



MOREE PLAINS SHIRE COUNCIL

10 MAY 2018

ORDINARY COUNCIL MEETING

DRAFT MINUTES

Wednesday, 2 May 2018

TO:

- Councillors
- General Manager
- Director – Corporate Services
- Director – Planning and Community Development
- Director – Engineering Services
- Manager – Water and Waste
- Manager – Executive Projects

Notice is hereby given that the **Ordinary Meeting of Council** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 10 May 2018** commencing at **4pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Lester Rodgers
GENERAL MANAGER

Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Leave of Absence requests
5. Declarations of Interest
6. Public Forum
7. Reports

Ordinary Council Meeting Draft Minutes

10 May 2018

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PRESENT:

Councillors K Humphries (Mayor), S Ritchie (Deputy Mayor), J Tramby OAM, G Smith, J Crawford, S Price, K Cassells, G Chiu and M Montgomery AM.

IN ATTENDANCE:

Mr L Rodgers (General Manager), Mr I Dinham (Director of Engineering Services), Mr A Witherby (Director of Planning and Community Development), Mr M Johnson (Director of Corporate Services), Mr J Carleton (Executive Projects Manager), Mr A Probert (Finance Manager), Mrs A Colbran (Governance Project Officer), Mrs S Pearse (Senior Communications Officer), Miss L Colley (Executive Assistant) and Ms D Murray (Executive Coordinator)

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

LEAVE OF ABSENCE REQUESTS

For Information only

- Councillor Price on Monday, 4 June 2018 will be attending the North West Local Roads Congress in Sydney and Monday, 18 June 2018 to Wednesday, 20 June 2018 will be attending the National General Assembly.
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ACCEPTANCE OF LATE REPORTS:

- A. Confidential Late Report – Sale of Land – Lot 17 DP 758127, 114 Brown Street, Boggabilla

- B. Confidential Late Report – Sale of Land – Lot 30 DP 258378, Edward Street Moree
- C. Confidential Late Report - Sale of Council Land – Lots 1 and 2 Section 10 DP 758729, 70 Walker Street, Mungindi

18/05/01 RESOLVED (RITCHIE/PRICE)

That the following late reports:

- A. Confidential Late Report – Sale of Land – Lot 17 DP 758127, 114 Brown Street, Boggabilla
- B. Confidential Late Report – Sale of Land – Lot 30 DP 258378, Edward Street Moree
- C. Confidential Late Report - Sale of Council Land – Lots 1 and 2 Section 10 DP 758729, 70 Walker Street, Mungindi

be accepted by Council.

MINUTES:

Minutes from the Ordinary Council Meeting held 26 April 2018.

18/05/02 RESOLVED (CRAWFORD/MONTGOMERY)

That the Minutes of the Ordinary Council Meeting held on 26 April 2018 be adopted.

DECLARATIONS OF INTEREST:

- Councillor Montgomery declared a non-pecuniary interest in Report 2 Moree Saleyards Lease as he is a user of the saleyards as well as a beef producer.
 - Mr Rodgers declared a non-pecuniary interest in Report 2 Moree Saleyards Lease as he is a user of the saleyards as well as a beef producer.
 - Councillor Smith declared a non-pecuniary interest in Report 2 Moree Saleyards Lease as he is a user of the saleyards as well as a beef producer.
 - Councillor Smith declared a non-pecuniary interest in Report 4 Moree Artesian Aquatic Centre Budget as he is a Director of the Board.
 - Councillor Price declared a non-pecuniary interest in Report 4 Moree Artesian Aquatic Centre Budget as she is a Director of the Board.
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PUBLIC FORUM

Nil

Report Title	1. Draft Wheelie Bin Contamination Policy
Report by	Planning and Community Development
Contact	Angus Witherby, Director Planning and Community Development
Attachments	One (1) attachment; refer to Attachments section
File	FILE 17/87

18/05/03 RESOLVED (PRICE/CRAWFORD)

- 1. That the draft Moree Plains Shire Council Wheelie Bin Contamination Policy be placed on public exhibition for a period of 28 days.**
- 2. That should no submissions be received on the draft Moree Plains Shire Council Wheelie Bin Contamination Policy, that it be adopted by Council.**
- 3. That if comments are received on the draft Moree Plains Shire Council Wheelie Bin Contamination Policy a further report be brought back to Council for review and or adoption.**

CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

2. Confidential - Lease – Moree Saleyards

That Report, Confidential - Lease – Moree Saleyards, be dealt with in Closed Council as it relates to Section 10A (2)(d)(i) of the *Local Government Act 1993* being:

