



MINUTES

OF THE

ORDINARY MEETING

OF

GILGANDRA SHIRE COUNCIL

HELD ON

25 JUNE 2019

PRESENT

Councillors

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

Employees

D J Neeves  
General Manager  
N J Alchin  
Director Corporate Services  
G McAnally-Elwin  
Acting Director Community Services  
D Colwell  
Director Infrastructure  
L Mathieson  
Director Planning & Environment  
J Prout  
Executive Assistant  
B Irvin  
Projects Manager

Proceedings of the meeting commenced at 4.00pm.

LEAVE OF ABSENCE

Cr G Johnson

<b>RESOLVED 91/19</b>	Cr Mockler/Cr Peart
That the apology submitted be accepted and leave of absence granted.	

ADJOURNMENTS

Nil

DECLARATIONS OF INTEREST

Cr Baker, *Briefing note to the Deputy Premier* (Closed).  
Cr Baker's husband owns an earthmoving business which has provided services to one of the entities mentioned in the briefing note.

CONFIRMATION OF MINUTES

<b>RESOLVED 92/19</b>	Cr Walker/Cr Naden
That the minutes of the Ordinary meeting held on 21 May 2019, 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

<b>RESOLVED 93/19</b>	Cr Baker/Cr Mudford
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"><li>• Organisational Structure Review (a)</li><li>• River Restoration Beautification Project (d)</li><li>• Tenders – Regional Procurement (d)<ul style="list-style-type: none"><li>○ Traffic and Safety Signage</li><li>○ Water meters</li><li>○ Stationery</li><li>○ Fuel</li><li>○ Bitumen Spray Sealing</li></ul></li><li>• Staff Annual Leave (a)</li></ul>	

<b>RESOLVED 94/19</b>	Cr Baker/Cr Mudford
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 at 4.20pm.	

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<b>RESOLVED 106/19</b>	Cr Naden/Cr Mockler
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.	

(GO.CO.1)

**MAYORAL MINUTE - 5/19**  
**MAYORAL COMMITMENTS**

**SUMMARY**

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

<b>RESOLVED 107/19</b>	Cr Batten
That the report be noted.	

(GO.PO.1)

**CODE OF MEETING PRACTICE**

**SUMMARY**

To present the draft Code of Meeting Practice for adoption.

<b>RESOLVED 108/19</b>	Cr Walker/Cr Peart
That the draft Code of Meeting Practice be adopted.	

(CM.CF.1)

**LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

**SUMMARY**

To advise of the forthcoming Local Government NSW Annual Conference and determine attendance and motions.

<b>RESOLVED 109/19</b>	Cr Mudford/Cr Walker
1. That Council submit any motions to be put forward for consideration at the July meeting.	
2. That the Mayor, Deputy Mayor and General Manager (or their substitutes) be authorised to attend the conference.	

**DROUGHT COMMUNITIES PROGRAM**

**SUMMARY**

To consider a recommendation of the Joint Organisation in relation to rate rebates.

<b>RESOLVED 110/19</b>	Cr Peart/Cr Wrigley
1. That the actions from Cr Batten in writing to the Deputy Premier be endorsed.	
2. That letters be written to Local Members the Hon Mark Coultan MP and Mr (Roy) Royal Francis Butler MP requesting a second round of Drought Communities Funding and, should a second round be forthcoming, that funding guidelines be extended to encourage Council's to provide rate subsidies and other initiatives which promote post farm gate business activity.	

**NSW RURAL FIRE SERVICE - ADDITIONAL CONTRIBUTION REQUEST**

**SUMMARY**

To provide an update on the notice provided by the State Government of their intentions to increase contribution charges for the emergency services levy.

<b>RESOLVED 111/19</b>	Cr Wrigley/Cr Mudford
1. Council note the NSW Rural Fire Service Additional Contribution Request report on 2019/20 Rural Fire Service, State Emergency Service and Fire and Rescue NSW Council Contribution Assessment Notice dated 7 May 2019,	
2. Council write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:	
i) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated	
ii) Explain how this sudden increase will impact council services / the local community	
iii) Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018	
iv) Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector; and	

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| <p>v) Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.</p> <p>vi) Advise that, at this stage, Council is electing not to make payment of the additional contribution levied Council is electing not to make payment of the additional contribution.</p> <p>3. That Council provide a copy this letter to Local Government NSW.</p> |
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(GO.PO.1)

**CONSULTATION ON REVISED IPC GUIDELINE 1 – RETURNS OF INTEREST**

**SUMMARY**

To advise of a joint submission with other NSW Councils in response to a circular seeking feedback on the Information and Privacy Commission draft revised Guideline 1.

