



MOREE PLAINS SHIRE COUNCIL

23 MAY 2019

ORDINARY COUNCIL MEETING

DRAFT PUBLIC MINUTES

Wednesday, 15 May 2019

- 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, 23 May 2019** 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 Public Minutes

23 May 2019

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READ ALOUD:

- Audio Recording Declaration.
- Emergency Response and General Housekeeping Declaration.

PRESENT:

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

IN ATTENDANCE:

Mr L Rodgers (General Manager), Mr A Witherby (Director of Planning and Community Development), Mr R Heatley (Acting Water Services Manager), Mr M Johnson (Director of Corporate Services), Mrs S Pearse (Senior Communication Officer), Mrs L Carter (Integrated Planning and Reporting Manager), Ms Adriana Pippas (Commercial Services/Corporate Risk Manager), Miss L Colley (Acting Economic and Community Development Manager) and Ms D Murray (Executive Assistant).

19/05/14 RESOLVED (MOVED: RITCHIE /SECONDED: CASSELLS)

That there be a short break in the meeting the time being 4.05pm. the meeting resumed the time being 4.16pm.

APOLOGIES:

- Councillor S Price OAM
- Councillor J Crawford

19/05/15 RESOLVED (MOVED: HUMPHRIES/SECONDED: RITCHIE)

That Council accept the following apologies:

- **Councillor S Price OAM**
 - **Councillor J Crawford**
-

LEAVE OF ABSENCE:

- Councillor S Price OAM
 - Councillor J Crawford
-

LEAVE OF ABSENCE REQUESTS:

Nil.

ACCEPTANCE OF LATE REPORTS

- A. Mayoral Minute – Moree Artesian Aquatic Centre – Budget Considerations

19/05/16 RESOLVED (MOVED: HUMPHRIES/SECONDED: TRAMBY)

That Council accept the following late reports:

- A. Mayoral Minute – Moree Artesian Aquatic Centre – Budget Considerations
-

MINUTES:

- Minutes from the 9 May 2019 Ordinary Council Meeting.

19/05/17 RESOLVED (MOVED: SMITH/SECONDED: RITCHIE)

That the:

- **Minutes from the 9 May 2019 Ordinary Council Meeting**

be adopted.

DECLARATIONS OF INTEREST:

Nil.

PUBLIC FORUM:

- 1. NAME:** Paul Strahan

SUBJECT: Report 11 - Confidential - Request to Purchase 102 Amaroo Drive, Moree

DETAILS: *Thank you for allowing me the opportunity to speak, I am speaking to the building on Amaroo Drive, we as an organisation have purchased 3 homes around that building, the parklands behind and the old SES shed and the State Government own it and are wanting to sell it. They have advised they won't sell to us first off, they wanted to go through*

Council. We have put a proposal to Council to purchase the building and we would lease to own considering Government Legislation states we cannot purchase off the Council for 15 years we would purchase over the 15 years if this was within the budget of Council. What the building would be used for is the tutoring studio we run out of 106 Amaroo Drive is expanding and we need a bigger facility. The carpark out the front of the building is the main desire as the building itself will be used for tutoring, the kitchen would be used for programs we have for children and food so it would allow us to run life skill programs. The main reason for the building would be for the tutoring studying, the tutoring is a free service and this would allow us to expand that, this service helps children to gain an education to a level where they feel comfortable to be back in the classroom and that is already starting to happen. We have been doing this now for 18 months and there are children that are being raised up to a level to be back into the classroom and behave themselves and not get suspended. We would like to offer that to a lot more children and we are asking for your help in doing that. We could purchase the building outright but the money we have needs to go into renovations in the building and we would not be able to do both not without seeking another loan. In the report request we have stated we would be responsible for the renovations and maintenance of the building even though it would be owned by Council, I leave that for your consideration and thank you for your time.

Report Title	1. Draft Operational Plan and Budget 2019-2020
Report by	Executive
Contact	Lester Rodgers, General Manager
Attachments	No attachment
File	FILE 16/572

RECOMMENDATION

1. That Council approve the placement of the Operational Plan and Budget 2019-2020 on public exhibition for a period of 28 days.
2. That Council consider all public submissions made in relation to the Operational Plan and Budget 2019-2020 and, subject to any amendments of Council, that the final version be endorsed by Council.

