



MINUTES
OF THE
ORDINARY MEETING
OF
GILGANDRA SHIRE COUNCIL
HELD ON
20 FEBRUARY 2018

PRESENT

Councillors

D Batten (Mayor)
A Walker (Deputy Mayor)
S Baker
G Johnson
B Mockler
D Naden
N Mudford
G Peart
N Wrigley

Employees

D J Neeves
General Manager
N J Alchin
Director Corporate Services
M Wilson
Director Community Services
M Linton-Harland
Acting Director Infrastructure
L Mathieson
Director Planning & Environment
J Prout
Executive Assistant
R Medd
Economic Development Manager

Proceedings of the meeting commenced at 4.00pm

LEAVE OF ABSENCE

Nil

ADJOURNMENTS

Nil

DECLARATIONS OF INTEREST

Nil

CONFIRMATION OF MINUTES

RESOLVED 3/18	Cr Johnson/Cr Walker
That the minutes of the Ordinary meeting held on 19 December 2017, which were circulated to members prior to this meeting, be hereby confirmed as a faithful record of the meeting referred to.	

RESOLVED 4/18	Cr Walker/Cr Johnson
That the minutes of the Extraordinary meeting held on 29 January 2018, which were circulated to members prior to this meeting, be hereby confirmed as a faithful record of the meeting referred to.	

LISTING OF MATTERS
TO BE CONSIDERED IN CLOSED COUNCIL

RESOLVED 5/18	Cr Peart/Cr Naden
That Council note the following matters to be listed as specified under Section 10 (2) of the Local Government Act 1993:	
<ul style="list-style-type: none">○ Staff – annual leave (a)○ Tender – Supply and delivery of gravel (c)○ Inland Rail Project (d)○ Tenancy Occupancy Agreement (a)	

RESOLVED 6/18	Cr Peart/Cr Naden
That the Press and Public be excluded from the meeting by reason of the confidential nature of the matters to be considered in line with the confidentiality policy of Council and Clause 10 (2) of the Local Government Act, 1993, relating to financial matters, staff matters, industrial matters, acceptance of tenders, personal affairs of private individuals, possible or pending litigation and such other matters considered appropriate.	

RESOLVED 13/18	Cr Baker/Cr Peart
That the General Manager, Mr David Neeves, in line with Clauses 9(3), 377 and 335 of the Local Government Act, 1993, list all business relating to financial matters, staff matters, industrial matters, acceptance of tenders, personal affairs of private individuals, possible or pending litigation and such other matters considered appropriate in line with the confidentiality policy of Council and Clause 10 (2) of the Act for consideration by the next meeting of the Council as such matters are deemed to be of confidential nature or such that Council's interest may be prejudiced by publicity, that the press and public be excluded from the meeting, provided however that, at the discretion of the Mayor, interested parties and/or their agents be granted approval to address the Council so that they are provided with the opportunity to substantiate any proposals under consideration and answer any questions from Councillors in relation thereto.	

RESCISSION MOTION

SUMMARY

To present a rescission motion submitted on 30 January 2018.

RESOLVED 14/18	Cr Walker/Cr Mockler
That motion 2/18: <i>"That Council submit an application under the Growing Local Economies Fund to upgrade the intersection of the Oxley Highway and Berida Innisfail Road necessitated by the condition of approval for the proposed quarry"</i> be rescinded.	

RESOLVED 15/18	Cr Mockler/Cr Walker
That Council submit an application under the Growing Local Economies Fund to upgrade either the intersection of the Oxley Highway and Berida Innisfail Road or an alternative private road intersection with the Oxley Highway which is being considered by the Berakee Quarry development.	

Proceedings in Brief

Finance Manager, Mr Guy McAnally-Elwin entered the meeting at 4.40pm.

(GO.CO.1)

MAYORAL MINUTE - 1/18 **MAYORAL COMMITMENTS**

SUMMARY

To advise Council of the Mayor's activities during the preceding month.

Proceedings in Brief

The Mayor advised he had also attended the funeral of Cr Tom Cullen of Coonamble Shire Council on Saturday.

RESOLVED 16/18	Cr Batten
That the report be noted.	

(GO.AM.1)

JOINT ORGANISATIONS

SUMMARY

To finalise Council's position in relation to regional Joint Organisations.

Proceedings in Brief

The General Manager gave an update on the regulations associated with Joint Organisations which were distributed on Friday.

RESOLVED 17/18	Cr Peart/Cr Walker
That, in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Gilgandra Shire Council resolves:	
<ol style="list-style-type: none">1. To inform the Minister for Local Government of Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with the resolution2. To approve the inclusion of Gilgandra Shire in the Joint Organisation's area.3. Endorse that the Joint Organisation be established to cover Gilgandra Shire area and any one or more of the following council areas:<ul style="list-style-type: none">• Bogan Shire Council• Bourke Shire Council• Brewarrina Shire Council• Cobar Shire Council• Coonamble Shire Council• Dubbo Regional Council• Mid-Western Regional Council• Narromine Shire Council• Walgett Shire Council• Warren Shire Council• Warrumbungle Shire Council4. That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.5. That on the expiry of a period of 28 days from the making of this resolution, the General Manager inform with the Minister that this resolution has not been rescinded.	