<b>RESOLVED 112/19</b>	Cr Mockler/Cr Naden
That the submission to IPC be noted and endorsed.	

(CM.CF.1)

**ARA/ALC INLAND RAIL CONFERENCE**

**SUMMARY**

To seek approval for the attendance of the Mayor and General Manager to the ARA/ALC Inland Rail Conference in Toowoomba from 20-22 August 2019.

<b>RESOLVED 113/19</b>	Cr Mudford/Cr Baker
1. That the Mayor and General Manager be authorised to attend the ARA/ALC Inland Rail Conference in Toowoomba.	
2. That Council also note the Economic Development Manager's attendance as part of his professional development training plan.	

**INTEGRATED PLANNING & REPORTING – ADOPTION OF OPERATIONAL PLAN AND ASSOCIATED BUDGET 2019/20**

**SUMMARY**

To consider feedback and submissions as a result of community consultation and seek adoption of the 2019/20 Operational Plan and associated budget.

**Proceedings in Brief**

Council considered formal submissions received.

<b>RESOLVED 114/19</b>	Cr Mockler/Cr Walker
That, noting the submissions received, the 2019/20 Operational Plan and associated budget, as presented be adopted.	

<b>RESOLVED 115/19</b>	Cr Walker/Cr Baker
That standing orders be suspended to allow an address by Mr Colin Kilby in relation to the report on Modification of DA2017/218A – Basalt Quarry, followed by consideration of the said report.	

(DA2017/281A)

**MODIFICATION DA2017/218A BASALT QUARRY**

**SUMMARY**

To present DA2017/218A modification application for determination

**Proceedings in Brief**

At the invitation of the Mayor, Mr Colin Kilby addressed the meeting and put forward the following requests:

1. In relation to the length of time to build the intersection (Conditions 6 and 9), Mr Kilby is requesting a two year period in lieu of the stated six months.
2. In relation to access to Berida Innisfail Road in a northerly direction to the Oxley Highway (Condition 5), Mr Kilby is requesting access for a period of two years and is proposing the current \$100k bond cover use of the haulage route north and south along Berida Innisfail Road and include permission for the use of road trains travelling north.

<b>RESOLVED 116/19</b>	Cr Walker/Cr Peart
That standing orders be resumed.	

**Proceedings in Brief**

It was noted that there is an error in number 6 of Annexure "A". There are three references to "12 month" periods which should be "6 month" as per the first sentence – "a 6 month period from June 2019 to 31 December 2019".

<b>MOTION</b>	Cr Mockler/Cr Walker
1. That Council approve Development Application 2017/218A modification (private haulage route) subject to the conditions outlined in Annexure "A", subject to the following amendments: <ol style="list-style-type: none"><li>a. Condition 5 – preface "Subject to condition 6"</li><li>b. Condition 6 – delete "For a 6 month period from June 2019 to 31 December 2019 and substitute with "For a period of up to 12 months to 30 June 2020"</li></ol>	

- c. Condition 6 – 4<sup>th</sup> para – delete “At the end of the 6 month period” and substitute with “At the conclusion of the temporary haulage route, the applicant.....”
  - d. Condition 6 – delete “12 month period” in paras 2, 3 and 5 and substitute with “temporary haulage route period”
  - e. Condition 9 and 10 – delete “6” and replace with “12”
  - f. Condition 18 – delete ”Prior to quarry operations on the subject property commencing
  - g. Condition 20 – delete “Prior to the quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route)”
  - h. Condition 24 – delete “Prior to quarry operations on the subject property commencing”
2. That, in the event Gilgandra Shire Council’s funding application to upgrade the right of carriageway intersection as per condition 6 not being successful, Council fund the costs involved and undertake the upgrade works subject to the proponent entering into an agreement with Council to pay for the upgrade works on terms to be negotiated and agreed. Further, that a detailed report be presented to the July meeting outlining Council’s ability to fund the project.
3. That, upon completion of the intersection upgrade, condition 5 shall forthwith come into effect and the temporary haulage route as per condition 6 shall forthwith cease.

