



Shire of
Gunnedah
Land of Opportunity

GUNNEDAH SHIRE COUNCIL

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

Wednesday 19 December 2018

Consisting of Pages 1 to 11
(Minute No 1.12/18 to 23.12/18)

are confirmed as a true and correct record of the meeting
as per Minute No 1.02/19 of the
Ordinary Meeting held on 20 February 2019.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES

Meeting of Gunnedah Shire Council held on Wednesday 19 December 2018 in the
Council Chambers, Elgin Street, Gunnedah commencing at 4:30pm

1. 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		
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 David Robinson, Colin William Snape, Adrian Simon Hampton, Julia May Smith, Kylie Anne Barker, Edward Charles Riley and Darrell Ernest Louis (Ted).

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
M O'KEEFE	18.1	CLOSED ITEM – Voluntary Planning Agreement – Whitehaven Coal Vickery Extension Project	X				Employed by Whitehaven Coal.
RG SWAIN	18.1	CLOSED ITEM – Voluntary Planning Agreement – Whitehaven Coal Vickery Extension Project		X			Son and son-in-law and work for the organisation.
J CHAFFEY	18.1	CLOSED ITEM – Voluntary Planning Agreement – Whitehaven Coal Vickery Extension Project	X				Companies I own supply services to Whitehaven Coal.
J CHAFFEY	11.4	Spirit of Christmas Fair 2018		X			Companies I own are members of the Chamber
A LUKE	11.4	Spirit of Christmas Fair 2018	X				Gunnedah and District Chamber of Commerce Member
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

5. COMMUNITY PRESENTATIONS/CONSULTATIONS

Nil.

6. PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Council Resolution

Moved Councillor R HOOKE

Seconded Councillor D MOSES

1.12/18 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on Wednesday 21 November 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

7.1 AFFORDABLE HOUSING

AUTHOR Councillor OC Hasler

That Council investigates the opportunity provided by State Environmental Planning Policy No 70 (SEPP 70) to provide affordable housing in Gunnedah Shire.

Council requests staff to prepare a report outlining the methodology and benefits of the implementation of this Planning Policy for application in Gunnedah Shire.

Council Resolution

Moved Councillor OC HASLER

Seconded Councillor A LUKE

2.12/18 COUNCIL RESOLUTIONS:

That should the State Government include all Councils in NSW, including Gunnedah Shire Council, in the application of SEPP 70 to provide affordable housing in Gunnedah, that Council staff prepare a report outlining the methodology and benefits of the implementation of this Planning Policy for application in Gunnedah Shire.

8. MAYORAL MINUTE

Nil.

9. GENERAL MANAGER'S OFFICE

9.1 GUNNEDAH & DISTRICT HISTORICAL SOCIETY – THE WAY WE WERE

AUTHOR General Manager

*Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor J CAMPBELL*

3.12/18 COUNCIL RESOLUTION:

That Council give its approval to Gunnedah & District Historical Society running a reprint of the publication The Way We Were.

9.2 ALGWA NSW ANNUAL CONFERENCE 2019

AUTHOR General Manager

*Council Resolution
Moved Councillor M O'KEEFE
Seconded Councillor D MOSES*

4.12/18 COUNCIL RESOLUTION:

That Council:

1. Approve to send a Councillor to the Australian Local Government Women's Association NSW Annual Conference for 2019; and
2. Nominate the Councillor approved to attend, being Councillor C FULLER.

10. CORPORATE AND COMMUNITY SERVICES

10.1 STRATEGIC ACQUISITION OF PROPERTY – 158 CONADILLY STREET

AUTHOR Director Corporate and Community Services

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor C FULLER*

5.12/18 COUNCIL RESOLUTIONS:

1. That Council calls tenders for architectural services associated with the development of the Cultural Precinct Master Plan and Cultural Precinct Redevelopment Concept Plan.
2. That the land known as Lot 181 DP533118, 158 Conadilly Street, Gunnedah be classified as Operational Land.

10.2 **INNOVATION IN OUTREACH SERVICES AWARD**

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor A LUKE

6.12/18 **COUNCIL RESOLUTION:**

That Council note that the Gunnedah Shire Council Library was the recipient of the NSW Public Libraries Association – Innovation in Outreach Services Award.

10.3 **OUTSTANDING RESOLUTION REGISTER**

AUTHOR Director Corporate and Community Services

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor J CAMPBELL

7.12/18 **COUNCIL RESOLUTION:**

That the information be received and noted.

11. **PLANNING AND ENVIRONMENTAL SERVICES**

11.1 **BUSINESS PARTNER PROGRAM ROUND TWO 2018/19**

AUTHOR Manager Economic Development

Council Resolution
Moved Councillor R HOOKE
Seconded Councillor C FULLER

8.12/18 **COUNCIL RESOLUTION:**

That Council endorse the allocation of \$4,810 under the 2018/19 Business Partner Program across several local businesses and organisations, subject to specific terms and conditions relating to each grant.