RAILWAY STREET STORMWATER DRAINAGE

SUMMARY

To provide an update on the installation of culverts under the railway line with plans to direct stormwater from Hargraves Lane under the railway line.

MOTION	Cr Mockler/Cr Walker
<ol style="list-style-type: none">1. That Council approve the installation of the stormwater culverts through the Railway corridor.2. That Council note the price estimate supplied by John Holland of \$275k to carry out the work utilising underbore technology and authorise the General Manager to negotiate a lesser price based on the revised methodology of open cut excavation through the rail corridor. Such work is to be undertaken without the need for public tender due to the unavailability of competitive tenders and the specific licensing authorities required to undertake the works.3. That Council transfer additional funds from the stormwater reserves, which currently sit at \$149,132 to meet any cost in excess of the \$100,000 stormwater delivery works in the 2017/18 budget which currently remains unspent.	

AMENDMENT	Cr Baker/Cr Wrigley
<ol style="list-style-type: none">1. That Council approve the installation of the stormwater culverts through the Railway corridor.2. That Council note the price estimate supplied by John Holland of \$275k to carry out the work utilising underbore technology and authorise the General Manager to negotiate a lesser price based on the revised methodology of open cut excavation through the rail corridor. Such work is to be undertaken without the need for public tender due to the specific licensing authorities required to undertake the works.3. That Council transfer additional funds from the stormwater reserves, which currently sit at \$149,132 to meet any cost in excess of the \$100,000 stormwater delivery works in the 2017/18 budget which currently remains unspent.	

The amendment was put and lost.

The motion was put and CARRIED.

RESOLVED 18/18	Cr Mockler/Cr Walker
<p>1. That Council approve the installation of the stormwater culverts through the Railway corridor.</p> <p>2. That Council note the price estimate supplied by John Holland of \$275k to carry out the work utilising underbore technology and authorise the General Manager to negotiate a lesser price based on the revised methodology of open cut excavation through the rail corridor. Such work is to be undertaken without the need for public tender due to the unavailability of competitive tenders and the specific licensing authorities required to undertake the works.</p> <p>3. That Council transfer additional funds from the stormwater reserves, which currently sit at \$149,132 to meet any cost in excess of the \$100,000 stormwater delivery works in the 2017/18 budget which currently remains unspent.</p>	

(GO.AU.1)

DELEGATIONS TO GENERAL MANAGER

SUMMARY

To advise a review of the General Manager's delegations has taken place and seek Council's endorsement to update.

RESOLVED 19/18	Cr Mockler/Cr Johnson
That Council adopt the proposed changes to the General Manager's Delegations as outlined in the report.	

(CM.PR.1)

SAFETY IMPROVEMENT PROGRAM

SUMMARY

To provide an update on the Safety Improvement Program being implemented by Council.

RESOLVED 20/18	Cr Johnson/Cr Peart
That the report be noted.	

(FM.IN.1)

2017/18 QUARTERLY OPERATIONAL PLAN REVIEW TO 31 DECEMBER 2017

SUMMARY

To consider progress for the December quarter with Council's 2017/18 Operational Plan.

RESOLVED 21/18	Cr Walker/Cr Johnson
That the 2017/18 Operational Plan Review for the quarter ended 31 December 2017 be adopted.	

(FM.FR.1)

QUARTERLY BUDGET REVIEW – 31 DECEMBER 2017

SUMMARY

To detail the variances to the original estimates for the 2017/18 financial year as presented in the Quarterly Budget Review as at 31 December 2017. Also, to report as to whether the Quarterly Budget Review indicates that the financial position of Council is satisfactory, having regard to the original estimates adopted by Council.

RESOLVED 22/18	Cr Mockler/Cr Wrigley
That the Quarterly Budget Review document and report as at 31 December 2017 be adopted.	

Proceedings in Brief

Mr Guy McAnally-Elwin left the meeting at 5.15pm.

DRAFT CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

SUMMARY

To endorse a submission on the draft Model Code of Meeting Practice for Local Councils in NSW.

RESOLVED 23/18	Cr Mockler/Cr Walker
<ol style="list-style-type: none">1. That Council endorse the non-mandatory provisions of Quorum; Motions requiring the Expenditure of funds and Recommitting resolutions to correct an error (as listed in the report and the draft Model Code of Meeting Practice for Local Councils in NSW) as provisions deemed mandatory.2. That Council oppose the proposed non-mandatory provision of Pre-Meeting Briefing Sessions and Public Forums.3. That a submission be made to the Office of Local Government by 16 March 2018 outlining Council's determination.	