<b>AMENDMENT</b>	Cr Mudford/Cr Baker
<p>1. That Council approve Development Application 2017/218A modification (private haulage route) subject to the conditions outlined in Annexure “A”, subject to the following amendments:</p> <ul style="list-style-type: none"> <li>a. Condition 5 – preface “Subject to condition 6”</li> <li>b. Condition 6 – delete “For a 6 month period from June 2019 to 31 December 2019 and substitute with “For a period of up to 12 months to 30 June 2020”</li> <li>c. Condition 6 – 4<sup>th</sup> para – delete “At the end of the 6 month period” and substitute with “At the conclusion of the temporary haulage route, the applicant.....”</li> <li>d. Condition 6 – delete “12 month period” in paras 2, 3 and 5 and substitute with “temporary haulage route period”</li> <li>e. Condition 9 and 10 – delete “6” and replace with “12”</li> <li>f. Condition 18 – delete ”Prior to quarry operations on the subject property commencing</li> <li>g. Condition 20 – delete “Prior to the quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route)”</li> <li>h. Condition 24 – delete “Prior to quarry operations on the subject property commencing”</li> </ul> <p>2. That, in the event Gilgandra Shire Council’s funding application to upgrade the right of carriageway intersection as per condition 6 not being successful, Council fund the costs involved and undertake the upgrade works subject to the proponent entering into an agreement with Council to pay for the upgrade works on terms to be negotiated and agreed. Further, that a detailed report be presented to the July meeting outlining Council’s ability to fund the project.</p>	



3. That, upon completion of the intersection upgrade, condition 5 shall forthwith come into effect and the temporary haulage route as per condition 6 shall forthwith cease.
4. That Council facilitate discussions with the RMS and support the access in a northerly direction via Berida Innisfail Road to the Oxley Highway for a period of 12 months in accordance with the above timeframes, noting that the bond currently in place would cover both roads and allow the utilisation of road trains.

The amendment was put and lost

Division:

For: Crs Mudford, Baker, Wrigley

Against: Crs Walker, Peart, Batten, Mockler, Naden

The motion was put and carried.

<b>RESOLVED 117/19</b>	Cr Mockler/Cr Walker
<ol style="list-style-type: none"><li>1. That Council approve Development Application 2017/218A modification (private haulage route) subject to the conditions outlined in Annexure "A", subject to the following amendments:<ol style="list-style-type: none"><li>a. Condition 5 – preface "Subject to condition 6"</li><li>b. Condition 6 – delete "For a 6 month period from June 2019 to 31 December 2019 and substitute with "For a period of up to 12 months to 30 June 2020"</li><li>c. Condition 6 – 4<sup>th</sup> para – delete "At the end of the 6 month period" and substitute with "At the conclusion of the temporary haulage route, the applicant....."</li><li>d. Condition 6 – delete "12 month period" in paras 2, 3 and 5 and substitute with "temporary haulage route period"</li><li>e. Condition 9 and 10 – delete "6" and replace with "12"</li><li>f. Condition 18 – delete "Prior to quarry operations on the subject property commencing"</li><li>g. Condition 20 – delete "Prior to the quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route)"</li><li>h. Condition 24 – delete "Prior to quarry operations on the subject property commencing"</li></ol></li><li>2. That, in the event Gilgandra Shire Council's funding application to upgrade the right of carriageway intersection as per condition 6 not being successful, Council fund the costs involved and undertake the upgrade works subject to the proponent entering into an agreement with Council to pay for the upgrade works on terms to be negotiated and agreed. Further, that a detailed report be presented to the July meeting outlining Council's ability to fund the project.</li><li>3. That, upon completion of the intersection upgrade, condition 5 shall forthwith come into effect and the temporary haulage route as per condition 6 shall forthwith cease.</li></ol>	

Division:

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

(FM.LO.1)

**LOAN FUNDING FOR 2018/19 PROJECTS**

**SUMMARY**

To seek Council's resolution to borrow funds to finance the projects identified in the 2018/19 budget.

<b>RESOLVED 118/19</b>	<b>Cr Peart/Cr Mockler</b>
1. That Council formally resolve to borrow \$2,000,000 with TCorp over a 15 year fixed term with half yearly repayments.	
2. That Council formally resolve to borrow \$156,000 with NAB over a 4 year fixed term with half yearly repayments.	

**FREEDOM CAMPING**

**SUMMARY**

To provide information regarding meetings held with industry stakeholders of caravan and camping facilities in the Gilgandra Shire.

<b>RESOLVED 119/19</b>	<b>Cr Mockler/Cr Wrigley</b>
That Council supports an ongoing trial of freedom camping at commercial businesses, under the following conditions:	
1. That these are primitive camping arrangements and these sites should not offer amenities that paid commercial caravan parks provide – i.e. water, showers, electricity and/or 24 hour access to toilet facilities.	
2. That these sites limit the numbers of freedom camping spaces available to ensure the safety of people accessing these facilities and to place a reasonable cap on the amount of spaces available in Gilgandra.	
3. That freedom camping locations provide occupancy data and visitor profile information to Council to assist in marketing efforts and Council's decision making on Freedom camping.	
4. That Council write to the industry participants, confirming Council's current position in relation to freedom camping.	
5. That Council work with the owners of the Tooraweenah Caravan Park to facilitate the installation of a publicly accessible caravan dump point that is managed by the Caravan park operators on an ongoing basis.	
6. That Council continue to monitor visitation levels in both commercial paid camping facilities and freedom camping sites and adjust the conditions of the freedom camping trial based on feedback from all stakeholders.	

