



MOREE PLAINS SHIRE COUNCIL

25 JANUARY 2018

ORDINARY COUNCIL MEETING

DRAFT MINUTES

Wednesday, 17 January 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, 25 January 2018** commencing at **4pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Ian Dinham
ACTING 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

25 January 2018

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MINUTES OF THE ORDINARY MEETING OF THE MOREE PLAINS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, HEBER STREET, MOREE ON THURSDAY, 25 JANUARY COMMNECING AT 4.04pm.

PRESENT:

Councillors K Humphries (Mayor), S Ritchie (Deputy Mayor), J Tramby OAM, K Cassells, J Crawford and G Smith.

IN ATTENDANCE:

Mr L Rodgers (General Manager), Mr I Dinham (Director of Engineering Services), Mr M Johnson (Director of Corporate Services), Mr A Witherby (Director of Planning and Community Development), Mr R Heatley (Acting Water and Waste Manager), Mrs L Carter (IP&R Manager), Mr M Connolly (Economic and Community Development Manager), Mrs L Fisher (Project and Development Manager), Mr R Harris (Land Utilisation Officer) and Miss L Colley (Executive Assistant).

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Councillors S Price and M Montgomery AM.

LEAVE OF ABSENCE REQUESTS:

Councillors Price and Montgomery for Thursday, 25 January 2018.
Councillor Chiu for Sunday, 4 February 2018 – Wednesday, 14 February 2018 (inclusive)
Councillor Ritchie Sunday, 11 February 2018 – Monday, 19 February 2018 (inclusive)

18/01/01 RESOLVED (CASSELLS/SMITH)

That the following leave of absence requests for:

Councillors Price and Montgomery for Thursday, 25 January 2018.
Councillor Chiu for Sunday, 4 February 2018 – Wednesday, 14 February 2018 (inclusive)
Councillor Ritchie Sunday, 11 February 2018 – Monday, 19 February 2018 (inclusive)

be granted by Council.

ACCEPTANCE OF LATE REPORTS:

18/01/02 RESOLVED (RITCHIE/CRAWFORD)

That the following late reports:

- A. Confidential Late report –Asphalt plant at Moree Plains Shire Council Depot (Lot 584/DP 822973)
- B. Confidential Mayoral Minute - Transport

be accepted by Council.

MINUTES:

Minutes from the Ordinary Council Meeting held 14 December 2017.

18/01/03 RESOLVED (CASSELLS/RITCHIE)

That the Minutes of the Ordinary Council Meeting held on 14 December 2017 be adopted.

DECLARATIONS OF INTEREST:

- General Manager, Lester Rodgers, declared a non-pecuniary interest in Report 2 “Applications for financial assistance – third financial quarter 2017/18” due to discussions around the Country Rugby League as a family member plays in the same tournament.
-

PUBLIC FORUM:

1. NAME: Reg Jamieson
SUBJECT: Report 2

DETAILS: Hi my name is Reg Jamieson and I am the President of the North West Sub-Branch of the National Servicemen. On behalf of the Committee and the Allied Forces I would like Moree Plains Shire Council to consider our application for a grant to host the National Servicemen Reunion which is to be held 9-11 March 2018. It is a very important event and we have a hard working Committee which has already raised over \$6,000. We have already accepted a number of invites. The annual event will bring money into Moree over the three days and benefit the local economy. On behalf of the Committee, we hope that we are a successful applicant so Council can help us make the event a success.

18/01/03 RESOLVED (RITCHIE/CASSELLS)

That Council address Report 2 at this juncture of the meeting.

Report Title	2 Applications for Financial Assistance – Third Financial Quarter 2017/18 Year
Report by	Executive
Contact	Lester Rodgers, General Manager
Attachments	No attachment
File	FILE 17/377

RECOMMENDATION

That, subject to the terms and conditions set out in the Council's Public Donations Policy and any additional noted terms and conditions, the Council consider providing financial assistance from the Unallocated Community Funding Budget to the following applicants in respect of the amount listed in the below points:

1. Mungindi Grasshoppers Senior Rugby League Football Club for an amount of \$3,000 for establishment costs of the Club.
2. The Police and Citizens Youth Club NSW Limited, Moree, for an amount of \$3,000 to facilitate the Deadly Program.
3. National Servicemen Association NSW North West Sub-branch for an amount of \$3,000 to host the 2018 National Servicemen, Allied Forces and Families Annual Reunion in Moree.
4. Moree Show Society Incorporated for an amount of \$3,000 for the 2018 Moree Show.
5. Michelle Eulenstein, on behalf of the Tullooona community, for an amount of \$2,880 to implement the Kindermusik Program.
6. Mungindi Central School for an amount of \$3,000 to implement the STEAM Project.
7. Moree Caledonian Pipes and Drums for an amount of \$3,000 to purchase band equipment.