DA 2018/237

SUMMARY

To present Development Application 2018/237 for determination.

RESOLVED 24/18	Cr Peart/Cr Mockler
That Development Application 2018/237, for Proposed Landscaping Material Supply Business and Rural Industry at Lot 12 DP 753382, be refused for the following reasons:	
a) The intended use is prohibited in the R5 Large Lot Residential Zone.	
b) The proposed development does not comply with the objectives of the R5 Zone (or the SP2 zone).	
c) The R5 zone adjoins the SP2 Zone (not the RU1 zone), therefore the use of Clause 5.3 of the Gilgandra LEP 2011 as suggested in the application is invalid.	
d) A precedent would be set with the inappropriate use of Clause 5.3 of the Gilgandra LEP 2011.	

Division

For: Crs Johnson, Walker Peart, Mockler, Naden, Batten
Against: Crs Baker, Mudford and Wrigley

Proceedings in Brief

It was noted that the applicant would be encouraged to reapply with a DA in relation to Shire land zoned specifically for the commercial use intended in the application, such as the Gilgandra Industrial Park or some other zoning location suitable for and compliant with the purpose of the applicant's business enterprise.

(A1146)

REQUEST FOR DEPARTURE FROM COUNCIL'S DEVELOPMENT CONTROL PLAN 2011

SUMMARY

To consider a request from Ms Dianne Eaton to vary the minimum lot size of 2,000m² required for on-site sewage management systems within unsewered areas at her property at 13 Aimee Street, Tooraweenah.

RESOLVED 25/18	Cr Walker/Cr Mudford
1. That Council support in principal the request for variation from the Gilgandra Development Control Plan 2011 to vary the minimum size of a residential dwelling lot from 2,000m ² to 1,530m ² at 13 Aimee Street, Tooraweenah, to allow for the installation of a suitable on-site sewage management system.	
2. That a future condition of consent requires the amalgamation Lots 4 and 5, Sec 3 of DP7129, Bridge Street, Tooraweenah, to allow for safe disposal of effluent.	
3. That, in accordance with section 375A of the Local Government and Planning Legislation Amendment (Political Donations Act) 2008, the names of Councillors who support and oppose the decision be recorded.	

Division

For: Crs Walker, Mudford, Mockler, Peart, Johnson, Wrigley, Batten, Baker, Naden
Against: Nil

(LS.LI.1)

DANGEROUS DOG COURT MATTER

SUMMARY

To advise the outcome of a court matter concerning Declared Dangerous Dogs.

RESOLVED 26/18	Cr Johnson/Cr Mudford
That the report be noted.	

SECTION 94 CONTRIBUTIONS

SUMMARY

To seek a resolution from Council to investigate a Section 94 Contributions plan suitable for extractive industries.

RESOLVED 27/18	Cr Mockler/Cr Peart
1. That Council staff investigate the options available for Section 94 plans to best suit the needs of the Gilgandra Local Government area, including extractive industries.	
2. That a further report be presented to Council.	

MINUTES – COMMITTEE MEETINGS FOR ADOPTION

SUMMARY

To present the following minutes of Committee meetings for consideration and adoption.

<u>Aged Care Committee</u>	1 February 2018
<u>Disability Services Committee</u>	8 February 2018

RESOLVED 28/18	Cr Peart/Cr Johnson
That the above listed Committee minutes be adopted.	

MINUTES – COMMITTEE MEETINGS FOR NOTATION

SUMMARY

To present the following minutes of Committee meetings for notation.

<u>Consultative Committee</u>	6 February 2018
<u>Health & Safety Committee</u>	1 February 2018
<u>Interagency</u>	1 February 2018

RESOLVED 29/18	Cr Johnson/Cr Naden
That the above listed Committee minutes be noted.	

REPORTS FOR INFORMATION AND NOTATION

SUMMARY

To present reports for information and notation.

Proceedings in Brief

It was noted that the median strip has now been removed from Myrtle St (western side of Wamboin St) and that Council staff had met with SES representatives this morning to progress the matter of a combined emergency services headquarters.

RESOLVED 30/18	Cr Mudford/Cr Mockler
That the reports be noted.	

PRECIS OF CATEGORY B CORRESPONDENCE

SUMMARY

To pass on relevant information from correspondence received.

RESOLVED 31/18	Cr Naden/Cr Walker
That receipt of the Category B correspondence be noted.	

LATE ITEMS

Extraordinary Meeting

It was determined to hold an Extraordinary meeting in conjunction with the Councillor workshop on 6 March to consider the Cooe Lodge Villa Unit tenders.

Local Environmental Plan

It was suggested that the Department of Planning be asked to provide a representative to address Council on the process involved to review Council's development Control Plan at Council's March meeting.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.50PM.

Cr D Batten
Mayor