19/05/18 RESOLVED (MOVED: TRAMBY /SECONDED: MONTGOMERY)

1. **That, for the Operational Plan and Budget 2019-2020:**
 - (a) **the Property Reserve be reduced and limited to an amount of \$300,000, with the balance to be used to retire Council debt;**
 - (b) **the available balance in the Road Sustainability Fund (in the amount of \$440,500) be removed from this Fund and be made available for road infrastructure purposes in the Moree Plains Shire, which may include increasing the funding available for Self Help programs and/or matching grant fund opportunities for road infrastructure;**
 - (c) **following approval of certain maintenance work at Jellicoe Park (which will be the subject of a forthcoming report to Council), that the balance of the Jellicoe Park Fund thereafter be removed from internal reserves and be made available to retire Council debt;**
 - (d) **the current available balance of the TED Fund for the 2018-2019 financial year (in the amount of \$43,503) be allocated for Inland Rail Strategic Works including (without limitation) desktop workings and support services to the Melbourne to Brisbane Inland Rail Alliance, with any available balance as at 30 June 2019 be revoted for the same purpose for the 2019-2020 financial year;**
 - (e) **additional funding in the amount of \$70,000 from the 2019-2020 TED Levy be allocated to the Moree Intermodal Development and Special Activation Precinct (Economic Development Project) project to increase the funding available for the project for the 2019-2020 financial year to \$150,000;**
 - (f) **the available balance in the Gravel Pits internal reserve in the amount of \$613,373 be removed from this fund and be utilised to retire Council debt;**
 - (g) **the On-site Effluent internal reserve be reduced by the amount of \$60,000 to retire Council debt;**

- (i) the available balance in the Medical Accommodation internal reserve in the amount of \$64,149 be removed from this fund and be utilised to retire Council debt.
- 2. That in Quarter 1 of the 2019-2020 financial year, Council consider the appropriate amount held in internal reserves for Employee Entitlements once the unrestricted cash balance as at 30 June 2019 is determined.
- 3. That Council approve the placement of the Operational Plan and Budget 2019-2020 on public exhibition for a period of 28 days, with the exception of the following amendments;
 - a) Sportsfield Line Marking (CPI existing fees and do not include the new additional line marking fees until sufficient consultation occurs with the sporting groups.
 - b) MAAC line allocations specify CSO \$300,00 and \$250,00 'other expenses' to replace the current \$550,000 line allocation.
- 4. That Council consider all public submissions made in relation to the Operational Plan and Budget 2019-2020 and, subject to any amendments of Council, that the final version be endorsed by Council.

Report Title	2. Schedule of Investments held as at 31 March 2019 and 30 April 2019
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 13/680

19/05/19 RESOLVED (MOVED: CASSELLS/SECONDED: SMITH)

That the schedule detailing Council's Investments held as at 31 March 2019 and 30 April 2019 be received for information.

Report Title	3. Local Government Remuneration Tribunal Determination 2019/20
Report by	Corporate Services
Contact	Mitchell Johnson, Director Corporate Services
Attachments	One (1) attachment; refer to Attachments section
File	FILE 13/1169

19/05/20 RESOLVED (MOVED: CASSELLS/SECONDED: MONTGOMERY)

That the increase in fees for the Mayor and Councillors for Moree Plains Shire Council for 2019/20 be fixed at the upper level determined by the Local Government Remuneration Tribunal in their 2019 Annual Review.

Report Title	4. Actions performed under Delegated Authority for the month of April 2019
Report by	Planning and Community Development
Contact	Angus Witherby, Director Planning and Community Development
Attachments	Two (2) attachments; refer to Attachments section
File	FILE12/1801

19/05/21 RESOLVED (MOVED: SMITH/ SECONDED: RITCHIE)

That Council receive the report for information.

