



**MOREE PLAINS SHIRE COUNCIL**

**26 OCTOBER 2017**

**ORDINARY COUNCIL MEETING**

**PUBLIC BUSINESS PAPER**

Thursday, 19 October 2017

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, 26 October 2017** 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 Public Business Paper

26 October 2017

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<b>Report Title</b>	<b>1. Schedule of Investments held as at 30 September 2017</b>
<b>Report by</b>	Corporate Services
<b>Contact</b>	Andrew Probert, Finance Manager
<b>Attachments</b>	One (1) attachment; refer to Attachments section
<b>File</b>	FILE 13/680

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## RECOMMENDATION

That the schedule detailing Council's Investments held as at 30 September 2017 be received for information.

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## REPORT

### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**  
Not applicable
- Sustainable Spaces and Places**  
Not applicable
- A Vibrant Regional Economy**  
Not applicable
- A Leading Organisation**  
L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

## BACKGROUND AND KEY ISSUES

This report is presented in accordance with the provisions of both Section 625 of the *Local Government Act 1993 (the Act)* and Clause 212 of the Local Government (General) Regulation 2005 (**the Regulations**).

Under the provisions of Clause 212 of the Regulations, the responsible accounting officer is required to furnish Council on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

Clause 212 also provides that the report must include a certificate as to whether or not the investments have been made in accordance with the Act, the Regulations and Councils investments policies.

## FINANCIAL IMPACT TO COUNCIL

The submission of the schedule of investments is a statutory requirement under Section 625 of the Act. The Operational Plan contains a significant income stream from interest on investments. Council's intent is to maximise its return on investments whilst at the same time ensuring protection of capital.

## **STATUTORY AND POLICY IMPLICATIONS**

Under the provisions of Clause 212 of the Regulations, the responsible accounting officer is required to furnish Council on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

Clause 212 also provides that the report must include a certificate as to whether or not the investments have been made in accordance with the Act, the Regulations and Councils investments policies.

## **RISK IMPLICATIONS**

There are no risk implications that have been identified for the presentation of the schedule of investments.

## **ASSET MANAGEMENT IMPLICATIONS**

No asset management implications have been identified.

## **PREVIOUS COUNCIL DECISIONS**

Under the provisions of Clause 212 of the Regulations, the responsible accounting officer is required to furnish Council on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

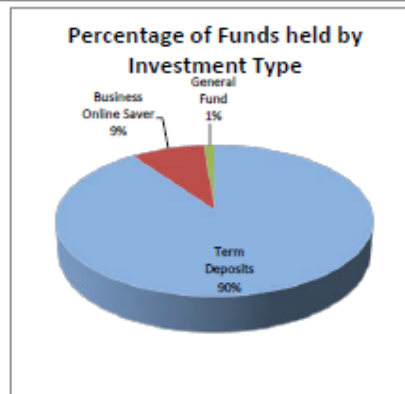
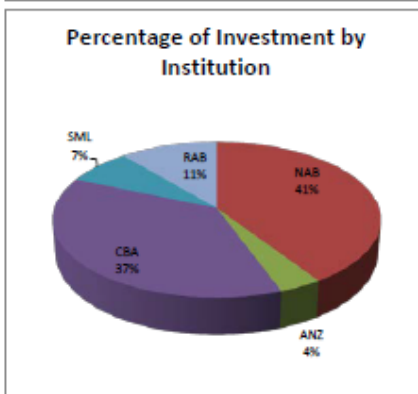
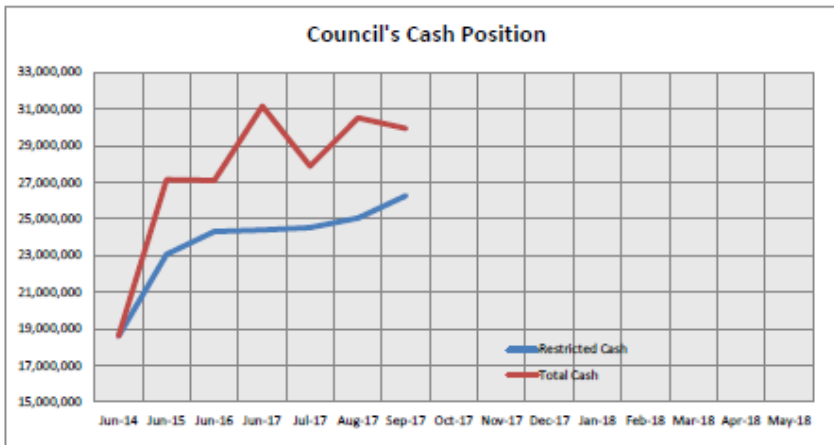
## **ATTACHMENTS**