11.2 **TENTERFIELD SHIRE COUNCIL – WASTE TO ENERGY**

AUTHOR Manager Building and Environment

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor R HOOKE

9.12/18 **COUNCIL RESOLUTION:**

That Council support the concept in principle and continue to work with Tenterfield Shire Council in developing an energy from waste program.

11.3 GUNNEDAH KITCHENER PARK EVERYONE CAN PLAY IN NSW PLAYSACE GRANT

AUTHOR Community and Social Planner

Council Resolution

Moved Councillor C FULLER

Seconded Councillor D MOSES

10.12/18 COUNCIL RESOLUTIONS:

1. That Council endorse the proposal to apply for the Everyone Can Play in NSW Local Government Grant.
2. That Council endorse the co-contribution of up to \$48,000 allocated in the 2019/20 Parks and Gardens Operational Plan Playground Equipment Renewal Replacement Program to support the lodgement of the application.
3. That Council endorse the co-contribution of up to \$20,000 allocated in the 2019/20 Parks and Gardens Operational Plan Playground Shade Sail Program to be used to support the lodgement of the application.

11.4 SPIRIT OF CHRISTMAS FAIR 2018

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

Deputy Mayor R Hooke assumed the Chair for consideration of this item.

AUTHOR Manager Economic Development

OFFICER'S RECOMMENDATIONS:

1. That the report on the Spirit of Christmas Fair 2018 be received.
2. That Council endorse an annual financial contribution to the Gunnedah & District Chamber of Commerce and Industry for \$6,000 to the Gunnedah Spirit of Christmas Fair including in-kind contribution towards the costs associated with temporary road closure of Conadilly Street or that Council fund 60% of the total running costs of the Spirit of Christmas Fair whichever is the lessor.
3. That the annual contribution be drawn from the existing Economic Development Operational Plan,
1. That the financial support is conditional on the provision of an annual Summary Report within 4 weeks of completion of the Fair.

An Amendment was Moved Councillor OC Hasler, seconded Councillor D Moses:

That the original decision be adhered to and the organisation be notified of the decision as per the October meeting of Council on the basis that this recommendation is a direct negative to the original.

The Amendment on being Put to the meeting was Lost.

Council Resolution
Moved Councillor M O'KEEFE
Seconded Councillor RG SWAIN

11.12/18 COUNCIL RESOLUTIONS:

1. That the report on the Spirit of Christmas Fair 2018 be received.
2. That Council sponsor the Gunnedah & District Chamber of Commerce and Industry Spirit of Christmas Fair of up to the value of \$6,000 both financially and in-kind, on the condition that it will guarantee Gunnedah Shire Council ongoing status as the Gold Sponsor of the event.
3. That the annual contribution be drawn from the existing Economic Development Operational Plan.
4. That the financial support is conditional on the provision of an annual Summary Report within four weeks of completion of the Fair.

Mayor J Chaffey and Councillor A Luke returned to the Meeting.

12. INFRASTRUCTURE SERVICES

12.1 WANDOBAH CYCLEWAY ACTIVE TRANSPORT

AUTHOR Manager Works

Council Resolution
Moved Councillor RG SWAIN
Seconded Councillor C FULLER

12.12/18 COUNCIL RESOLUTIONS:

1. That Council note the acceptance of up to \$70,948 on a 50% Council co-contribution basis toward the Wandobah Road Cycleway project under the Roads and Maritime Services Active Transport Program; and
2. Upon completion of the Wandobah Road Cycleway project and finalisation of associated costs, that the balance of unspent Council funds be added to the \$133,673 already identified in the Delivery Plan for the 2019/20 financial year to the 2019/20 Operational Plan to fund further footpath and cycleway projects.

13. CHIEF ENGINEER

13.1 REPLACEMENT OF BORE NO 5

AUTHOR Manager Water Services

Council Resolution
Moved Councillor R HOOKE
Seconded Councillor J CAMPBELL

13.12/18 COUNCIL RESOLUTIONS:

1. That upon written approval from the Natural Resources Access Regulator (NRAR) for “a new or amended water supply work” that Council engage Mannion Water Drilling Services to drill a test hole to determine depth and final bore design for the replacement of Bore Number 5;
2. If a suitable source is located, augment the test hole to construct a production bore as a replacement for Bore Number 5; and
3. That \$95,000 be transferred from the Water Fund to complete the works.

13.2 DRAFT DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE – PUBLIC EXHIBITION

AUTHOR Chief Engineer

Council Resolution

Moved Councillor RG SWAIN

Seconded Councillor A LUKE

14.12/18 COUNCIL RESOLUTIONS:

That in relation to the report Draft Development Servicing Plans for Water Supply and Sewerage – Public Exhibition”, that Council:

1. Place the Draft Development Servicing Plan for Water Supply and Sewerage on public exhibition between 29 December 2018 until 8 February 2019;
2. Request the Chief Engineer prepare a workshop for Council following the completion of the exhibition period detailing submissions received during the exhibition; and
3. Allow Council to determine any modifications required to the draft Development Servicing Plans including cross subsidies prior to adoption at a future Council meeting.

