



***DRAFT***

**MINUTES  
ORDINARY MEETING OF COUNCIL**

***held on***

**WEDNESDAY, 11 SEPTEMBER 2019**

**PRESENT**

Councillors Craig Davies (Mayor and Chair), Dawn Collins (Deputy Mayor), Trudy Everingham, Mark Munro, Rob McCutcheon, Les Lambert, Colin Hamilton, Lyn Jablonski, James Craft and; Mrs Jane Redden (General Manager); Mr André Pretorius (Director Infrastructure & Engineering Services); Mr John Sevil (Director Finance & Corporate Strategy), Mrs Marion Truscott (Executive Manager Corporate Governance), Mrs Carmel O'Connor (Executive Manager Planning) and Ms Carolyne Marchant (Minute Taker).

**WELCOME**

The Chair welcomed those present and declared the meeting open at 5.31pm.

**PRAYER**

The prayer was taken by Cr Lambert.

**ACKNOWLEDGEMENT OF COUNTRY**

The Acknowledgement to Country was made by Cr Davies.

**APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**CONFIRMATION OF MINUTES**

**RESOLVED** Crs Lambert/McCutcheon that the Minutes of the Ordinary Meeting held on 14 August 2019 be adopted.

**2019/211**

**DISCLOSURES OF INTERESTS**

**Declarations of Interests by General Manager**

**Extractive Industry Development**

On the 19 August 2019 the General Manager declared a significant non-pecuniary interest in her role of oversight of the Planning Department in relation to assessment of Extractive Industries (Quarries). The nature of the interest is that Council is required to have its own quarries approved, as well as a number of private developments including her own personal quarry Development Application. As such the matter (being the oversight of the Planning Department in relation to Quarries) has been allocated to the Director Community and Economic Development. This decision was made in consultation with and at the direction of the Mayor in accordance with Clause 5.12 of the Code of Conduct.

**DISCLOSURES OF INTERESTS (Cont'd)**

**Declarations of Interests by General Manager (Cont'd)**

**Extractive Industry Development (Cont'd)**

The General Manager has declared a Pecuniary Interest in the matter of the Designated Development Proposal for an Extractive Industry at 1210 Wallaby Road, Narromine, as the applicant for the development and co-owner of the land on which the development is to occur. In accordance with clause 4.13 of the Code of Conduct, this interest is laid on the table at the meeting of the Council.

Under Clause 4.13 of the Code of Conduct, Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

**The General Manager left the meeting at 5.35pm.**

RESOLVED Crs Davies/McCutcheon that the assessment of this Development Proposal be made by an independent consultant, with determination of the application being made by the Joint Regional Planning Panel.

**2019/212**

**The General Manager returned to meeting at 5.37pm.**

**Cr Collins declared a Significant Non-pecuniary interest in item 1 – Confidential Report – Offer to Purchase 505 Dandaloo Road, Narromine as she is friends with family members mentioned in this report.**

**The General Manager declared a Pecuniary Interest in item 2 – Reports to Council Planning Adoption of Draft Section 7.11 – Contributions Plan 2019 – Heavy Vehicles due to a current Development Assessment before Council.**

**MAYORAL MINUTE**

**1.    MAYORAL DIARY**

RESOLVED Crs Lambert/Collins that the report be noted.

**2019/213**

**2.    DEPUTY MAYORAL DIARY**

RESOLVED Crs Collins/Munro that the information be noted.

**2019/214**

**MAYORAL MINUTE (Cont'd)**

**3.    DROUGHT FUNDING**

**RESOLVED** Crs Lambert/Munro that Narromine Shire Council submit the following motion to LGNSW 2019 conference;

That LGNSW lobbies the Federal Government for the reinstatement of the Exceptional Circumstances Scheme along the same lines that it operated prior to abolition, and the NSW government be called upon to introduce a Council rate rebate scheme that is available, on application to those ratepayers who have suffered financial hardship due to drought.

**2019/215**

**4.    DELEGATE'S REPORT – NARROMINE HEALTH COUNCIL**

**RESOLVED** Crs Jablonski/Hamilton that the information be noted.

**2019/216**

**5.    ORANA JOINT ORGANISATION**

**RESOLVED** Crs Lambert/Collins that the information be noted.

**2019/217**

**REPORTS OF COMMITTEES**

**1.    NARROMINE SHOWGROUND AND RACECOURSE ADVISORY COMMITTEE**

**RESOLVED** Crs Collins/Lambert the report of the Narromine Showground and Racecourse Committee and the recommendations from the minutes of 15 August 2019 be adopted.