- (d) *Commercial information of a confidential nature that would if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it*

3. Confidential – Construction Litigation Update

That Report – Confidential: Update on Construction Litigation Matter be dealt with in Closed Council as it relates to Section 10A (2)(g) of the *LG Act 1993* being:

- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

A. Confidential Late Report – Sale of Land - Lot 17 Section 17 DP758127, 114 Brown Street, Boggabilla

That Report, Confidential Late Report - Sale of Land – Lot 17 Section 17 DP 758127, 114 Brown Street, Boggabilla, be dealt with in Closed Council as it relates to Section 10A (2)(d)(i) of the *Local Government Act 1993* being:

- “(d) *Commercial information of a confidential nature that would if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it”*

B. Confidential Late Report – Sale of Land – Lot 30 DP 258378, Edward Street Moree

That Report, Confidential Late Report - Sale of Council Land – Lot 30 DP 258375, Edward Street, Moree, be dealt with in Closed Council as it relates to Section 10A (2)(d)(i) of the *Local Government Act 1993* being:

- (d) *Commercial information of a confidential nature that would if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it*

C. Confidential Late Report - Sale of Council Land – Lots 1 and 2 Section 10 DP 758729, 70 Walker Street, Mungindi

That Report, Confidential Late Report - Sale of Council Land – Lots 1 and 2 Section 10 DP 758729, 70 Walker Street, Mungindi be dealt with in Closed Council as it relates to Section 10A (2)(d)(i) of the *Local Government Act 1993* being:

- (d) Commercial information of a confidential nature that would if disclosed:**
- (i) prejudice the commercial position of the person who supplied it**

18/05/04 RESOLVED (RITCHIE/CRAWFORD)

- 1. That Council resolve into closed council to consider business identified, tabled at the meeting.**
- 2. That pursuant under Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.**

The Council moved into closed Council at the time being 4.22pm. The public and media left the Council Chambers.

Report Title	2. Confidential - Lease - Moree Saleyards
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	One (1) attachment; refer to Attachments section
File	16/807

RECOMMENDATION

That pursuant to section 377 of the *Local Government Act 1993*, the Council gives the General Manager delegated authority execute a Lease Agreement with the Moree Livestock Selling Agents Association Pty Ltd, for the Moree Saleyards, Lot 4 DP 626194.

18/05/05 RESOLVED (CASSELLS/MONTGOMERY)

- 1. That Council request regular meetings of the Moree Saleyards Committee with Moree Livestock Selling Agents Association Pty including a schedule of:**
 - **Asset Management**
 - **Rental Income of residence**
 - **Maintenance Schedule**
 - **Future improvements plan.**
- 2. That a further report be brought back to Council by the 14 June 2018 Ordinary Council Meeting to further review the Lease Agreement with Moree Livestock Selling Agents Association Pty.**
- 3. That Council nominate Councillor Chiu as the second Council representative on the Moree Saleyards Committee.**

Report Title	3. Confidential - Construction Litigation Update
Report by	Executive
Contact	Alice Colbran, Governance Project Officer
Attachments	No attachment
File	FILE 15/656

RECOMMENDATION

That Council receive the update for information.

18/05/06 RESOLVED (PRICE/RITCHIE)

That Council defer Report 3 Confidential – Construction Litigation Update to the 24 May 2018 Ordinary Council Meeting.

DRAFT

18/05/07 RESOLVED (MONTOMERY/TRAMBY)

That Report 4 – Confidential Moree Artesian Aquatic Centre Budget be addressed as the last report of the meeting in open Council.

Report Title	A. Confidential Late Report - Sale of Land – Lot 17 Section 17 DP 758127, 114 Brown Street, Boggabilla
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	Three (3) attachments; refer to Attachments section
File	FILE 14/190-02

RECOMMENDATION

That Council accepts the offer from Mr Christopher Carl McGrady, to purchase Lot 17 Section 17 DP758127, 114 Brown Street, Boggabilla and that all documents associated with this sale be executed under Council seal.

18/05/08 RESOLVED (RITCHIE/PRICE)

That Council delegate authority to the General Manager to review both offers of purchase for Lot 17 Section 17 DP758127, 114 Brown Street, Boggabilla, and accept offers over \$50,000 on Council's behalf and that all documents associated with this sale be executed under Council seal.