Report Title	5. Recommendations from the Strategic Asset and Work Committee Meeting held on 9 May 2019
Report by	Engineering Services
Contact	Roland Heatley, Acting Director of Engineering Services
Attachments	No attachment
File	FILE 16/602

19/05/22 RESOLVED (MOVED: RITCHIE/SECONDED: CHIU)

- 1. That Council support the installation of a “Dump-Ezy” waste disposal Dump Point located at Lot 51, DP 1199702, Werrina Street, Boomi.**
- 2. That Council acknowledge the collaboration with Tourism Moree for the Dump Point project and the proposed \$5,000 co-contribution from the 2018-19 Tourism Moree component of the Moree Plains Tourism and Economic Development Levy.**
- 3. That Council allocate up to \$10,000 from the Boomi Baths Committee Budget to co-fund the Boomi Dump Point project.**
- 4. That Council endorse a grant application to the NSW Government Campervan and Motorhome Club of Australia Dump Point Subsidy Program to co-fund the Boomi Dump Point project.**
- 5. That Council acknowledge the letter from the Boomi Community Cooperative Limited confirming approval for use of the land for installation and their ongoing maintenance obligations of the Dump Point.**

Report Title	6. Request to close Council Public Road SR205 Backspear Road
Report by	Engineering Services
Contact	Ian Dinham, Director of Engineering
Attachments	Three (3) attachments; refer to Attachments section
File	FILE 13/728

RECOMMENDATION

That Council do not approve the closure of Backspear Road (SR205) until a suitable alternative crossing can be built on Kirewa Road (SR128).

19/05/23 RESOLVED (MOVED: CASSELLS/ SECONDED: RITCHIE)

That Council defer consideration of Report 6, Request to Close Council Public Road SR205 Backspear Road, with the report to being brought back to Council at future Ordinary Council Meeting date.

Report Title	7. Adoption of Review of Moree and Environs Flood Study/Floodplain Risk Management Study and Plan Volume III – Draft Floodplain Risk Management Plan
Report by	Engineering Services
Contact	Ian Dinham, Director of Engineering
Attachments	Two (2) attachments; refer to Attachments section
File	FILE 12/2237

19/05/24 RESOLVED (MOVED: HUMPHRIES/SECONDED: TRAMBY)

- 1. That Council adopt the Review of Moree and Environs Flood Study/Floodplain Risk Management Study and Plan Volume III – Draft Floodplain Risk Management Plan (the Plan) with the following additions from the Committee Meeting.**
- 2. That Council adopt the Draft Floodplain Risk Management Plan incorporating the following amendments to table 3:1.**

Amendments to Table 3.1.

Flood planning level – the word Pending update of flood modelling is added to the front of the recommendation.

(Incorporate the flood planning area map into the Moree Plains Shire Council Development Control Plan)

10. Pending updated modelling incorporate the flood planning area map into the Moree Plains Shire Council Development Control Plan.

Land use planning – the word consider replaces commence.

(Commence negotiation with individual lot holders for vacant land zoned R2 and R5 in the high hazard floodway to change the land use zones to rural).

11. Consider negotiation with individual lot holders for vacant land zoned R2 and R5 in the high hazard floodway to change the land use zones to rural.

Building and Development Controls – the words pending updated modelling consider updating replaces adopt and implement.

(Adopt and implement the development controls for flood prone land and update the Development Control Plan and Local Environment plan to incorporate the updated policies).

12. Pending updated modelling consider updating development controls for flood prone land and update the Development Control Plan and Local Environment plan to incorporate the updated policies.

Including Supplementary Recommendations 3.1a and excluding from table 3:1 number 9.

(Prepare a formal letter to the NSW Minister responsible for floodplain planning and licensing of rural levees requesting a response to the findings that the rural levees are impact on flooding in Moree).