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| 7. That the volunteers at the Cooe Heritage Centre be notified accordingly of these trial arrangements. |
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(CM.LG.1)

### **MAYORAL & COUNCILLOR FEES**

#### **SUMMARY**

To set the Mayoral and Councillor fees for 2019/20 following determinations by the Local Government Remuneration Tribunal.

<b>RESOLVED /19</b>	Cr Peart/Cr Walker
That Council set the fees payable to Councillors and the additional Mayoral fee for 2019/20 to the maximum allowable for a Rural Council.	

### **VILLA UNITS – VALUATION AND SALE**

#### **SUMMARY**

To seek approval to sign and seal documents associated with Villa Unit sales.

<b>RESOLVED 120/19</b>	Cr Peart/Cr Mudford
1. That the General Manager and Director Community Development & Services be authorised to set sale prices in line with the valuation received from Aspect Property Consultants of Dubbo until 30 June 2021.	
2. That authority be granted to sign and seal documents associated with the sale of Villa Units until 30 June 2021.	
3. That a further valuation of selected units be obtained in March 2021 with a view to updating the valuation and governance requirements by 30 June 2021.	

(CS.SV.1)

### **VACATION CARE UPDATE**

#### **SUMMARY**

To provide Council with an update on the progress of setting up a vacation care service.

<b>RESOLVED 121/19</b>	Cr Baker/Cr Wrigley
1. That Council proceed with implementing a vacation care service on a trial basis during the September School Holidays.	
2. That a report be submitted to Council's October meeting to determine the ongoing viability of the vacation care program.	

(DA2019/289)

**WOODHAM PETROLEUM SERVICES –  
PROPOSED SERVICE STATION/LIQUID FUEL DEPOT**

**SUMMARY**

To present Development Application 2019/289 for determination.

<b>RESOLVED 122/19</b>	Cr Walker/Cr Mockler
1. That Council approve Development Application 2019/289 (Service Station/ liquid fuel depot) subject to the conditions outlined in Annexure "A".	
2. 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, Mockler, Baker, Mudford, Peart, Naden, Wrigley, Batten

Against: Nil

(PR.PL.1)

**SKATE PARK**

**SUMMARY**

To provide an update on progress with the Peter Veness Skate Park upgrade at Hunter Park.

**Proceedings in Brief**

The General Manager advised that Round 3 applications under the Stronger Country Communities program open 1 July 2019 and suggested Council discuss possible projects and/or opportunities in a workshop prior to community consultation.

<b>RESOLVED 123/19</b>	Cr Walker/Cr Naden
That Council consider additional funding for the skate park as part of a workshop to determine SCC Round 3 applications	

**MINUTES – COMMITTEE MEETINGS FOR ADOPTION**

**SUMMARY**

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

Economic Development Committee  
Tooraweenah Management Committee

12 June 2019  
29 May 2019

<b>RESOLVED 124/19</b>	Cr Naden/Cr Wrigley
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>Health &amp; Safety Committee</u>	13 June 2019
<u>Interagency</u>	30 May 2019
<u>Local Emergency Management Committee</u>	28 May 2019
<u>Orana Joint Organisation</u>	6 June 2019

### Proceedings in Brief

The Mayor provided an update on the Orana Joint Organisation.

<b>RESOLVED 125/19</b>	Cr Mudford/Cr Baker
That the above listed Committee minutes be noted.	

## **REPORTS FOR INFORMATION AND NOTATION**

### SUMMARY

To present reports for information and notation.

<b>RESOLVED 126/19</b>	Cr Peart/Cr Baker
That the reports be noted.	

## **QUESTIONS FOR NEXT MEETING**

<b>No.</b>	<b>Councillor</b>	<b>Question</b>
1	Cr Walker	<b>New format for Development Application standard report</b> I request that a new report format be developed which identifies: <ul style="list-style-type: none"><li>○ the applicant</li><li>○ date received</li><li>○ type of application</li><li>○ nature of the development</li><li>○ progress/status of the assessment process</li><li>○ how long it takes to approve the application (noting any “stop the clock” provisions)</li><li>○ total number of “active assessment” days by Council</li><li>○ an average timeframe taken to assess applications</li></ul>

MINUTES OF: GILGANDRA SHIRE COUNCIL  
HELD ON: 25 JUNE 2019

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	MAYORAL COMMENT:	This will be pursued in consultation with the General Manager and Director Planning & Environment.
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THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.57PM.

Cr D Batten  
Mayor