

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next Meeting of Council will be held in the Council Chambers on **Thursday, 23 December 2021 at 9.00am.**

Agenda

1. Affirmation or Oath for all Councillors
2. Election of Mayor and Deputy Mayor
3. Submission of Questions for Next Meeting
4. National Anthem
5. Prayer
6. Acknowledgement of Traditional Owners:
"I acknowledge the traditional custodians of the land on which we live, work and play. I pay my respects to our Elders past and present and thank them for the contribution they have made, and continue to make, in the cultural identity of our nation."
7. Commencement of recording
8. Apologies
9. Declarations of Interest

At this juncture, Councillors should indicate any items in which they have an interest and therefore will not be participating in discussion or voting.
10. Confirmation of Minutes
 - Ordinary meeting held on 23 November 2021
11. Reports



David Neeves
General

ELECTION OF MAYOR

SUMMARY

To elect Council's Mayor for the forthcoming period.

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Section 290 (l) (b) of the Local Government Act 1993 provides that the election of the Mayor by the Councillors, if first election after an ordinary election, is to be held within three (3) weeks after the ordinary election.

An amendment to the Act (Section 230 (1) provides that a Mayor elected by the Councillors (on or after 30 August 2016) holds the Office of Mayor for two years commencing on the day the person elected to the Office is declared to be so elected.

Nomination

The regulations under the Local Government Act, 1993, provide that a Councillor may be nominated without notice for election as Mayor. Nominations are to be made in writing by two or more Councillors (one of whom may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing. (Nomination forms for both the Mayoral and Deputy Mayoral positions have been forwarded separately with this business paper).

The nomination is to be delivered or sent to the Returning Officer or handed to the Returning Officer at the meeting.

Returning Officer

The regulations (Clause 1) under the Act provide for the General Manager to be the Returning Officer for Mayoral elections.

Method of Election

If only one councillor is nominated, that councillor is elected.

Where more than one candidate nominates for election, the Council is to resolve whether the election is to proceed by:

- (a) ordinary ballot
- (b) preferential ballot
- (c) open voting

Open voting means voting by a show of hands or similar means, while the ballots referred to are to be secret ballots.

Where the election is by ballot, it will be conducted by the preparation, marking and counting of ballot-papers in the presence of the Council and the General Manager/Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.

In cases where there are only two candidates, the ordinary ballot or open voting methods are considered most efficient and also allow for the election of Mayor if more than two candidates stand. Council has previously adopted the ordinary ballot method of voting.

Where there are more than two candidates, the preferential ballot may be utilised.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Plan Actions</u>	4.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That, should there be two or more nominations received for the position of Mayor for the ensuing term, an election be conducted by way of ordinary ballot.

David Neeves
General Manager

ELECTION OF DEPUTY MAYOR

SUMMARY

To consider election of a Deputy Mayor for the forthcoming period.

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Section 231 of the Local Government Act 1993 authorises a Council to elect one of its Members as Deputy Mayor who may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.

Section 231 states:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Firstly, Council must determine if it will elect a Deputy Mayor and the length of term. Secondly, if it decides in the affirmative, it should determine the procedure for such election.

As with Mayoral elections, if only one councillor is nominated, that councillor is elected and, where more than one candidate nominates for election, the Council is to resolve whether the election shall be carried out by:

- (a) ordinary ballot
- (b) preferential ballot
- (c) open voting

It is suggested that, in the event of an election, the procedure should be the same as in the case of the election of Mayor.

As noted earlier, nomination forms are included with the Business paper and ballot papers will be available for use if required.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Plan Actions</u>	4.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

1. That Council elect a Deputy Mayor for the ensuing two year Mayoral term.
2. That should there be two or more nominations received for the position of Deputy Mayor, an election be conducted by way of ordinary ballot

David Neeves
General Manager

(GO.CO.1)

COUNCILLOR CASUAL VACANCIES

SUMMARY

To consider how best to fill any vacancies occurring in the office of Council with 18 months of the election.

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Councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means – councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Act).

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Plan Actions</u>	4.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That Council fill any vacancies occurring in the office of Council, within 18 months of the election, by means of a countback of votes cast at the 2021 elections.

David Neeves
General Manager

(GO.CO.1)

DATES AND TIMES FOR ORDINARY MEETINGS

SUMMARY

To consider the date and time of Council's ordinary meetings.

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The first Clause of Council's Code of Meeting Practice refers to meeting requirements as follows:

- 1.1 Council is required to meet at least ten (10) times each year, each time in a different month. *(Section 365 Local Government Act 1993)*
- 1.2 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extra-ordinary meeting of Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request. *(Section 366 Local Government Act 1993)*
- 1.3 Ordinary Meetings of Council are currently held on the third Tuesday of each month, commencing at 4 pm. *(Council resolution)*

Principal Activity

Strategic Leadership

Policy Implications

Nil

Budget Implications

Nil

Delivery Plan Actions

4.1.2.3

Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That Council continue to meet on the third Tuesday of each month commencing at 4pm.