**2019/218**

**2.    TRANGIE SHOWGROUND AND RACECOURSE ADVISORY COMMITTEE**

**RESOLVED** Crs Collins/Munro the report of the Trangie Showground and Racecourse committee and the recommendations from the minutes of 29 August 2019 be adopted.

**2019/219**

**3.    RURAL FIRE SERVICE LIAISON COMMITTEE**

**RESOLVED** Crs McCutcheon/Lambert the report of the Rural Fire Service Liaison Committee and the recommendations from the minutes of 5 August 2019 be adopted.

**2019/220**

**REPORTS OF COMMITTEES (Cont'd)**

**4.    LOCAL EMERGENCY MANAGEMENT COMMITTEE**

**RESOLVED** Crs Lambert/Munro the report of the Local Emergency Management Committee and the recommendations from the minutes of 8 August 2019 be adopted.

**2019/221**

**REPORTS TO COUNCIL - GENERAL MANAGER**

**1.    APPOINTMENT OF COMMITTEES, STATUTORY COMMITTEES, AND APPOINTMENT OF DELEGATES AND REPRESENTATIVES OF COUNCIL**

**RESOLVED** Crs Lambert/Collins:

**Statutory Committees of Council**

1. That Council adopt the Charter for the Local Emergency Management Committee and appoint the Mayor as Council's Delegate to the committee and one Councillor as an Alternate Delegate to the committee.
2. That Council adopt the Charter for the Rural Fire Service Liaison Committee and appoint two Councillor Delegates and one Councillor as an Alternate Delegate to the committee
3. That Council adopt the Charter for the Local Traffic Committee and appoint one Councillor Delegate and one Councillor as an Alternate Delegate to the committee
4. That in accordance with the Office of Local Government's Guidelines for the Appointment and Oversight of General Managers:
  - (a) The whole process of performance management of the General Manager including conducting performance reviews; reporting findings and recommendations of those reviews to Council and development of the performance agreement be delegated to the performance review panel; comprising of the Mayor, the Deputy Mayor, another Councillor appointed by Council and one Councillor nominated by the General Manager.
  - (b) That Council appoint one Councillor to form part of the General Manager's Review Panel.
5. That Council adopt the Charter for the Internal Audit Committee and appoint one Councillor Delegate and one Councillor as an Alternate Delegate to the committee.

**REPORTS TO COUNCIL - GENERAL MANAGER (Cont'd)**

**1.    APPOINTMENT OF COMMITTEES, STATUTORY COMMITTEES, AND APPOINTMENT OF DELEGATES OF COUNCIL AND REPRESENTATIVES OF COUNCIL (Cont'd)**

**Section 355 Committees of Council**

6.    That Council adopt the Charter for the Narromine Australia Day Committee and appoint two Councillor Delegates to the committee
7.    That Council adopt the Charter for the Narromine Showground and Racecourse Advisory Committee and appoint two Councillor Delegates to the committee
8.    That Council adopt the Charter for the Trangie Showground and Racecourse Advisory Committee and appoint two Councillor Delegates to the committee
9.    That Council adopt the Charter for the Tomingley Advancement Association Committee and appoint one Councillor Delegate and one Councillor as an alternate delegate to the committee
10.   That Council adopt the Charter for the Trangie Memorial Hall Committee and appoint two Councillor Delegates to the committee
11.   That Council adopt the Charter for the Floodplain Management Committee and appoint two Councillor Delegates to the committee
12.   That Council adopt the Charter for the Economic Development Group Committee and appoint two Councillor Delegates

**Representatives to External Committees**

13.   That Council appoint one Councillor representative and one Councillor as the alternate representative to the Narromine Health Council
14.   That Council appoint the Mayor and General Manager (or nominee) to the Orana Crime Prevention Partnership
15.   That Council appoint two Councillors as representatives to the Trangie Action Group
16.   That Council appoint one Councillor representative and the Director Infrastructure and Engineering Services to the Bushfire Management Committee
17.   That Crs Lambert and Munro remain as representatives to the Macquarie Regional Library and that the Director Community and Economic Development (or nominee) be a representative to the Macquarie Regional Library
18.   That Council appoint two Councillor representatives to the Macquarie Valley Weeds Advisory Committee
19.   That Council appoint two Councillor representatives to the Narromine Aviation Museum Committee
20.   That Council appoint one Councillor representative to the Macquarie Flood Mitigation Zone (MFMZ) Reference group
21.   That Council appoint one Councillor representative and one Councillor as the alternate representative to the Tomingley Gold Operations (TGO) Project Community Consultative Committee