18/01/04 RESOLVED (CASSELLS/RITCHIE)

That, subject to the terms and conditions set out in the Council's Public Donations Policy and any additional noted terms and conditions, the Council provide financial assistance from the Unallocated Community Funding Budget to the following applicants in respect of the amount listed in the below points:

1. **Mungindi Grasshoppers Senior Rugby League Football Club for an amount of \$1,000 for establishment costs of the Club.**
2. **The Police and Citizens Youth Club NSW Limited, Moree, for an amount of \$2,000 to facilitate the Deadly Program.**
3. **National Servicemen Association NSW North West Sub-branch for an amount of \$3,000 to host the 2018 National Servicemen, Allied Forces and Families Annual Reunion in Moree.**
4. **Moree Show Society Incorporated for an amount of \$3,000 for the 2018 Moree Show.**
5. **Michelle Eulenstein, on behalf of the Tullooona community, for an amount of \$1,000 to implement the Kindermusik Program.**

Report Title	1 Notice of Motion – Policy and Long-term Plan for crime prevention in Moree Plains Shire
Report by	Councillor John Tramby
Submitted on	3 January 2018
Attachments	One (1) attachment; refer to Attachments section
File	16/801

18/01/05 RESOLVED (TRAMBY/CASELLS)

- 1. That Moree Plains Shire Council develop a policy on Council’s role and responsibility with regard to the unacceptable and detrimental high crime rate in the Moree Plains Shire Council area.**
- 2. That Council hold a workshop of interested Councillors and staff to formulate Council’s response and Long-term Plan to assist the relevant welfare organisations involved within the community and stimulate those that need some encouragement.**
- 3. That Council look to involving a cross section of the community to assist and be an active participant in the process.**
- 4. That Council adopt a Long-term Plan to reduce our crime rate to a level equal or lower than the state average on all types of crime committed with in our Shire.**

Report Title	3 Schedule of Investments held as at 31 December 2017
Report by	Corporate Services
Contact	Andrew Probert, Finance Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 13/680

18/01/06 RESOLVED (CASSELLS/SMITH)

That the schedule detailing Council's Investments held as at 31 December 2017 be received for information.

18/01/07 RESOLVED (TRAMBY/RITCHIE)

That Council address Report 4 when Mr Harris is available to speak to the report.

Report Title	5 Grant Funding Progression – Moree Civic Precinct/Moree Library/Moree Gallery
Report by	Planning and Community Development
Contact	Economic and Community Development Manager, Mark Connolly
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 13/1311

RECOMMENDATION

- 1 That Council submit a grant application to the second phase of the Regional Cultural Fund for Stage 1 of the Moree Civic Precinct redevelopment.
- 2 That Council provide delegated authority to the General Manager to issue owners consent for the lodgement of a Development Application on the lots affected by the Moree Civic Precinct redevelopment.
- 3 That Council endorse the expenditure of funds up to \$60,500 sourced from the Moree Civic Precinct redevelopment budget in order to submit a compelling grant application consistent with the mandatory requirements of the Regional Cultural Fund.

18/01/08 RESOLVED (CASSELLS/TRAMBY)

- 1 That Council submit a grant application to the second phase of the Regional Cultural Fund for Stage 1 of the Moree Civic Precinct redevelopment.
- 2 That Council provide delegated authority to the General Manager to issue owners consent for the lodgement of a Development Application on the lots affected by the Moree Civic Precinct redevelopment.
- 3 That Council endorse the expenditure of funds up to \$55,414 sourced from the Moree Civic Precinct redevelopment budget in order to submit a compelling grant application consistent with the mandatory requirements of the Regional Cultural Fund.

Report Title	4 Relocation of Tycannah Street South, Moree
Report by	Engineering Services
Contact	Lila Fisher, Project and Development Manager
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 00-0051

18/01/09 RESOLVED (RITCHIE/CASELLS)

- 1. That following formal closure of part of former Tycannah Street, Moree, that Lot 101, DP 1096621 be transferred to Graincorp Operations Ltd in compensation for land provided by them for the road in DP 1096621.**
- 2. That Council initiate action under the *Roads Act 1993* to close the remaining section of the former Tycannah Street road rendered unnecessary by the Tycannah Street/Bullus Drive realignment.**
- 3. That closure and disposal of the section of road separating Lot 102 from Lot 103, DP 1096621 be subject to formal consent of Graincorp Operations Limited.**
- 4. That upon closure, the former section of road be sold to Manildra Grain Company Proprietary Limited for \$20,000, and all documents associated with the sale be executed under Council seal.**
- 5. That net proceeds of the sale are to be utilised in road work maintenance costs in accordance with Section 43(4) of the *Roads Act 1993*.**
- 6. That the General Manager be authorised pursuant to Section 377 of the *Local Government Act 1993* to endorse documentation required to achieve the resolved actions.**

Report Title	6 Actions performed under Delegated Authority for the month of December 2017
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	One (1) attachment; refer to Attachments section
File	FILE12/1801

18/01/10 RESOLVED (CASSELLS/CRAWFORD)

That Council receive the report for information.