1. **Redefine the P1 Hazard Category**
2. **Re model with the Gwydir Floodplain Management Plan Zones C's**
3. **Should future modelling be undertaken, and the Tareelaro Weir area is determined to be sensitive, further investigation into the differences between modelled and observed behaviour should be examined.**
4. **Defer to adoption of Floodway Hydraulic Impact Categories pending remodelling with the above Gwydir Floodplain Management plan Zone C's**
5. **Recognise the limitations of the Flood risk management plan with regard to planning controls – it can inform but it is not a DCP**
6. **Support for a lower flood standard for Commercial Properties should be considered**
7. **Investigate the reasons for the differences between the 1955 Flood event and the currently predicted 1% AEP.**
8. **The extents of the preliminary impact mapping shown in Appendix C of the Flood Risk Management Study should be widened to capture the 10mm limits.**
9. **A Levee Investigation Study should be undertaken to further guide the most appropriate course for flood risk management for Moree and its Environs.**
 - **Extensive community consultation**
 - **Quantification of likely impacts of a levee. Flows from the smaller catchment of Whites Swamp should be considered independently.**
 - **Hydraulic model should be checked to confirm backflow into Bendygleet is considered.**
 - **Hydraulic Model should be examined to confirm the presence of the Yarraman Levee.**
 - **Identification of appropriate amelioration measures for affected properties (Voluntary Purchase Scheme).**
 - **Detailed triple bottom line (Economic, Social and Environmental) accounting.**
 - **Maintenance costs**
 - **Discussion and debate on the appropriateness of a levee considering the consequences of overtopping.**
 - **Consideration of a range of levee design heights (say 5%, 1% and 0.5% AEP)**
 - **How the levee would potentially impact on flood plains harvesting.**

Carried Unanimously

Report Title	8. Proposed Water Rebate
Report by	Corporate Services
Contact	Andrew Probert, Finance Manager
Attachments	No attachment
File	FILE 18/551

RECOMMENDATION

That Council consider a one off rebate of $\$ \{figure\ to\ be\ confirmed\}$ to each residential water account with consumption in the fourth quarter of 2019.

19/05/25 RESOLVED (MOVED: TRAMBY/ SECONDED: CASSELLS)

That Council consider a one off rebate of 50% to each residential water account with consumption in the fourth quarter of 2019, with the exception of State and Federal Government owned properties.

Carried Unanimously

Report Title	A. Mayoral Minute – Moree Artesian Aquatic Centre – Budget Considerations
Report by	Mayor
Contact	Councillor Katrina Humphries AND Councillor John Tramby
Attachments	No attachment
File	FILE15/656

19/05/26 RESOLVED (MOVED: TRAMBY/SECONDED: CASSELL)

- 1. That the Moree Plains Shire Council allocate \$300,000 to the Moree Artesian Aquatic Centre (MAAC) as a Community Service Obligation (CSO) for the year 2019/2020.**
- 2. That the General Manager be given delegated authority to appoint a suitably qualified individual, with MAAC Board concurrence to review the staffing and financial operations of the MAAC.**
- 3. That the funding for such person be funded from the unspent portion of the funding original proposed for the CSO for the MAAC.**
- 4. That the appointed person be instructed to review all operation of the Centre. To include, but not limited to, opening and operational hours, staffing levels, managerial responsibilities, key performance indicators. All options for future operations be considered. This to include leasing of the premises as a going concern, leasing different sections to individual operations or any other combinations that may assist the centre to become financially sustainable in the long term.**
- 5. That part of this report is to include concepts and ideas to be presented by the current advisory body set up by Council to report back by 30 June 2019.**
- 6. That the unallocated funding the in the 2019 budget as CSO to the MAAC be reserved for fund any structural or management alterations that may come from this report.**
- 7. That a report be brought back to Council as soon as possible with a maximum period of five (5) months.**

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.

Report 9. Confidential – Tender For Contract RFT19/05 – Supply and Delivery of Pre Mixed Concrete

That Report, Confidential – Tender For Contract RFT19/05 – Supply and Delivery Of Pre Mixed Concrete, 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, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret,*

Report 10. Confidential - Tender For Contract RFT19/06 – Casual Plant, Watercarts and Tipping Trucks Hire

That Report, Confidential – Tender For Contract RFT19/05 – Casual Plant, Watercarts and Tipping Trucks Hire, 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, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret,*

Report 11. - Confidential Sale of Land – Lot 17 Section 17 DP 758127, 114 Brown Street, Boggabilla

That Report, Confidential - Request to Purchase 102 Amaroo Drive, Moree, be dealt with in Closed Council as it relates to Section 10A (2)(d) of the Act being:

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

19/05/27 RESOLVED (MOVED: RITCHIE /SECONDED: MONTGOMERY)

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 5.50pm. The public and media left the Chamber.