**Attachment 1** Total Cash and Investments as at 30 September 2017

**Total Cash and Investments as at 30 September 2017**

Institution	Lodgement	Maturity	Face Value	Rate (%)
National Australia Bank	31-May-17	04-Oct-17	2,000,000.00	2.54%
Commonwealth Australia Bank	07-Jun-17	11-Oct-17	1,000,000.00	2.47%
Commonwealth Australia Bank	14-Jun-17	18-Oct-17	2,500,000.00	2.44%
Suncorp Metway Limited	17-May-17	25-Oct-17	1,000,000.00	2.55%
National Australia Bank	21-Jun-17	01-Nov-17	1,000,000.00	2.50%
Regional Australia Bank	09-Aug-17	08-Nov-17	1,000,000.00	2.46%
Suncorp Metway Limited	14-Jun-17	15-Nov-17	1,000,000.00	2.60%
Commonwealth Australia Bank	19-Jul-17	22-Nov-17	1,000,000.00	2.32%
Australia & New Zealand Bank	31-Aug-17	29-Nov-17	1,000,000.00	2.30%
National Australia Bank	02-Aug-17	06-Dec-17	1,000,000.00	2.45%
Commonwealth Australia Bank	16-Aug-17	20-Dec-17	1,000,000.00	2.35%
Commonwealth Australia Bank	23-Aug-17	21-Dec-17	1,500,000.00	2.37%
Regional Australia Bank	05-Jul-17	03-Jan-18	2,000,000.00	2.61%
National Australia Bank	04-Oct-17	10-Jan-18	1,000,000.00	2.45%
Commonwealth Australia Bank	31-Aug-17	31-Jan-18	1,000,000.00	2.44%
National Australia Bank	04-Oct-17	07-Feb-18	1,000,000.00	2.45%
National Australia Bank	31-Aug-17	28-Feb-18	2,000,000.00	2.52%
National Australia Bank	06-Sep-17	06-Mar-18	1,000,000.00	2.52%
National Australia Bank	13-Sep-17	14-Mar-18	2,000,000.00	2.52%
Commonwealth Australia Bank	20-Sep-17	21-Mar-18	2,000,000.00	2.46%
<b>Total Term Deposits</b>			<b>27,000,000.00</b>	
Business Online Saver Account			2,575,000.00	1.40%
General Fund			366,983.40	1.25%
<b>Total Cash and Investments</b>			<b>29,941,983.40</b>	
Less Restrictions	External	-18,136,902.00		
	Internal	-8,138,086.00	-26,274,988.00	
<b>Total Unrestricted Cash</b>			<b>3,666,995.40</b>	

N.B The restricted funds figures reported are estimated figures only and subject to change due to year end adjustments



I, Lester Rodgen, certify that the above list of investments is a complete and accurate account of all investments that have been made on behalf of council in accordance with Section 625 of the Local Government Act, 1993 (amended), its regulations and Council's policy.

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<b>Report Title</b>	<b>2. Attendance at the Local Government NSW Annual Conference 2017</b>
<b>Report by</b>	Executive
<b>Contact</b>	Lester Rodgers, General Manager
<b>Attachments</b>	No attachment
<b>File</b>	FILE 12/1777

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## RECOMMENDATION

That Council consider any motions they would like to put to LG NSW.

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## REPORT

### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

**An Inclusive, Caring Community**

Not applicable

**Sustainable Spaces and Places**

Not applicable

**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L2.3 Advocate on behalf of the community for today and our future to ensure the sustainability of the Shire

## BACKGROUND AND KEY ISSUES

The Local Government NSW Annual Conference (**Conference**) will be held Monday, 4 December 2017 to Wednesday, 6 December 2017 in Sydney.