**REPORTS TO COUNCIL - GENERAL MANAGER (Cont'd)**

**1.    APPOINTMENT OF COMMITTEES, STATUTORY COMMITTEES, AND APPOINTMENT OF DELEGATES OF COUNCIL AND REPRESENTATIVES OF COUNCIL (Cont'd)**

**Representatives to External Committees (Cont'd)**

22. That Council appoint two Councillor representatives and one Councillor as alternate representative to the Tomingley Gold Operations (TGO) Community Fund
23. That Crs Davies and Lambert remain as representatives to the Western Regional Joint Planning Panel and that Cr Collins remain as the alternate representative to the Western Regional Joint Planning Panel.
24. That the Chair of the Floodplain Management Committee be the Councillor representative to the Floodplain Management Association (FMA) and that the General Manager and Director Infrastructure and Engineering Services (or nominee) be representatives to the Floodplain Management Association (FMA).
25. That the Mayor and General Manager be appointed as representatives to the Murray Darling Association (MDA)
26. That the Mayor and General Manager be appointed as representatives to the Country Mayors' Association of New South Wales
27. That the Deputy Mayor be appointed to attend Orana Joint Organisation board meetings in the place of the Mayor if the Mayor is unable to attend

Subject to the following amendments:

Tomingley Advancement Association Committee – page 4 of 6 point 9, the quorum required is a minimum of four (4) attendees.

Trangie Memorial Hall Committee – page 5 of 7 point 12, the meetings will occur twice a year.

Economic Development Group Committee – page 3 of 6 point 7, that three (3) Councillors and five (5) Community members be appointed.

**2019/222**

**RESOLVED** Crs Lambert/Munro that Cr Everingham be appointed a Council representative on the Economic Development Group Committee.

**2019/223**

**REPORTS TO COUNCIL - GENERAL MANAGER (Cont'd)**

**2.    SENIOR STAFF POSITION**

**RESOLVED** Crs Craft/McCutcheon that the position of Director of Infrastructure and Engineering Services be determined to be a "Senior Staff" Position in accordance with Section 338 of the Local Government Act 1993.

**2019/224**

**3.    LEASE LOT 7301 DP 1140341**

**RESOLVED** Crs Collins/Jablonski that the fee for the use of Lot 7301 DP1140431 between 23 September 2019 and 8 October 2019 be \$250 (including GST).

**2019/225**

**4.    TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL**

**RESOLVED** Crs Craft/Lambert that Council approves the allocation of funds from the TGO Community Fund as follows:

Narromine Agricultural Show Society Inc. – Narromine Show Sponsorship - \$3,000

Mungery Recreation Reserve – Painting of Hall - \$6,930

Narromine Clay Target Club – Championship Event - \$2,000

Tomingley Sport and Recreational Ground Trust – Desilting of Dam and Earthworks - \$18,000

**2019/226**

**5.    LICENCE AGREEMENT – NARROMINE SALEYARDS**

**RESOLVED** Crs McCutcheon/Munro that the fee for the use of the Narromine Saleyards by the Narromine Stock Agents Pty Ltd be \$1666.67 per monthly sale (plus GST) for a three year period, commencing 1 July 2019.

**2019/227**

**REPORTS TO COUNCIL - PLANNING**

**1.    DEVELOPMENT APPROVALS**

**RESOLVED** Crs Collins/Munro that the information be noted.

**2019/228**



REPORTS TO COUNCIL – PLANNING (Cont'd)

The General Manager declared a Pecuniary Interest in item 2 – Reports to Council Planning Adoption of Draft Section 7.11 – Contributions Plan 2019 – Heavy Vehicles due to a current Development Assessment before Council.

The General Manager left meeting at 6.07pm

**2.    ADOPTION OF DRAFT SECTION 7.11 CONTRIBUTIONS PLAN 2019 – HEAVY VEHICLES**

**It was moved** Crs Lambert/Craft that the Draft Narromine Shire Council 7.11 Contributions Plan 2019 – Heavy Vehicles as amended be adopted.