Report Title	9. Confidential – Tender For Contract RFT19/05 – Supply and Delivery of Pre Mixed Concrete
Report by	Engineering Services
Contact	Ian Dinham, Director of Engineering Services
Attachments	Three (3) attachments; refer to Attachments section
File	FILE 18/1066

19/05/28 RESOLVED (MOVED: CASSELLS/SECONDED: RITCHIE)

That the contract be awarded to McDonald’s Ready Mixed Concrete for Contract No. RFT19/05 for the Supply and Delivery of Pre Mixed Concrete at the schedule of rates submitted with the option of calling on Johnstone’s Concrete & Quarries for Contract No. RFT19/05 for the Supply and Delivery of Pre Mixed Concrete at the schedule of rates submitted should McDonald’s Ready Mixed Concrete be unable to supply the required materials at the time of scheduled works.

Report Title	10. Confidential - Tender For Contract RFT19/06 – Casual Plant, Watercarts and Tipping Trucks Hire
Report by	Engineering Services
Contact	Director of Engineering
Attachments	No attachment
File	FILE 18/1067

RECOMMENDATION

That Council accept all tenders at the scheduled rates of the submitted Tenderers.

19/05/29 RESOLVED (MOVED: MONTGOMERY/SECONDED: RITCHIE)

That Council accept all conforming tenders at the scheduled rates of the submitted Tenderers.

Report Title	11. Confidential - Request to Purchase 102 Amaroo Drive, Moree
Report by	Corporate Services
Contact	Adriana Pippas, Commercial Services/Corporate Risk Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 14/190

RECOMMENDATION

That Council consider the proposal for the acquisition of 102 Amaroo Drive, Moree.

19/05/30 RESOLVED (MOVED: MONTGOMERY/SECONDED: CASSELLS)

That Council;

- 1. Declines the offer from Property NSW to purchase lot 2 DP 863439, known as 102 Amaroo Drive, Moree.**
- 2. Submit a letter of support to Hands and Feet encouraging them to continue the option to purchase lot 2 DP 863439, known as 102 Amaroo Drive, Moree directly from Property NSW through standard Market Process.**

OPEN COUNCIL

19/05/31 RESOLVED (MOVED: SMITH /SECONDED: RITCHIE)

That the meeting resume into open Council.

The meeting moved into Open Council at the time being 6.14pm.

The General Manager read out the following in open Council:

Report 9. Confidential – Tender For Contract RFT19/05 – Supply and Delivery of Pre Mixed Concrete

19/05/28 RESOLVED (MOVED: CASSELLS/SECONDED: RITCHIE)

That the contract be awarded to McDonald's Ready Mixed Concrete for Contract No. RFT19/05 for the Supply and Delivery of Pre Mixed Concrete at the schedule of rates submitted with the option of calling on Johnstone's Concrete & Quarries for Contract No. RFT19/05 for the Supply and Delivery of Pre Mixed Concrete at the schedule of rates submitted should McDonald's Ready Mixed Concrete be unable to supply the required materials at the time of scheduled works.

Report 10. Confidential - Tender For Contract RFT19/06 – Casual Plant, Watercarts and Tipping Trucks Hire

19/05/29 RESOLVED (MOVED: MONTGOMERY/ SECONDED: RITCHIE)

That Council accept all conforming tenders at the scheduled rates of the submitted Tenderers.

Report 11. - Confidential - Request to Purchase 102 Amaroo Drive, Moree

19/05/30 RESOLVED (MOVED: MONTGOMERY/ SECONDED: CASSELLS)

That Council;

1. Declines the offer from Property NSW to purchase lot 2 DP 863439, known as 102 Amaroo Drive, Moree.
 2. Submit a letter of support to Hands and Feet encouraging them to continue the option to purchase lot 2 DP 863439, known as 102 Amaroo Drive, Moree directly from Property NSW through standard Market Process.
-

There being no further business, the meeting closed at the time being 6.16pm.