To ensure there is a balanced discussion on specific motions and discussion on the relevant broader issues, Council have been asked to identify any issues of relevance to the sector.

Issues must relate to the following specific categories:

1. Industrial relations and employment
2. Economic
3. Environmental
4. Governance/Civic leadership
5. Social policy.

In addition to identifying an issue, Council is requested to suggest a suitable solution via an appropriate motion or through provision of explanatory notes to help guide delegates to a unified position. These will then be reviewed by Local Government NSW and the top issues put to the Conference for debate and deliberation. Issues that fall outside of those to be discussed at the Conference will be considered by the board with the President informing the relevant council of the outcome.

### **FINANCIAL IMPACT TO COUNCIL**

No financial impacts to Council have been identified.

### **STATUTORY AND POLICY IMPLICATIONS**

No statutory or policy implications have been identified.

### **RISK IMPLICATIONS**

The ability to participate in the discussions around the issues affecting our Shire, engage in robust debates and contribution to the development and confirmation of policies is in the best interests of the community.

### **ASSET MANAGEMENT IMPLICATIONS**

No asset management implications have been identified.

### **PREVIOUS COUNCIL DECISIONS**

Council, at its 12 October 2017 Ordinary Council Meeting, resolved the following:

#### ***17/10/08 RESOLVED (CRAWFORD/PRICE)***

- 1 That Councillors Ritchie, Crawford, Price, Cassells and Smith attend the Local Government NSW (LG NSW) Annual Conference to be held Monday, 4 December 2017 to Wednesday, 6 December 2017 along with the Mayor and General Manager.***
- 2 That Council submit any motions they would like to put to LG NSW at the Annual Conference for consideration at the Ordinary Council Meeting scheduled on 26 October 2017.***

### **ATTACHMENTS**

There are no attachments.

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<b>Report Title</b>	<b>3. Confidential: Sale of Council Land – Various</b>
<b>Report by</b>	Corporate Services
<b>Contact</b>	Mitchell Johnson, Director Corporate Services
<b>Attachments</b>	No attachment
<b>File</b>	FILE 14/190

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## RECOMMENDATION

That Council accepts the offer from Chanan Khem Investments Pty Ltd, to purchase the following properties and that all documents associated with these sales be executed under Council Seal:

- Lot 40 in Deposited Plan 261979, known as 33 Boland Drive, Moree NSW
- Lot 24 in Deposited Plan 30028, known as 18 James Street, Moree NSW
- Lot2 in Deposited Plan 603730, known as 64 Jones Avenue, Moree NSW
- Lot 2 in Deposited Plan 610788, known as 1 Tycannah Street, Moree NSW
- Lot 19 Section 7 in Deposited Plan 758706, known as 13 Tycannah Street, Moree NSW
- Lot A in Deposited Plan 364871, known as 17 Oak Street, Moree NSW
- Lot 15 in Deposited Plan 241141, known as 17 Arunga Street , Moree NSW
- Lot 16 in Deposited Plan 241141, known as 19 Arunga Street , Moree NSW
- Lot 27 in Deposited Plan 241141, known as 20 Arunga Street , Moree NSW
- Lot 2 in Deposited Plan 252543, known as 16 Bingara Road, Moree NSW
- Lot 13 in Deposited Plan 30028, known as 15 Downer Avenue, Moree NSW
- Lot 8 in Deposited Plan 39738, known as 7 Florence Street, Moree NSW
- Lot 4 in Deposited Plan 30028, known as 15 George Street, Moree NSW
- Lot 2 Section 4 in Deposited Plan 758127, known as 66 Brown Street, Boggabilla NSW
- Lot C in Deposited Plan 398319 and Lot 8 in Deposited Plan 658700, known as 130 Merriwa Street, Boggabilla NSW
- Lot 14 in Deposited Plan 19336, known as 50 Goondiwindi Street, Mungindi NSW
- Lot 15 in Deposited Plan 19336, known as 52 Goondiwindi Street, Mungindi NSW
- Lot 19 in Deposited Plan 19336, known as 60 Goondiwindi Street, Mungindi NSW
- Lot B in Deposited Plan 343731, known as 63 Goondiwindi Street, Mungindi NSW
- Lot 21 in Deposited Plan 19336, known as 64 Goondiwindi Street, Mungindi NSW
- Lot 22 in Deposited Plan 19336, known as 66 Goondiwindi Street, Mungindi NSW
- Lot 1 in Deposited Plan 222045, known as 89 Goondiwindi Street, Mungindi NSW
- Lot 4 Section 23 in Deposited Plan 758729 known as 10 Mogul Street, Mungindi NSW
- Lot 3 Section 23 in Deposited Plan 758729 known as 14 Mogul Street, Mungindi NSW
- Lot 2 Section 23 in Deposited Plan 758729 known as 18 Mogul Street, Mungindi NSW
- Lot 10 Section 32 in Deposited Plan 758729 known as 2 Railway Parade, Mungindi NSW

