



GunnedahShire

GUNNEDAH SHIRE COUNCIL

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

Wednesday 18 September 2019

Consisting of Pages 1 to 10

(Minute Nos 1.09/19 to 29/09/19)

are confirmed as a true and correct record of the meeting
as per Minute No 1.10/19 of the
Ordinary Meeting held on 16 October 2019.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on Wednesday 18 September 2019 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30pm

1. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Kamilaroi people as the traditional custodians of the Land on which we gather today. I would also like to pay respect to Elders both past and present and extend that respect to other Aboriginal Australians present.

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements being Gavin Eric Moore, Thomas Ivan Stockdale, Kevin George Berryman, Patricia Ann Ruttle, Silvia Joy Grosser, Thomas Stanley Highlands, John Robert Langlands, Gordon Ernest Percy, Amy Doreen Dillon, Allison Joyce Brooks, Luke James Watson, Edgar Ray Kleinschafer, Herbert Edward McCann and Donald Darryl Withers.

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. PRESENT/APOLOGIES

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

5. PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

MOTION *Moved Councillor R HOOKE*
 Seconded Councillor J CAMPBELL

1.09/19 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 14 August 2019 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that meeting.

6. DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
J CHAFFEY	12.3	Public Reserves Management Fund – Gunnedah Jockey Club	X				Company I own provides transport services to Gunnedah Jockey Club
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

7. COMMUNITY PRESENTATIONS

Nil.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 DONATION OF PRIZES – ST MARYS COLLEGE

AUTHOR General Manager

MOTION Moved Councillor RG SWAIN
Seconded Councillor D MOSES

2.09/19 COUNCIL RESOLUTION:

That Council endorses the action of the General Manager in providing a monetary donation to St Mary's College for their annual school presentation.

9.2 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – 14-16 OCTOBER 2019

AUTHOR General Manager

MOTION Moved Councillor R HOOKE
Seconded Councillor D MOSES

3.09/19 COUNCIL RESOLUTION:

That Council endorse the attendance of Councillor C FULLER as one of Council's voting delegates in place of the Deputy Mayor, Councillor R HOOKE, at the 2019 Local Government NSW Annual Conference.

10. CORPORATE AND COMMUNITY SERVICES

10.1 ADMINISTRATION OF 2020 LOCAL GOVERNMENT ELECTION

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor A LUKE
Seconded Councillor RG SWAIN

4.09/19 COUNCIL RESOLUTIONS:

That Gunnedah Shire Council ("the Council") resolves:

- a. Pursuant to s296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ("LGA") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- b. Pursuant to s296(2), (3) and (5A) of the LGA, as applied and modified by s18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
- c. Pursuant to s296(2), (3) and (5A) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

10.2 TENDER FOR INSURANCE BROKERAGE SERVICES

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor RG SWAIN
Seconded Councillor C FULLER

5.09/19 COUNCIL RESOLUTION:

That Council allocates \$16,285.71 to the Governance Budget for the purpose of undertaking a group tender for insurance and that the budget allocation be drawn from unrestricted revenue.

10.3 2017-2021 DELIVERY PROGRAM – PROGRESS REPORT AS AT 30 JUNE 2019

AUTHOR Manager Governance and Legal

MOTION Moved Councillor A LUKE
Seconded Councillor RG SWAIN

6.09/19 COUNCIL RESOLUTION:

That the 2017-2021 Delivery Program Progress Report as at 30 June 2019 be received and noted.

10.4 COUNCILLOR PROFESSIONAL DEVELOPMENT PLAN

AUTHOR Manager Governance and Legal

MOTION Moved Councillor A LUKE
Seconded Councillor RG SWAIN

7.09/19 COUNCIL RESOLUTIONS:

1. That the Mayor and each Councillor seeks a meeting with the General Manager to finalise individual professional development plans; and
2. That the group training activities as detailed in this report be endorsed.

10.5 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR **Director Corporate and Community Services**

MOTION *Moved Councillor RG SWAIN*
Seconded Councillor C FULLER

8.09/19 **COUNCIL RESOLUTION:**

That the information be received and noted.

11. **PLANNING AND ENVIRONMENTAL SERVICES**

11.1 **GUNNEDAH WASTE MANAGEMENT FACILITY – ENVIRONMENT IMPAIRMENT LIABILITY**

AUTHOR **Manager Waste**

MOTION *Moved Councillor RG SWAIN*
Seconded Councillor D MOSES

9.09/19 **COUNCIL RESOLUTION:**

That Council allocate \$22,400 from the Domestic Waste Management Restricted Asset to the Domestic Waste Management Budget to insure the Gunnedah Waste Management Facility for Environmental Impairment Liability annually.