**An amendment was moved** Crs Mccutcheon/Munro that the Draft Narromine Shire Council 7.11 Contributions Plan 2019 – Heavy Vehicles as amended be adopted with a moratorium of two years after Narromine Shire has been declared drought free.

**RESOLVED** Crs Lambert/Munro that Council Move into Committee of Whole to enable full discussion of the matter.

**2019/229**

**RESOLVED** Crs Lambert/Collins that Council move out of Committee of the Whole.

**2019/230**

Cr Lambert withdrew the motion.

Cr McCutcheon withdrew the amendment.

**RESOLVED** Crs Lambert/Collins that the Draft Section 7.11 Contributions Plan 2019 – Heavy Vehicles be revised to increase the exemptions and potential simplifications and to include VPA information and costings in the report to Council at the next Ordinary Council Meeting.

**2019/231**

The General Manager returned to the meeting at 6.28 pm

**REPORTS TO COUNCIL - FINANCE & CORPORATE STRATEGY**

**1.    BUDGET REPORT – KEY PERFORMANCE INDICATORS – 31 AUGUST 2019**

**RESOLVED** Crs Munro/Lambert that the report regarding Council's Key Performance Indicators be received and noted.

**2019/232**

**2.    INVESTMENT REPORT AS AT 31 AUGUST 2019**

**RESOLVED** Crs Lambert/Munro that:

1. the report regarding Council's Investment Portfolio be received and noted;
2. the certification of the Responsible Accounting Officer is noted and the report adopted.

**2019/233**

**3.    2019 – 2020 REQUESTS FOR FINANCIAL ASSISTANCE**

**RESOLVED** Crs Lambert/Craft that:

1. That Council allocate funding from the Community Donations Fund as follows:

Narromine Rescue Squad	\$4,083.75
Rotary Club of Narromine	\$3,000.00
Trangie CWA	\$2,530.31
Narromine CWA	\$2,324.41
Mudyigalang	\$2,000.00
Narromine Pony Club	<u>\$ 500.00</u>
	\$14,438.47

2. That Council waive the following hire fees from the Community Donations Fund as follows (excl. GST):

Deadly Dragonfliez Netball Club	\$ 269.00
Narromine Pony Club	\$ 219.50
Trangie Amateur Swimming Club	<u>\$ 205.50</u>
	\$ 694.00

3. That Council confirm the following annual contributions (excl. GST):

Tomingley Advancement Association / Australia Day	\$ 500.00
Narromine Australia Day	\$ 500.00
Trangie Australia Day	\$ 500.00
Narromine District Cricket Association	\$ 1,000.00
Mungery Hall Trust	\$ 1,500.00
Western Regional Academy of Sport	\$ 350.00
Rotary Club of Narromine Inc / Lions Club/Venetian Carnival	\$ 2,727.27
Schools Donations	<u>\$ 700.00</u>
	\$ 7,777.27

4. That Council add the Rotary Club of Narromine to the list of recipients that receive an annual recurring donation and that the amount of the donation be \$3,000.00.

**2019/234**

**REPORTS TO COUNCIL - FINANCE & CORPORATE STRATEGY (Cont'd)**

**4. RATES AND CHARGES WRITE OFF**

**RESOLVED** Crs Collins/Everingham that:

1. That Council write off \$5,852.29 in access and user charges owing for land described as Lot 12 in DP538452 in the Parish of Wentworth, County of Narromine and known as 10 Meringo Street, Narromine owned by the State of New South Wales.
2. That Council write to Crown Land to express our disappointment that it has to write off \$5,852.29 in charges, and request that careful consideration be given to future leasing of any Crown properties.

**2019/235**

**5. DRAFT 2018/19 FINANCIAL STATEMENTS FOR AUDIT**

**RESOLVED** Crs Lambert/McCutcheon that:

1. That Council's 2018/2019 Financial Report be referred to audit to the NSW Audit Office.
2. That Council resolves that the annual Financial Report is in accordance with:
  - the Local Government Act 1993 and the Regulations made there under;
  - the Australian Accounting Standards and professional pronouncements, and
  - the Local Government Code of Accounting Practice and Financial Reporting;
  - presents fairly the Council's operating result and financial position for the year, and
  - accords with Council's accounting and other records;
  - and that Council is not aware of any matter that would render this report false or misleading in any way.
3. That Council adopt the Councillors/Management "Statements" and resolve that they be signed and attached to the year-end accounts.
4. That Council delegates to the General Manager the authority to "finalise the date" at which the Auditor's report and Financial Statements are to be presented to the public (as per section 418(1) of the Local Government Act 1993).
5. That Council note and adopt the value of the nominated Internal Reserves and their closing balances as listed in Note 6(c) of the General Purpose Financial Statement.