David Neeves
General Manager

COUNCILLOR REPRESENTATION ON COMMITTEES

SUMMARY

To consider Councillor representation on Council and external Committees.

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The Local Government Act 1993 allows for a Council to exercise functions through the appointment of Committees – formation of Committees of Council.

355 How does a council exercise its functions?

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*
- (d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).*

Council has traditionally appointed a number of Committees to consider and recommend to Council on the management of various activities. Current committees include:

- Aged Care Committee (Councillors and Community)
- Disability Services Committee (Councillors and Community)
- Economic Development Committee (Councillors and Community)
- Tooraweenah Management Committee (Community with Council support)

Council has not delegated any management functions under Section 377 of the Act to these Committees.

Section 377 of the Local Government Act 1993 allows a Council by resolution to delegate the care, control and management of respective services or facilities to management committees. Currently there are three:

- Curban Hall Committee
- Tooraweenah Memorial Hall Committee
- Tooraweenah Community Technology Centre Management Committee

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
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Other Advisory Committees, or Committees for which Council provides secretarial support include:

- Shire Hall Committee
- Sports Council
- Interagency
- Liquor Accord
- Local Emergency Management Committee
- Traffic Committee

In addition, Councillor representatives serve on the following external committees:

- Castlereagh Macquarie County Council
- Joint Regional Planning Panel
- North West Library

Under the current structure, some committees struggled to constitute a quorum on a number of occasions in the past few years. Given the new Council term and the current review of business operations, it is considered an opportune time to review committee structure and membership in a workshop in early February and determine membership at the February meeting.

This timing meets legislative requirements as Committees must be formally appointed within three months.

<u>Principal Activity</u>	Strategic Leadership
<u>Policy Implications</u>	Nil
<u>Budget Implications</u>	Nil
<u>Delivery Plan Actions</u>	4.1.2.3 Develop, implement and continually monitor a good governance plan

RECOMMENDATION

That a report on Committee structure and membership be considered at the February meeting following a workshop on the topic to be held in early February 2022.

David Neeves
General Manager

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 23 DECEMBER 2021

REPORTS FOR INFORMATION AND NOTATION

SUMMARY

To present reports for information and notation.

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- Statement of Bank Balances (Local Government (Financial Management) Regulation No. 93) and Investment Balances
- Matters Outstanding from Previous Council Meetings
- Questions for Next Meeting
- Development Applications

Any questions which Councillors may have in relation to these reports and/or issues to be raised, should be brought forward at this time.

STATEMENT OF BANK BALANCES AND INVESTMENT BALANCES

SUMMARY

To present the following information relative to the above report headings:

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1. Statement of Bank Balances (Local Government Financial Management Regulation No. 19) - Month of November 2021.
2. Certificate of Bank Reconciliation - Month of November 2021.
3. Details of investments as at 30 November 2021 (Local Government Financial Management Regulation No. 19).

CASH BOOK BALANCE AS AT	31-Oct-21	\$2,665,822.58
Plus: Receipts		\$3,583,204.30
Less: Payments		<u>\$3,195,674.42</u>
CASH BOOK BALANCE AS AT	30-Nov-21	<u><u>\$3,053,352.46</u></u>

STATEMENT BALANCE AS AT	31-Oct-21	\$2,677,258.54
Plus: Receipts		\$3,487,575.16
Less: Payments		<u>\$3,151,516.77</u>
STATEMENT BALANCE AS AT	30-Nov-21	<u><u>\$3,013,316.93</u></u>

Plus: Unpresented Receipts		\$67,068.36
Less: Unpresented Payments		<u>\$27,032.83</u>
RECONCILED BALANCE AS AT	30-Nov-21	<u><u>\$3,053,352.46</u></u>

Cashbook balance as at 30 November 2021:	\$3,053,352.46
Investments held as at 30 November 2021:	<u>\$25,053,795.02</u>
Total Cash & Investments Held as at 30 November 2021:	<u><u>\$28,107,147.48</u></u>

MEETING OF: GILGANDRA SHIRE COUNCIL
 HELD ON: 23 DECEMBER 2021

The bank balances in each of the funds as at 30 November 2021 are:

General Fund	\$12,035,077.30
Water Fund	\$2,975,147.24
Sewer Fund	\$2,283,520.19
Orana Living	\$4,096,690.07
Carlinda Enterprises	\$574,871.57
Cooee Villa Units	\$1,796,625.30
Cooee Lodge	\$3,085,452.86
Jack Towney Hostel	\$719,775.95
Trust Fund	\$539,987.00

Balance as per Total Cash & Investments Held: \$28,107,147.48

Details of Council's investments are as follows:

