCTV CAPITAL PROJECT

AUTHOR Saleyards Manager

Council Resolution

Moved Councillor C FULLER

Seconded Councillor RG SWAIN

15.10/17 COUNCIL RESOLUTIONS:

1. That Council approve a budget variation for the Saleyards CCTV Project in the amount of \$7,000, being an increase in the budgeted capital expenditure allocation for the item from \$16,000 to \$23,000 in the 2017/18 financial year; and
2. The increased allocation be funded from the Saleyards Restricted Asset.

13.4 INVESTMENTS

AUTHOR Financial Accountant

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

16.10/17 COUNCIL RESOLUTION:

That the principal investment of \$66.7 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 C FULLER

Seconded Councillor D MOSES

17.10/17 COUNCIL RESOLUTION:

That the Council note that the items of the Planning Environment and Development Committee Meeting Report for the meeting held on Wednesday 4 October 2017 were dealt within the delegated powers of the Committee.

15. *QUESTIONS ON NOTICE*

Nil.

There being no further business, the meeting closed at 6:23pm.

**Mayor J Chaffey
CHAIRPERSON**