Report Title	7 Asbestos - Moree Sewer Treatment Plant soil stockpile
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	No attachment
File	FILE 17/1004

18/01/11 RESOLVED (RITCHIE/CRAWFORD)

- 1 That Council note that a stockpile of soil at the Moree Sewage Treatment Plant is suspected to be contaminated with asbestos.**
- 2 That Council note actions taken by Council staff to address the suspected asbestos contamination.**

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.

8 Confidential - Offer – Lot 2 DP 594110, Lot 2 Anne Street, Moree

That Report, Confidential - Sale of Council Land – Various, be dealt with in Closed Council as it relates to Section 10A (2)(d) 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*

9 Confidential - Offer – Lot 1 SP 16605, 1/4 Anne Street, Moree

That Report, Confidential - Offer – Lot 1, SP 16605, 1/4 Anne Street, Moree, be dealt with in Closed Council as it relates to Section 10A (2)(d) 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*

A Confidential Late Report – proposal - asphalt plant at Moree Plains Shire Council’s Depot (Lot 584/DP 822973)

That Report, Confidential - Proposal - Asphalt Plant at Moree Plains Shire Council Depot, be dealt with in Closed Council as it relates to Section 10A(2) of the *LG Act* 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 Mayoral Minute– Transport

That Report, Confidential Mayoral Minute - Transport, be dealt with in Closed Council as it relates to Section 10A(2)(i) of the *LG Act* being:

- (d) commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it*
 - (ii) confer a commercial advantage on a competitor of the Council*
 - (iii) reveal a trade secret*

18/01/12 RESOLVED (CRAWFORD/RITCHIE)

- 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, the time being 5.01pm. The public and media left the Council Chambers.

18/01/13 RESOLVED (CRAWFORD/SMITH)

That Council allow the proposed developer the opportunity to speak to Council in Closed Council.

18/01/14 RESOLVED (CASSELLS/SMITH)

That Council move into workshop mode.

The Council moved into workshop mode at the time being 5.05pm.

18/01/15 RESOLVED (CRAWFORD/CHIU)

That Council move out of workshop mode.

The Council moved out of workshop mode at the time being 5.40pm.

Report Title	A Confidential late report – Proposal - Asphalt Plant at Moree Plains Shire Council’s Depot (Lot 584/DP 822973)
Report by	Executive
Contact	Mark Connolly, Economic and Community Development Manager
Attachments	No attachment
File	FILE 13/496

RECOMMENDATION

- 1 That, if required, the General Manager be given delegated authority to issue owners consent for the lodgement of a Development Application on part Lot 584 in DP 822973, for the construction and operation of an asphalt manufacturing plant.
- 2 That, without prejudice to any development assessment process, as the responsible managers of part Lot 584 in DP 822973, Council provides ‘in principle’ support to utilise said land for the operation of an asphalt manufacturing plant.
- 3 That the General Manager be given delegated authority to conduct an appropriate commercial process, and required due diligence, so that a further report may be tabled for Council consideration detailing:
 - a. A formal proposal
 - b. Appropriate legal advice regarding suitable tenure arrangements with consideration for Crown Land requirements
 - c. Provisions to ensure suitable probity regarding commercial use of Council land.

18/01/16 RESOLVED (CRAWFORD/CASSELLS)

- 1 That, if required, the General Manager be given delegated authority to issue owners consent for the lodgement of a Development Application on part Lot 584 in DP 822973, for the construction and operation of an asphalt manufacturing plant.**

- 2 That, without prejudice to any development assessment process, as the responsible managers of part Lot 584 in DP 822973, Council provides 'in principle' support to utilise said land for the operation of an asphalt manufacturing plant.**
- 3 That the General Manager be given delegated authority to conduct an appropriate commercial process, and required due diligence, so that a further report may be tabled for Council consideration detailing:**
 - a. A formal proposal**
 - b. Appropriate legal advice regarding suitable tenure arrangements with consideration for Crown Land requirements**
 - c. Provisions to ensure suitable probity regarding commercial use of Council land.**
- 4 That the Leasing Option for the developer include an exit clause should the land use approval not be granted.**

Report Title	8 Confidential - Offer – Lot 2 DP 594110, Lot 2 Anne Street, Moree
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	One (1) attachment; refer to Attachments section
File	FILE 14/190

RECOMMENDATION

That Council considers the offer from Chanan Khem Investments Pty Ltd, to purchase Lot 2 in Deposited Plan 594110, known as Lot 2 Anne Street, Moree, and that all documents associated with this sales be executed under Council seal.