11.2 **WASTE MANAGEMENT – EXEMPTION FROM CHARGES FOR NOT-FOR-PROFIT CHARITIES (ORPHANED WASTE)**

AUTHOR **Manager Waste**

MOTION *Moved Councillor C FULLER*
Seconded Councillor J CAMPBELL

10.09/19 **COUNCIL RESOLUTION:**

That Council endorse the public exhibition of the draft Waste Management – Exemption from Charges for Not-for-Profit Charities (Orphaned Waste) Policy for a period of 28 days.

11.3 **HAY AND HARVEST FESTIVAL WORKING GROUP COMMUNITY NOMINATIONS**

AUTHOR **Manager Economic Development**

MOTION *Moved Councillor R HOOKE*
Seconded Councillor D MOSES

11.09/19 **COUNCIL RESOLUTIONS:**

1. *That the following appointments for community positions be made to the Hay and Harvest Festival Working Group.*
 - *Ms Rebecca Ryan*
 - *Ms Geraldine McKay*
 - *Ms Barbara McDonald*
 - *Ms Ingrid Kaineder*
2. *That each member of the Hay and Harvest Working Group be given a copy of the Working Group Terms of Reference.*

11.4 **NIGHTQUIP 2019 – POST EVENT REPORT**

AUTHOR **Economic Development Officer**

MOTION *Moved Councillor C FULLER*
Seconded Councillor M O'KEEFE

12.09/19 **COUNCIL RESOLUTIONS:**

1. That the report on NightQuip 2019 be received and noted.
2. That Council commit to NightQuip becoming an annual event to be held on the first Tuesday of Ag-Quip, with funds being drawn from existing Economic Development operational budget.
3. That Council prepare a letter to Service NSW to show appreciation and provide a copy of event findings.

11.5 **MURRAY DARLING ASSOCIATION 75TH ANNUAL CONFERENCE**

AUTHOR **Director Planning and Environmental Services**

MOTION *Moved Councillor RG SWAIN*
Seconded Councillor C FULLER

13.09/19 **COUNCIL RESOLUTION:**

That Council endorse the attendance of Councillor J CAMPBELL, Councillors J CHAFFEY and R HOOKE at the Murray Darling Association (MDA) Annual Conference in Toowoomba over the period 21 to 24 October 2019.

12. **INFRASTRUCTURE SERVICES**

12.1 **2019 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

AUTHOR **Director Infrastructure Services**

MOTION *Moved Councillor D MOSES*
Seconded Councillor R HOOKE

14.09/19 **COUNCIL RESOLUTION:**

That Council endorse the attendance of Councillor J CHAFFEY to accompany the Director Infrastructure Services to attend the 2019 National Local Roads and Transport Congress to be held at the Adelaide Hills Convention Centre on 18-20 November 2019.

12.2 **WANDOBAH/BOOLOOCOOROO WATER SUPPLY AREA SERVICING**

AUTHOR **Manager Water Services**

MOTION *Moved Councillor C FULLER*
Seconded Councillor A LUKE

15.09/19 **COUNCIL RESOLUTION:**

That Council allocate an additional \$35,000 from the Gunnedah Town Water Supply Restricted Asset to cover the additional estimated cost of constructing the water main extension through Mornington Heights Estate.

12.3 PUBLIC RESERVES MANAGEMENT FUND – GUNNEDAH JOCKEY CLUB

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

Deputy Mayor R Hooke assumed the Chair.

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor OC HASLER*
 Seconded Councillor RG SWAIN

16.09/19 COUNCIL RESOLUTION:

That Council contribute \$15,600.00 from the Public Reserves Management Fund towards the Gunnedah Jockey Club's 2018/19 operational expenses.

Mayor J Chaffey returned to the Chamber and assumed the Chair.

12.4 2019/20 FEES AND CHARGES - ADDITION

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor A LUKE*
 Seconded Councillor J CAMPBELL

17.09/19 COUNCIL RESOLUTION:

That Council resolve to place the proposed additions to the 2019/20 Fees and Charges relating to pool space hire on public exhibition for 28 days.