Report Title	B. Confidential Late Report - Sale of Land – Lot 30 DP 258378, Edward Street, Moree
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	Three (3) attachments; refer to Attachments section
File	FILE 14/190-02

18/05/09 RESOLVED (RITCHIE/CRAWFORD)

That Council accepts the offer from Ms Abitha Vinothalingam, to purchase Lot 30 DP258378, Edward Street, Moree, and that all documents associated with this sale be executed under Council seal.

DRAFT

Report Title	C. Confidential Late Report - Sale of Council Land – Lots 1 and 2 Section 10 DP 758729, 70 Walker Street, Mungindi
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 14/190-02

18/05/10 RESOLVED (PRICE/RITCHIE)

That Council accepts the offer from Ms Beatrice Twardowska, to purchase Lots 1 and 2, Section 10 DP758729, 70 Walker Street, Mungindi, and that all documents associated with this sale be executed under Council seal.

DRAFT

OPEN COUNCIL

18/05/11 RESOLVED (PRICE/RITCHIE)

That the meeting resume into open Council.

The meeting moved into Open Council at the time being 5.10pm.

The General Manager read out the following in open Council:

2. Confidential - Lease – Moree Saleyards

18/05/05 RESOLVED (CASSELLS/MONTGOMERY)

1. That Council request regular meetings of the Moree Saleyards Committee with Moree Livestock Selling Agents Association Pty including a schedule of:
 - Asset Management
 - Rental Income of residence
 - Maintenance Schedule
 - Future improvements plan.
 2. That a further report be brought back to Council by the 14 June 2018 Ordinary Council Meeting to further review the Lease Agreement with Moree Livestock Selling Agents Association Pty.
 3. That Council nominate Councillor Chiu as the second Council representative on the Moree Saleyards Committee.
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3. Confidential – Construction Litigation Update

18/05/06 RESOLVED (PRICE/RITCHIE)

That Council defer Report 3 Confidential – Construction Litigation Update to the 24 May 2018 Ordinary Council Meeting.

A. Confidential Late Report – Sale of Land - Lot 17 Section 17 DP758127, 114 Brown Street, Boggabilla

18/05/08 RESOLVED (RITCHIE/PRICE)

That Council delegate authority to the General Manager to review both offers of purchase for Lot 17 Section 17 DP758127, 114 Brown Street, Boggabilla, and accept offers over \$50,000 on Council's behalf and that all documents associated with this sale be executed under Council seal.

B. Confidential Late Report – Sale of Land – Lot 30 DP 258378, Edward Street Moree

18/05/09 RESOLVED (RITCHIE/CRAWFORD)

That Council accepts the offer from Ms Abitha Vinothalingam, to purchase Lot 30 DP258378, Edward Street, Moree and that all documents associated with this sale be executed under Council seal.

C. Confidential Late Report - Sale of Council Land – Lots 1 & 2 Section 10 DP 758729, 70 Walker Street, Mungindi

18/05/10 RESOLVED (PRICE/RITCHIE)

That Council accepts the offer from Ms Beatrice Twardowska, to purchase Lots 1 and 2, Section 10 DP758729, 70 Walker Street, Mungindi and that all documents associated with this sale be executed under Council seal.

Report Title	4. Confidential - Moree Artesian Aquatic Centre Budget
Report by	Executive
Contact	Alice Colbran, Governance Project Officer
Attachments	No attachment
File	FILE 15/656

RECOMMENDATION

That Council consider the budget allocation for the Moree Artesian Aquatic Centre for the 2018/19 Financial Year.

18/05/12 RESOLVED (RITCHIE/MONTGOMERY)

That Council consider the budget allocation for the Moree Artesian Aquatic Centre for the 2018/19 Financial Year for inclusion in the Draft Operational Plan which to be discussed at the next budget workshop.

CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Confidential - Floodplain Risk Management Committee

That, Confidential - Floodplain Risk Management Committee, be dealt with in Closed Council as it relates to Section 10A(2)(b) of the *LG Act* being:

(b) personnel matters concerning particular individuals (other than Councillors)

18/05/13 RESOLVED (RITCHIE/SMITH)

4. That Council resolve into closed council to consider business identified, tabled at the meeting.
5. That pursuant under Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.
6. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

The Council moved into closed Council at the time being 5.58pm the public and media left the Council Chambers.

OPEN COUNCIL

18/05/14 RESOLVED (CHIU/SMITH)

That the meeting resume into open Council.

The meeting moved into Open Council at the time being 6.02pm

There being no further business, the meeting closed at the time being 6.02pm
