



GunnedahShire

GUNNEDAH SHIRE COUNCIL

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

Wednesday 13 December 2023

Consisting of Pages 1 to 8
(Minute Nos 4.12/23 to 23.12/23)

are confirmed as a true and correct record of the meeting
as per Minute No 5.2/24 of the
Ordinary Meeting held on 21 February 2024.

GUNNEDAH

Mayor Jamie Chaffey
CHAIRPERSON

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on WEDNESDAY, 13 DECEMBER 2023 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30 PM.

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 Judy Ann Wise, Barbara Joan Smith, Delwyn Redman, Keith Lindsay Jacobs, Gloria Jean Mulherin, Maxwell Francis Pickering and Shirley Margaret George

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 minutes silence.

4. PRESENT/APOLOGIES

*MOTION Moved by Deputy Mayor Hooke
Seconded by Councillor Moses*

Present

Councillors

Mayor Jamie Chaffey
Councillor Colleen Fuller
Councillor Robert Huddle
Deputy Mayor Rob Hooke
Councillor Ann Luke
Councillor Juliana McArthur
Councillor Kate McGrath
Councillor David Moses

Staff

Director Corporate Services Kelly Stidworthy
Director Planning and Environmental Services Andrew Johns
Manager Public Facilities Ashley Gardner

Approved Leave of Absence

Councillor Murray O'Keefe,
General Manager Eric Groth,
Director Infrastructure Services Jeremy Bartlett

Absent

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1. NOVEMBER ORDINARY MEETING - 15 NOVEMBER 2023

MOTION Moved by Councillor Fuller

Seconded by Councillor Moses

4.12/23 COUNCIL RESOLUTION:

The Minutes of the Ordinary Meeting held on 15 November 2023 were received and it was **RESOLVED** that the minutes be adopted as a true and correct record of that Meeting.

6. STATEMENT OF ETHICAL OBLIGATIONS

In accordance with Section 233A of the Local Government Act 1993, Councillors are reminded of their oath or affirmation of office and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

7. DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
Mayor Chaffey	12.2	Business Partner Program Round Two 2023/2024		x			One of the Businesses named in the report is the competitor of a Business I own will be leaving the chambers
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

8. COMMUNITY PRESENTATIONS

Nil.

9. MAYORAL MINUTE

Nil.

10. GENERAL MANAGER'S REPORT

Nil.

11. DIRECTOR CORPORATE SERVICES' REPORT

11.1. REGIONAL DEVELOPMENT ACT 2004 REVIEW

*MOTION Moved by Councillor McGrath
Seconded by Councillor Fuller*

5.12/23 COUNCIL RESOLUTION:

That Council considers the information provided on the *Regional Development Act 2004* review and endorses the submission outlined in the report.

11.2. POLICY REVIEW

*MOTION Moved by Councillor McGrath
Seconded by Councillor Fuller*

6.12/23 COUNCIL RESOLUTION:

1. That the draft policies identified in Table 1 and attached to this report be endorsed and placed on public exhibition for a period of twenty-eight (28) days, then formally adopted by Council should no submissions be received.
2. That Council receive a further report at the conclusion of the public exhibition period if submissions were received
3. That the policies identified in Table 2 be formally retired.

11.3. 2023/24 FIRST QUARTER PROJECT PROGRESS REPORT

*MOTION Moved by Councillor McArthur
Secoded by Councillor Moses*

7.12/23 COUNCIL RESOLUTION:

That the first quarter project progress report for 2023/24 be received and noted.

11.4. INVESTMENTS - NOVEMBER 2023

*MOTION Moved by Councillor Luke
Secoded by Councillor McArthur*

8.12/23 COUNCIL RESOLUTION:

1. That the principal investments of \$91.635 million for all funds to date be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted and report adopted.

11.5. OUTSTANDING RESOLUTION REGISTER

*MOTION Moved by Councillor Luke
Secoded by Councillor Moses*

9.12/23 COUNCIL RESOLUTION:

That the Outstanding Resolution Register information be received and noted.

12. DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT

12.1. RESPONSE TO COUNCIL RESOLUTION 18.10/23 - BUSINESS HOUSE GALA BALL REPORT

*MOTION Moved by Councillor Hoddle
Secoded by Councillor Fuller*

10.12/23 COUNCIL RESOLUTION:

That Council receive and note the 2023 Business Gala Ball Event Report as presented by the Gunnedah Chamber of Commerce.

12.2. BUSINESS PARTNER PROGRAM ROUND TWO 2023/24

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

item.

Deputy Mayor Hooke assumed the Chair.