13.3 EXECUTION OF COUNCIL SEAL – COMPENSATION FOR SECOND ROAD OVER RAIL PROJECT

AUTHOR Survey and Design Officer

Council Resolution

Moved Councillor A LUKE

Seconded Councillor R HOOKE

15.12/18 COUNCIL RESOLUTION:

That Council execute the Section 30 Deed of Release and Indemnity under the Seal of Council for the acquisition of land for the Second Road Over Rail Project.

14. BUSINESS AND FINANCE

14.1 INVESTMENTS

AUTHOR Financial Accountant

*Council Resolution
Moved Councillor A LUKE
Seconded Councillor M O'KEEFE*

16.12/18 COUNCIL RESOLUTION:

That the principal investment of \$58.7 million for all funds to date be received and noted.

15. PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE

15.1 PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE REPORT

AUTHOR Director Corporate and Community Services

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

17.12/18 COUNCIL RESOLUTION:

That Council note that all items of the Planning Environment and Development Committee Meeting held on 5 December 2018 were dealt with by the Committee within its delegated powers.

16. DELEGATES REPORT

16.1 DELEGATES REPORT – AUSTRALIAN REGIONAL TOURISM 2018 CONVENTION

**AUTHOR Councillor R Hooke
Tourism Team Leader**

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

18.12/18 COUNCIL RESOLUTION:

That Council receives and notes the Delegate's Report of the 2018 Australian Regional Tourism Convention.

17. QUESTION ON NOTICE

Councillor C Fuller:

Refer to my Motion on Blackjack Creek – could you please let us know where it is at, many residents would like to know if it has been sent back to Government for the changes. The Director Planning and Environmental Services provided a response to the Question on Notice.

CLOSED COUNCIL

*Council Resolution
Moved Councillor J CAMPBELL
Seconded Councillor D MOSES*

19.12/18 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) Director Planning and Environmental Services Report to Closed Council;
- b) Director Infrastructure Services Report to Closed Council; and
- c) Chief Engineer's Report to Closed Council.

18. PLANNING AND ENVIRONMENTAL SERVICES

18.1 VOLUNTARY PLANNING AGREEMENT (VPA) – WHITEHAVEN COAL VICKERY EXTENSION PROJECT

Mayor J Chaffey, Councillors RG Swain and M O'Keefe declared an interest, left the Chamber and took no part in discussion or consideration of this item.'

Deputy Mayor R Hooke assumed the Chair for consideration of this item.

SUSPENSION OF STANDING ORDERS IN COMMITTEE OF THE WOLE

A Motion was Moved Councillor OC HASLER, Seconded Councillor A LUKE to move into Committee of the Whole.

RESOLUTION OUT OF COMMITTEE OF THE WHOLE

A Motion was Moved Councillor J CAMPBELL, Seconded Councillor C FULLER to move back into Ordinary Meeting.

AUTHOR Director Planning and Environmental Services

OFFICER'S RECOMMENDATIONS:

- 1. That Council, in respect to the Vickery Extension Project Voluntary Planning Agreement, write to Whitehaven Coal advising that its offer is rejected.
- 2. That Council write to Whitehaven Coal advising that Option B is its position.

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

20.12/18 COUNCIL RESOLUTIONS:

- 1. That Council, in respect to the Vickery Extension Project Voluntary Planning Agreement, write to Whitehaven Coal advising that its offer is rejected.
- 2. That Council write to Whitehaven Coal advising that Option C is its position.

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 it relates to the potential utilisation of commercial information and it is not in the public interest to reveal information.

Mayor J Chaffey, Councillors RG Swain and M O'Keefe returned to the Chamber.

19. INFRASTRUCTURE SERVICES

19.1 TENDER SPT241819GUN REGIONAL PROCUREMENT – BLASTING AND CRUSHING OF COUNCILS QUARRIES

AUTHOR Manager Works

Council Resolution

Moved Councillor A LUKE

Seconded Councillor RG SWAIN

21.12/18 COUNCIL RESOLUTIONS:

That in relation to the report “Tender SPT241819GUN Regional Procurement – Blasting and Crushing of Council’s Quarries”, Council:

- 1. Approve that the following tender submissions be awarded this contract, SPT241819GUN:**
 - **Precinct Drill and Blast;**
 - **BMR Quarries Pty Ltd t/as Roadwork Industries;**
 - **OCON Services Pty Ltd.**
- 2. Commence the contract on 1 January 2019, for a period of 36 months and approve that provision be allowed for a 12 month extension based on satisfactory supplier performance which may extend the contract to 31 December 2022; and**
- 3. Authorise the Seal of the Council be affixed to the contract.**

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, ir*
 - 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.

20. CHIEF ENGINEER

20.1 CONTRACT – T1819-02 FIRE HYDRANT AND STOP VALVE MAINTENANCE

AUTHOR Chief Engineer

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

22.12/18 COUNCIL RESOLUTION:

That the information be received and noted.

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 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.

RESOLUTION OUT OF CLOSED COUNCIL

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

23.12/18 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 concluded at 6:13pm.

**Mayor J Chaffey
CHAIRPERSON**