**2019/236**

**REPORTS TO COUNCIL - FINANCE & CORPORATE STRATEGY (Cont'd)**

**6.     SALE OF LAND FOR UNPAID RATES AND CHARGES**

**RESOLVED** Crs Lambert/Craft that the information be noted.

**2019/237**

**Executive Manager Planning left the meeting at 6.32pm.**

**REPORTS TO COUNCIL - INFRASTRUCTURE & ENGINEERING SERVICES**

**1.     WORKS REPORT**

**RESOLVED** Crs Lambert/McCutcheon that the information be noted.

**2019/238**

**2.     PROPOSED CESSATION OF THE FREE SUPPLY OF GREEN WASTE TRAILERS TO RESIDENTS**

**RESOLVED** Crs Collins/McCutcheon that:

1.    That Council advertise that they will be ceasing the provision of the green waste trailer service as of 1 November 2019 due to the introduction of the FOGO collection service which was put in place in July 2018.
2.    That Council cease provision of the free green waste trailer service from 1 November 2019.

**2019/239**

**Crs Jablonski and Lambert recorded their votes against motion.**

**3.     MANAGEMENT OF PUBLIC SPACES TREE POLICY**

**RESOLVED** Crs Lambert/Munro that Council adopt the combined Management of Public Spaces Tree Policy.

**2019/240**

**4.     KERB, GUTTER AND FOOTPATH POLICY**

**RESOLVED** Crs Lambert/Craft that Council adopt the revised Kerb, Gutter and Footpath Policy.

**2019/241**

**5.     TREATMENT OR SEALING OF RURAL UNSEALED ROADS- ISOLATED STRIPS POLICY**

**RESOLVED** Crs Lambert/Collins that Council adopt the revised Treatment or Sealing of Rural Unsealed Roads – Isolated Strips Policy.

**2019/242**

**NOTICES OF MOTION / QUESTIONS WITH NOTICE**

**1.    NOTICE OF MOTION – MOTION FOR LGNSW ANNUAL CONFERENCE – INCREASE IN WATER STORAGE**

**RESOLVED** Crs Munro/Jablonski that:

1. That LGNSW lobbies the NSW State Government and Federal Government for the immediate increase in water storage capacity in regional NSW dams, for the social, economic and environmental benefits of NSW, particularly regional and rural communities; and
2. That the construction of such new facilities (dams) be a priority for the immediate future of NSW.

**2019/243**

**BUSINESS WITHOUT NOTICE - URGENT MATTERS**

Item from the Mayor:

**POTENTIAL FREIGHT EXCHANGE LAND ACQUISITION**

The Mayor requested consideration of Potential Freight Exchange Land Acquisition in Closed Meeting and as a matter of urgency as Council needs to consider preparing a business case for funding proposal for acquisition of potential sites for a freight exchange prior to the next Ordinary Council Meeting.

**RESOLVED** Crs Davies/Lambert that Council:

1.     Determine the matter is of great urgency and the business be transacted at the meeting.
2.     That the matter be considered in Closed Meeting under section 10A(2)(c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business and disclosure of this information would put Council at a competitive disadvantage, preventing it from achieving 'best value for money'.

**2019/244**

All public left the meeting at 6.41pm.



**OPEN COUNCIL**

The two motions adopted in Closed Meeting are as follows:

Item from the Mayor:

**POTENTIAL FREIGHT EXCHANGE LAND ACQUISITIONS**

**RESOLVED:** Crs Lambert/Munro that Council staff be asked to prepare a business case for the funding of potential sites for a freight exchange.

**2019/245**

Item from Director Finance and Corporate Strategy:

**1. OFFER TO PURCHASE 505 DANDALOO ROAD, NARROMINE**

**RESOLVED:** Crs Lambert/Craft that Council accept the offer of \$2,800.00 for the purchase of 505 Dandaloo Road, Narromine.

**2019/246**

There being no further business the meeting closed at 7.06pm.

The Minutes (pages 1 to 14) were confirmed at a meeting held on the day of \_\_\_\_\_ 2019, and are a full and accurate record of proceedings of the meeting held on 11 September 2019.

**Chair**