MOTION *Moved by Councillor Fuller*
 Secoded by Councillor Moses

11.12/23 COUNCIL RESOLUTION:

1. That Council endorse the allocation of \$31,538.25 under Round Two of the 2023/24 Business Partner Program across seven local businesses and organisations, subject to specific terms and conditions relating to each grant.
2. That the funds be drawn from the 2023/24 Business Partner Program budget allocation.

Mayor Chaffey returned to the Chambers at 04:56 pm and assumed the Chair

12.3. ENDORSEMENT OF SUBMISSION TO DRAFT ENERGY POLICY FRAMEWORK

MOTION *Moved by Councillor Luke*
 Secoded by Councillor Fuller

12.12/23 COUNCIL RESOLUTION:

That Council endorse the submission on the Draft Energy Policy Framework to the Department of Planning and Environment.

12.4. PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL TO REZONE 671 WANDOBDAH ROAD, GUNNEDAH FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL AND APPLY A MINIMUM LOT SIZE OF 9,000M²

MOTION *Moved by Councillor Fuller*
 Secoded by Councillor McGrath

13.12/23 COUNCIL RESOLUTION:

That Council resolves to:

1. Endorse the draft Voluntary Planning Agreement (VPA) for public exhibition to ensure that the upgrade works to the pump capacity at Links Road Reservoir are paid to guarantee that the land can be serviced by Council's reticulated water supply in order to support the planning proposal;
2. Should submissions be received during the public exhibition period, the submissions on the draft VPA will be reported to Council for review along with the draft VPA for endorsement;
3. Should no submissions be received during the public exhibition period, Council endorses the draft VPA;
4. Subject to the VPA being entered into before the draft planning proposal is finalised, endorse the proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
 - a. Amend the Land Zoning Map (LZN_005A) to rezone Lot 47 DP 755474 – 671 Wandobah Road, Gunnedah from RU1 Primary Production to R5 Large Lot Residential;
 - b. Amend the Land Zoning Map (LZN_005) to rezone Lot 47 DP 755474 and Lot 4 DP 114767-671 Wandobah Road, Gunnedah from RU1 Primary Production to R5 Large Lot Residential;

- c. Amend the Lot Size Map (LSZ_005A) to apply a minimum lot size restriction of 9,000m² to Lot 47 DP 755474 – 671 Wandobah Road, Gunnedah; and
 - d. Amend the Lot Size Map (LSZ_005) to apply a minimum lot size restriction of 9,000m² to Lot 47 DP 755474 and Lot 4 DP114767 – 671 Wandobah Road, Gunnedah.
5. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
 6. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

For: Mayor Chaffey, Councillor Fuller, Councillor Hoddle, Deputy Mayor Hooke, Councillor Luke, Councillor McArthur, Councillor McGrath, Councillor Moses

Against: None

Absent: Councillor O'Keefe

Declared Interest: Nil

12.5. PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL TO CHANGE THE MINIMUM LOT SIZE OF 109-139 KAMILAROI ROAD, GUNNEDAH FROM 1.2HA TO 9,000M²

*MOTION Moved by Councillor Hoddle
Seconded by Deputy Mayor Hooke*

14.12/23 COUNCIL RESOLUTION:

That Council resolves to:

1. Endorse the draft planning proposal, prepared pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Gunnedah Local Environmental Plan 2012 to:
 - a. Amend the Lot Size Map (LSZ_005AA) to apply a minimum lot size restriction of 9,000m² to Lot 14 DP 864066 – 109-139 Kamilaroi Road, Gunnedah.
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and
3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

For: Mayor Chaffey, Councillor Fuller, Councillor Hoddle, Deputy Mayor Hooke, Councillor Luke, Councillor McArthur, Councillor McGrath, Councillor Moses

Against: None

Absent: Councillor O'Keefe

Declared Interest: Nil

12.6. APPLICATION TO MODIFY DEVELOPMENT CONSENT NO. 2023/041.002, REMOVE CONDITION REFERENCING CONSTRUCTION CERTIFICATE OR OCCUPATION CERTIFICATE AND AMEND DEVELOPMENT PLANS - LOT 2 DP 155982 - 34 TALIBAH STREET, GUNNEDAH

MOTION *Moved by Deputy Mayor Hooke*
Seconded by Councillor Fuller

15.12/23 COUNCIL RESOLUTION:

That the Application to Modify Development Consent No.2023/041.002, for the amendment to development plans and removal of references to Construction Certificate and Occupation Certificate, at Lot 2 DP 155982, 34 Talibah Street Gunnedah, be approved and the amended conditions contained within Attachment 1 Draft Conditions of Consent, to this report be imposed as conditions of consent.