18/01/17 RESOLVED (RITCHIE/TRAMBY)

- 1 That Council declines the offer from Chanan Khem Investments Pty Ltd, to purchase Lot 2 in Deposited Plan 594110, known as Lot 2 Anne Street, Moree.**
- 2 That Council place Lot 2 DP 594110 known as Lot 2 Anne Street, Moree, on the market for \$500,000.**

Report Title	9 Confidential - Offer – Lot 1 SP 16605, 1/4 Anne Street, Moree
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 14/190

RECOMMENDATION

That the offer for Lot 1 SP 16605, known as 1/4 Anne Street, Moree be for Council's consideration.

18/01/18 RESOLVED (RITCHIE/CASELLS)

That Council accepts the offer from Roman Modzelewski, to purchase Lot 1 SP 16605, known as 1/4 Anne Street, Moree, and that all documents associated with this sale be executed under Council seal.

Report Title	B Confidential Mayoral Minute– Transport
Report by	Executive
Contact	Mayor
Attachments	No attachment
File	FILE

18/01/19 RESOLVED (HUMPHRIES/CASELLS)

That Council note for information the update from the Mayor.

OPEN COUNCIL

18/01/20 RESOLVED (CRAWFORD/SMITH)

That the meeting resume into open Council.

The meeting moved into open Council at the time being 6.13pm.

Attendance at Local Government NSW Annual Conference – report from attendees

Please note, as per 5.7.3 of the Councillors Expenses and Facilities Policy, *Councillors will report, in an open session of a Council Meeting, the outcome of the conference, seminar or similar function attended. The report will be submitted in writing to the General Manager within one (1) month of the Councillor's attendance. If a number of Councillors attend the same function, one combined report may be submitted so long as it is signed by all who attended.*

Mayor Humphries advised that a large delegation from MPSC attended the LGNSW Annual Conference. While there were some topics of great interest, there were also huge disappointments from presenters. I speak on behalf of all Councillors, various presentations were not impressive, however, it was a good opportunity for networking and seeing displays. In addition, being able to look at what is out there for Council resources, playground equipment, Telstra to solar facilities was beneficial. There was disappointment expressed from all Councillors that the Minister for Local Government spoke for 30 minutes and did not accept questions from the members of Local Government that she represents. Furthermore, Minister Barilaro spoke brilliantly and was engaged with the delegates in attendance.

The General Manager read out the following in Open Council:

A Confidential late report – Proposal - Asphalt Plant at Moree Plains Shire Council's Depot (Lot 584/DP 822973)

18/01/16 RESOLVED (CRAWFORD/CASSELLS)

- 1 That, if required, the General Manager be given delegated authority to issue owners consent for the lodgement of a Development Application on part Lot 584 in DP 822973, for the construction and operation of an asphalt manufacturing plant.**
- 2 That, without prejudice to any development assessment process, as the responsible managers of part Lot 584 in DP 822973, Council provides 'in principle' support to utilise said land for the operation of an asphalt manufacturing plant.**
- 3 That the General Manager be given delegated authority to conduct an appropriate commercial process, and required due diligence, so that a further report may be tabled for Council consideration detailing:**
 - a. A formal proposal**
 - b. Appropriate legal advice regarding suitable tenure arrangements with consideration for Crown Land requirements**
 - c. Provisions to ensure suitable probity regarding commercial use of Council land.**
- 4 That the Leasing Option for the developer include an exit clause should the land use approval not be granted.**

8 Confidential - Offer – Lot 2 DP 594110, Lot 2 Anne Street, Moree

18/01/17 RESOLVED (RITCHIE/TRAMBY)

- 1 That Council declines the offer from Chanan Khem Investments Pty Ltd, to purchase Lot 2 in Deposited Plan 594110, known as Lot 2 Anne Street, Moree.**
- 2 That Council place Lot 2 DP 594110 known as Lot 2 Anne Street, Moree, on the market for \$500,000.**

9 Confidential - Offer – Lot 1 SP 16605, 1/4 Anne Street, Moree

18/01/18 RESOLVED (RITCHIE/CASELLS)

That Council accepts the offer from Roman Modzelewski, to purchase Lot 1 SP 16605, known as 1/4 Anne Street, Moree, and that all documents associated with this sale be executed under Council seal.

B Confidential Mayoral Minute– Transport

18/01/19 RESOLVED (HUMPHRIES/CASELLS)

That Council note for information the update from the Mayor.

There being no further business, the meeting closed at the time being 6.21pm.