13. ENGINEERING SERVICES

13.1 **UNDERTAKING TO THE ENVIRONMENTAL PROTECTION AUTHORITY GIVEN FOR THE PURPOSE OF SECTION W53A OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

AUTHOR Chief Engineer

MOTION *Moved Councillor R HOOKE*
 Seconded Councillor C FULLER

18.09/19 COUNCIL RESOLUTIONS:

1. That Council endorses the actions of the General Manager to execute the enforceable undertaking; and
2. That the cost of \$27,748.29 for the enforcement undertaking be distributed across the operational areas of Works, Water and Sewer and Public Facilities.

14. BUSINESS AND FINANCE

14.1 DRAFT (REVISED) 2018/19 FINANCIAL STATEMENTS

AUTHOR Chief Financial Officer

MOTION *Moved Councillor RG SWAIN*
 Seconded Councillor R HOOKE

19.09/19 COUNCIL RESOLUTION:

That Council's revised Draft Financial Statements for 2018/19 be endorsed.

14.2 **GUNNEDAH REGIONAL SALEYARDS PRECINCT MASTERPLAN**

AUTHOR Chief Financial Officer

MOTION *Moved Councillor R HOOKE
Seconded Councillor RG SWAIN*

OFFICER'S RECOMMENDATION:

That Council adopt the Gunnedah Regional Saleyards Precinct Masterplan.

An Amendment was Moved Councillor M O'Keefe Seconded Councillor A Luke:

1. That Council adopt the Gunnedah Regional Saleyards Precinct Masterplan;
2. Investigate options for driving increased utilisation of the upgraded asset proposed in the Masterplan (ie use of education facility for training courses and/or canteen and dining facilities for events; and
3. Commence work on developing the Masterplan into one or multiple 'shovel ready' projects for the purpose of pursuing grant funding from all levels of government.

The Amendment on being put to the meeting was Carried.

The Amendment becomes the Motion.

The Motion on being put was Carried.

MOTION *Moved Councillor M O'KEEFE
Seconded Councillor A LUKE*

20.09/19 **COUNCIL RESOLUTIONS:**

1. That Council adopt the Gunnedah Regional Saleyards Precinct Masterplan.
2. Investigate options for driving increased utilisation of the upgraded asset proposed in the Masterplan (ie use of education facility for training courses and/or canteen and dining facilities for events; and
3. Commence work on developing the Masterplan into one or multiple 'shovel ready' projects for the purpose of pursuing grant funding from all levels of government.

14.3 **INVESTMENTS**

AUTHOR Coordinator – Accounting and Treasury

MOTION *Moved Councillor J CAMPBELL
Seconded Councillor A LUKE*

21.09/19 **COUNCIL RESOLUTION:**

That the principal investments of \$57.2 million for all funds to date be received and noted.

15. DELEGATE'S REPORT

15.1 **SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA (SEGRA) NATIONAL CONFERENCE**

AUTHOR Councillor OC Hasler

MOTION *Moved Councillor OC HASLER
Seconded Councillor A LUKE*

22.09/19 **COUNCIL RESOLUTION:**

That Council receives and notes the Delegate's Report of the Sustainable Economic Growth for Regional Australia (SEGRA) National Conference.

16. REPORTS TO COMMITTEES

16.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

AUTHOR Director Corporate and Community Services

MOTION Moved Councillor RG SWAIN
 Seconded Councillor C FULLER

23.09/19 **COUNCIL RESOLUTION:**

That Council note that all items of the Planning Environment and Development Committee Meeting held on 4 September 2019 were dealt with by the Committee within its delegated powers.

17. NOTICE OF MOTION/QUESTIONS WITH NOTICE

17.1 PROCUREMENT OF TOWN ENTRANCE SIGNS

AUTHOR Councillor OC Hasler

Given that there was some doubt about the final cost of the town entrance signage (because of the need to replace those first supplied by the sign company) could the Director Planning and Environmental Services please confirm the final figure for that signage.

The Director Planning and Environmental Services responded to the question.

CLOSED COUNCIL

MOTION Moved Councillor D MOSES
 Seconded Councillor C FULLER

24.09/19 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 Corporate and Community Services Report to Closed Council;
- b) Director Planning and Environmental Services Report to Closed Council; and
- c) Director Infrastructure Services Report to Closed Council.