For: Mayor Chaffey, Councillor Fuller, Councillor Hoddle, Deputy Mayor Hooke, Councillor Luke, Councillor McArthur, Councillor McGrath, Councillor Moses
Against: None
Absent: Councillor O'Keefe
Declared Interest: Nil

13. DIRECTOR INFRASTRUCTURE SERVICES' REPORT

13.1. GUNNEDAH LOCAL TRAFFIC ADVISORY COMMITTEE MEETING - 3 NOVEMBER 2023

MOTION *Moved by Councillor Moses*
Seconded by Councillor Luke

16.12/23 COUNCIL RESOLUTION:

That Council supports the committee's recommendation that the Weeks of Speed 'Tractor Trek parade' event occur subject to required notifications, Traffic Guidance Scheme (prepared by Council) and Road Occupancy Licences (obtained by Council) depicting a full road closure for the duration of the parade, and due consideration being given to emergency services and CBD business operators. Most importantly, the documents need to be provided to NSW Police for consideration and approval of the Public Assembly.

14. REPORT OF COMMITTEES

14.1. AUDIT COMMITTEE MEETING REPORT

MOTION *Moved by Councillor McArthur*
Seconded by Councillor Moses

17.12/23 COUNCIL RESOLUTION:

That the Minutes of the Audit Committee meeting held 5 December 2023 be received and noted.

14.2. PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING REPORT

MOTION *Moved by Deputy Mayor Hooke*
Seconded by Councillor McArthur

18.12/23 COUNCIL RESOLUTION:

That Council note that all items of the Planning Environment and Development Committee Meeting held on 6 December 2023 were dealt with by the Committee within its delegated powers.

15. DELEGATE'S REPORT

Nil.

16. NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil.

CLOSED MEETING

MOTION *Moved by Councillor Luke*
 Seconded by Councillor Moses

19.12/23 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:

Director Infrastructure Services Report to Closed Council

17. GENERAL MANAGER REPORT TO CLOSED COUNCIL

Nil.

18. DIRECTOR CORPORATE SERVICES' REPORT TO CLOSED COUNCIL

Nil.

19. DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT TO CLOSED COUNCIL

Nil.

20. DIRECTOR INFRASTRUCTURE SERVICES REPORT TO CLOSED COUNCIL

20.1. TENDER T2223-20 - CIVIL CONSTRUCTION SUPPLY PANEL - WATER AND WASTE WATER

MOTION *Moved by Councillor Luke*
 Seconded by Councillor Fuller

20.12/23 COUNCIL RESOLUTION:

1. That Council award, following a company financial assessment, Daracon P/L, PJ Plumbing & Civil Construction P/L, TCM Civil P/L, Trazlbat P/L & Killard Infrastructure P/L to T2223-20 Civil Construction Supply Panel - Water and Waste Water panel contract, for the period 1 January 2024 to 31 December 2026.
2. That a provision be allowed for a one (1) year extension based on satisfactory supplier performance, which may take this contract through to 31 December 2027.
3. That the General Manager be authorised to execute the contract documents on behalf of Council as per delegated authority.

20.2. TENDER SPT432324GUN - SUPPLY AND DELIVERY OF ROAD BASE MATERIALS

MOTION *Moved by Deputy Mayor Hooke*
 Seconded by Councillor Moses

21.12/23 COUNCIL RESOLUTION:

1. That Council approve the following submissions be awarded the contract relating to Tender SPT432324GUN, for the period 1 January 2024 to 31 December 2026 for the Supply and Delivery of Road Base Materials:
 - Mackellar Excavations
 - Regional Quarries
 - BMR Quarries
2. That a provision be allowed for a one (1) year extension based on satisfactory supplier

performance, which may take this contract through to 31 December 2027.

3. That the General Manager be authorised to execute the contract documents on behalf of Council as per delegated authority.

20.3. TENDER T2324-02 – PREFERRED SUPPLY PANEL FOR PLANT AND EQUIPMENT HIRE SERVICES

MOTION *Moved by Councillor Luke*
 Seconded by Councillor McGrath

22.12/23 COUNCIL RESOLUTION:

1. That Council awards the recommended suppliers contracts for Supply of Plant/Equipment Hire Services Panel (T2324-02), for the period of 1 January 2024 to 31 December 2026, subject to confirmation of current insurances.
2. That a provision be allowed for a one (1) year extension based on satisfactory supplier performance, which may take this contract through to 31 December 2027.
3. That the General Manager be authorised to execute the contract documents on behalf of Council as per delegated authority.

RESOLUTION OUT OF CLOSED COUNCIL

MOTION *Moved by Deputy Mayor Hooke*
 Seconded by Councillor Moses

23.12./23 COUNCIL RESOLUTION

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

MEETING CONCLUDED

There being no further business, the meeting concluded at 05:21 pm.

Councillor J Chaffey
MAYOR