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## REPORT

### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

**An Inclusive, Caring Community**

Not applicable

**Sustainable Spaces and Places**

Not applicable

**A Vibrant Regional Economy**

Not applicable

**A Leading Organisation**

L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

### CONFIDENTIALITY STATEMENT

Should Council like to review, in detail, the confidential aspects of this report, then this should be dealt with in 'Closed Council', as it relates to a section 10A (2) of the Local Government Act 1993. Council will then need to resolve to move into 'Closed Council' with the explanation as follows:

**That Report, Sale of Council Land – Various (Confidential), 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”***

### BACKGROUND AND KEY ISSUES

In August 2017, following the recent Sale of Land for Unpaid Rates Auction, Council listed with its real estate agent a number of properties surplus to Council requirements, including those which were purchased during this auction.

Since this time, Council has had interest on a number of properties, including the offer attached as part of this report from Chanan Khem Investments Pty Ltd.

Chanan Khem Investments Pty Ltd purchased a number of properties in the recent unpaid rates auction and is interested in further land within the Moree Plains Shire.

## **STATUTORY AND POLICY IMPLICATIONS**

### **Sale of Land**

Pursuant to Section 377(1)(h) of the *Local Government Act 1993*, Council may not delegate the decision to acquire or dispose of land

The Contract for Sale is prepared using The Law Society of NSW and The Real Estate Institute of NSW standard contract and comply with the *Conveyancing Act 1919* and other Acts and Regulations pertaining to the sale of property.

### **Affixing the Seal**

In accordance with Clause 400(4) of the Local Government (General) Regulation 2005, the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

## **RISK IMPLICATIONS**

Council utilises the services of our real estate agent and solicitors in selling all properties to ensure we meet our legal obligations regarding the sale of land.

## **ASSET MANAGEMENT IMPLICATIONS**

The sale of these properties removes the asset maintenance burden on Council for the mowing and cleaning of the various blocks.

## **PREVIOUS COUNCIL DECISIONS**

This is the first time this matter has come before Council.

## **ATTACHMENTS**

There are no attachments.

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<b>Report Title</b>	<b>4. Confidential: Construction Litigation Update</b>
<b>Report by</b>	Executive
<b>Contact</b>	Lester Rodgers, General Manager
<b>Attachments</b>	No attachment
<b>File</b>	FILE 15/656

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## RECOMMENDATION

That Council receive the update for information.

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## REPORT

### ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**  
Not applicable
- Sustainable Spaces and Places**  
Not applicable
- A Vibrant Regional Economy**  
Not applicable
- A Leading Organisation**  
L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

## BACKGROUND AND KEY ISSUES

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

## FINANCIAL IMPACT TO COUNCIL

The financial impacts are considered confidential.

## STATUTORY AND POLICY IMPLICATIONS

No statutory or policy implications have been identified.

## RISK IMPLICATIONS

The risk implications are considered confidential.

## **ASSET MANAGEMENT IMPLICATIONS**

The asset management implications are considered confidential.

## **PREVIOUS COUNCIL DECISIONS**

An update report was provided to the Council at their meeting of 28 August 2017.

## **ATTACHMENTS**

There are no attachments.



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