18. CORPORATE AND COMMUNITY SERVICES

18.1 TENDER T1819-11 – PREFERRED SUPPLY PANEL FOR SUPPLY OF ELECTRICAL SERVICES

AUTHOR Manager Governance and Legal

MOTION Moved Councillor C FULLER
 Seconded Councillor RG SWAIN

25.09/19 **COUNCIL RESOLUTIONS:**

That Council appoints Power Control & Communication, Dries Electrical and Thomson Electrical by tender to the Preferred Supply Panel – Supply of Electrical Services (T1819-11).

19. PLANNING ENVIRONMENT AND DEVELOPMENT SERVICES

19.1 TENDER F3168 – NETWASTE AND NIRW TENDER FOR PROCESSING OF USED MATTRESSES

AUTHOR **Manager Waste**

MOTION *Moved Councillor RG SWAIN*
 Seconded Councillor C FULLER

26.09/19 COUNCIL RESOLUTIONS:

1. That Council appoints JLW Services as a single source tender for the period 1 July 2019 to 30 June 2021 for processing of used mattresses.
2. That a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2022, which can occur on two (2) successive occasions.
3. Council allocate \$12,000 from the Domestic Waste Management Restricted Asset to the 2019/20 Domestic Waste Management budget for processing of used mattresses.
4. That the General Manager be authorised to execute the contract documents on behalf of Council.

19.2 INTERIM/FUTURE CONTRACT(S) DEVELOPMENT – WASTE COLLECTION AND RECYCLABLES PROCESSING

AUTHOR **Manager Waste**

MOTION *Moved Councillor RG SWAIN*
 Seconded Councillor D MOSES

27.09/19 COUNCIL RESOLUTIONS:

That Council give delegation to the General Manager to negotiate by agreement, a 'short-term' Contract with each of the incumbent Contractors, having terms and conditions being generally similar to the existing contracts (except for expiry dates), outlined herein:

1. Kerbside Waste and Organics Collection Contract with J.R. and E.G. Richards (NSW) Pty Ltd ('JR Richards'), to expire on 30 June 2021 and in accordance with s55(3)(i) of the Local Government Act 1993 (NSW), whereby the means upon which the 'extenuating circumstances' exemption is based, to permit the extension without being required to invite tenders under s55 of the Act, are listed as:
 - (a) That the costs of mobilisation for a contract that is only for a 12-month period, would likely discourage any potential tenderer from participating other than JR Richards; and
 - (b) Council is committed to procuring a long-term waste collections contract that would include the collection of recyclables, which service is currently carried out under the contract with Gunnedah Workshop Enterprises Ltd trading as Recyclit ('Recyclit'); and
 - (c) In order to facilitate a single long-term wastes collection contract, that includes the recyclables collection service now being undertaken by Recyclit, Council requires the additional period until 30 June 2021 in order to properly plan and implement the procurement process for this new contract; and
 - (d) 2-year planning and implementation period from now until 30 June 2021 is consistent with the period recommended by the EPA in the EPA's Model waste and recycling collection contracts user guide for councils (EPA Guide).
The EPA Guide recommends in relation to the conclusion of waste contracts "a critical two year service development period prior to the current contract expiry date, encompassing four distinct phases, these being; Consultation and Planning, Prepare Tender Documents, Tendering and New Service Commissioning".

2. Kerbside Recyclables Collection and Processing Contract with Gunnedah Workshop Enterprises Ltd trading as Recyclit ('Recyclit'), to expire on 30 June 2021 using the exemption provisions in s55(3)(q) of the Local Government Act 1993 (NSW) without being required to invite tenders under s55 of the Act.
Once negotiations are considered to be complete, these short term Contracts must subsequently be reported to Council for consideration of a resolution to execute each.

20. INFRASTRUCTURE SERVICES

20.1 POOL KIOSK LEASE – 2019/20 SEASON

AUTHOR **Manager Public Facilities**

MOTION *Moved Councillor R HOOKE*
Seconded Councillor OC HASLER

28.09/19 COUNCIL RESOLUTIONS:

1. That Council endorse the leasing of the Gunnedah Memorial Pool Kiosk operations to Gunida Gunyah Aboriginal Corporation for the 2019/20 season.
2. That a report be brought back to the May 2020 Ordinary Meeting at the conclusion of the 2019/20 season with regard to the future operations of the Gunnedah Memorial Pool Kiosk.

RESOLUTION OUT OF CLOSED COUNCIL

Council Resolution
Moved Councillor R HOOKE
Seconded Councillor M O'KEEFE

29.09/19 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 concluded at 6:14pm.

Councillor J Chaffey
MAYOR