(a)	\$1,000,000.00	For 365 days @ 0.75%	Due on 10-Mar-22	With AMP Bank
(b)	\$1,000,000.00	For 365 days @ 0.75%	Due on 27-Jan-22	With AMP Bank
(c)	\$500,000.00	For 212 days @ 0.30%	Due on 04-Jun-22	With Bendigo
(e)	\$1,500,000.00	For 212 days @ 0.35%	Due on 04-Mar-22	With Bendigo
(f)	\$500,000.00	For 365 days @ 0.35%	Due on 03-Oct-22	With Bendigo
(g)	\$1,000,000.00	For 180 days @ 0.40%	Due on 12-Jan-22	With Macquarie
(h)	\$2,000,000.00	For 181 days @ 0.20%	Due on 13-Dec-21	With Macquarie
(i)	\$1,000,000.00	For 364 days @ 0.40%	Due on 26-Aug-22	With Macquarie
(j)	\$1,000,000.00	For 363 days @ 0.45%	Due on 14-Apr-22	With ME Bank
(k)	\$1,000,000.00	For 365 days @ 0.50%	Due on 28-Oct-22	With Macquarie
(l)	\$2,500,000.00	For 180 days @ 0.30%	Due on 13-Dec-21	With Suncorp
(m)	\$500,000.00	For 300 days @ 0.35%	Due on 17-Feb-22	With NAB
(n)	\$2,000,000.00	For 365 days @ 0.35%	Due on 28-Jun-22	With NAB
(o)	\$2,000,000.00	For 365 days @ 0.35%	Due on 22-Feb-22	With NAB
(p)	\$1,000,000.00	For 273 days @ 0.33%	Due on 19-Apr-22	With NAB
(q)	\$500,000.00	For 330 days @ 0.34%	Due on 01-Sep-22	With NAB
(r)	\$3,000,000.00	For 182 days @ 0.26%	Due on 14-Mar-22	With NAB
(s)	\$2,000,000.00	For 180 days @ 0.30%	Due on 15-Sep-22	With NAB
(t)	\$1,053,795.02	0.05%	At Call	With TCorp
Total Investments:				\$25,053,795.02

OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

SUMMARY

To provide an update in relation to matters previously resolved at Council Meetings requiring further action to be taken.

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<u>Res. No.</u>	<u>Subject</u>	<u>Action</u>
<u>September 2017</u>		
264/17	Mudfords Road	Hon Sam Faraway has referred matter to Minister for Energy and Environment
<u>September 2020</u>		
165/20	Gravel Pit Agreements	To be progressed as time permits
175/20	Graincorp Industrial Precinct	New biodiversity consultant has completed assessment
<u>November 2020</u>		
215/20	Proposed land purchase	Not progressing
225/20	Flying Fox Camp	Address from consultant deferred
<u>April 2021</u>		
52/21	Offer to purchase land	Investigations completed. Report to future meeting
<u>July 2021</u>		
123/21	Gilgandra Cultural Precinct EOI	EOIs readvertised, closing 20/12
124/21	Industrial Land – Purchase Offer	Progressing – valuation obtained. Further negotiations pending.
125/21	Opportunity to Purchase Land	Discussions commenced with owner

MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 23 DECEMBER 2021

August 2021

131/21	Community Strategic plan	Community consultation has commenced
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MEETING OF: GILGANDRA SHIRE COUNCIL
HELD ON: 23 DECEMBER 2021

PROGRESS ON “QUESTIONS FOR NEXT MEETING”

SUMMARY

To inform Council of appropriate action which has or will be taken in relation to Councillors “Questions for Next Meeting” outstanding from previous meetings.

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November 2021

Recycling Station

Report to future meeting

MEETING OF:
HELD ON:

GILGANDRA SHIRE COUNCIL
23 DECEMBER 2021

DEVELOPMENT APPLICATIONS

The following development application were approved during November 2021:

DA Number	Received	Applicant's Name	Application Description of Work	Property Address	Decision	Development Value
2021/419	01/09/2021	Michael Khoury	Alterations to Service Station	176 Warren Road	Approved	\$25,000
2021/426	02/11/2021	Scott Beveridge	Shed	6 Christie Drive	Approved	\$53,884
2021/427	04/11/2021	Taylor Made Buildings	Transportable dwelling	4701 John Renshaw Parkway	Approved	\$275,456
2021/428	04/11/2021	Leesa Gilmour	New dwelling	6235 Newell Hwy	Approved	\$527,200
2021/429	09/11/2021	Ian & Julie Marchant	Change of use/Hair Salon	Miller Street	Approved	\$17,000
					November	\$898,540
					Total 2021/22	\$3,771,570

Applications under assessment

- DA2021/430 – Solar Farm

MEETING OF:
HELD ON:

GILGANDRA SHIRE COUNCIL
23 DECEMBER 2021

NOVEMBER 2021

DA Number	Actual Days	Stopped Days	Total Days	Working Days	Stopped Work Days	Total Work Days
2021/419	63	0	63	45	0	45
2021/429	4	0	4	4	0	4
2021/426	16	0	16	12	0	12
2021/428	21	0	21	15	0	15
2021/427	23	0	23	17	0	17

Summary Statistics	
No of Applications	5
Total Actual Days	127.00
Mean Actual Days	25.40
Mean Stopped Days	0.00
Mean Total Days	25.40
Mean Work Days	18.60
Mean Work Stop Days	0.00
Mean Total Work Days	18.60
Median Actual Days	21.00

RECOMMENDATION

That the reports be noted.

David Neeves
General Manager