



GunnedahShire

GUNNEDAH SHIRE COUNCIL

**The Minutes of the Ordinary Meeting of
Gunnedah Shire Council**

Held on

Wednesday 19 April 2023

**Consisting of Pages 1 to 10
(Minute Nos 1.4/23 to 21.4/23)**

**Are confirmed as a true and correct record of the meeting
As per Minute 1.5/23 of the
Ordinary Meeting held on 17 May 2023.**

**Mayor Jamie Chaffey
CHAIRPERSON**

ORDINARY COUNCIL MEETING MINUTES
of Gunnedah Shire Council held on WEDNESDAY, 19 APRIL 2023 in the
Council Chambers, 63 Elgin Street, Gunnedah commencing at 4:30 PM.

1. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Kamilaroi people as the traditional custodians of the Land on which we gather today. I would also like to pay respect to Elders both past and present and extend that respect to other Aboriginal Australians present.

2. PRAYER

The Mayor opened the meeting with the customary prayer.

3. BEREAVEMENTS

The Mayor read off the list of bereavements Alisha Ann Nott, Wayne Allen Sanderson, Stephen Roy Baker, Dulcie Elaine Hyland, Nigel Scott Gardner, Ronald John Smith, Mary Doring, Mere Christina Lightfoot, Bruce William Hosie, Elizabeth Lilian Brady, Ronald James Cook and Christina Janet Tydd.

It was RESOLVED that Council pay their respects to the deceased and extend their condolences to the family and friends of the deceased with a minute's silence.

4. PRESENT/APOLOGIES

MOTION Moved Councillor Luke
Seconded Councillor Hoddle

Present

Councillors

Mayor Jamie Chaffey
Councillor Robert Hoddle
Deputy Mayor Rob Hooke
Councillor Ann Luke
Councillor Juliana McArthur
Councillor Kate McGrath
Councillor David Moses
Councillor Murray O'Keefe

Staff

General Manager Eric Groth
Director Corporate Services Kelly Stidworthy
Director Planning and Environmental Services Andrew Johns
Director Infrastructure Services Jeremy Bartlett

Approved Leave of Absence

Councillor Colleen Fuller

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1. MARCH ORDINARY MEETING MINUTES - 15 MARCH 2023

MOTION Moved Councillor Hooke
Seconded Councillor McGrath

1.4/23 COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting held on Wednesday 15 March 2023 were received and it was RESOLVED that the minutes be adopted as a true and correct record of that meeting.

6. STATEMENT OF ETHICAL OBLIGATIONS

In accordance with Section 233A of the Local Government Act 1993, Councillors are reminded of their oath or affirmation of office and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

7. DECLARATION OF INTEREST

COUNCILLOR	ITEM	REPORT	P	SNP	LSNP	RC	REASON
M O'KEEFE	13.31	Gunnedah Athletics - Fees	x				Employer has sponsored Gunnedah Athletics for matters relevant to this item Will be leaving the Chambers.
M O'KEEFE	17.1	Gunnedah Koala Sanctuary	x				Employer
R HODDLE	13.4	Request Fee Waiver - Gunnedah Show		x			Wife and daughter members of the Gunnedah show committee
R HODDLE	13.7	Showground Working Group Meeting Minutes		x			Wife and daughter members of the Gunnedah Show Committee
STAFF	ITEM	REPORT	P	SNP	LSNP	RC	REASON
NIL							

P – Pecuniary

SNP – Significant Non Pecuniary

LSNP – Less than Significant Non Pecuniary

RC – Remain in Chamber during consideration/discussion of item

8. COMMUNITY PRESENTATIONS

Nil.

9. MAYORAL MINUTE

Nil.

10. GENERAL MANAGER'S REPORT

Nil.

11. DIRECTOR CORPORATE SERVICES' REPORT

11.1. INVESTMENTS - MARCH 2023

*MOTION Moved Councillor Murray O'Keefe
Seconded Councillor David Moses*

2.4/23 COUNCIL RESOLUTION

1. That the principal investments of \$101.06 million for all funds to date be received and noted.
2. That the Certificate of the Responsible Accounting Officer be noted and report adopted.

11.2. OUTSTANDING RESOLUTION REGISTER

*MOTION Moved Councillor Hoddle
Seconded Deputy Mayor Hooke*

3.4/23 COUNCIL RESOLUTION

That the Outstanding Resolution Register information be received and noted.

12. DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES' REPORT

12.1. BUSINESS PARTNER PROGRAM ROUND THREE 2022/23

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor Moses*

4.4/23 COUNCIL RESOLUTION

1. That Council endorse the allocation of \$13,806.00 under round three of the 2022/23 Business Partner Program across four local businesses and organisations, subject to specific terms and conditions relating to each grant.
2. That the funds be drawn from the remaining 2022/23 Business Partner Budget.

12.2. REQUEST OF INCLUSION OF THE NAME 'FIDDES' IN COUNCIL'S NAMING OF PUBLIC INFRASTRUCTURE AND PUBLIC ACKNOWLEDGEMENT POLICY

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor Hoddle*

5.4/23 COUNCIL RESOLUTION

That Council's Naming of Public Infrastructure and Public Acknowledgements Policy - Name Register be updated to include the name of 'Fiddes' in honour of Jack Fiddes for his contribution to the development of Gunnedah's retail, services and arts sectors.

12.3. NOMINATION OF SECTION 356 SMALL GRANTS PANELS COUNCIL REPRESENTATIVES

*MOTION Moved Councillor Moses
Seconded Councillor McArthur*

6.4/23 COUNCIL RESOLUTION

That Council endorse appointment of the following Councillors to the 2023/24 Section 356 Small Grants panels:

1. Councillors J MCARTHUR, K MCGRATH and R HOOKE Community and Sports; and
2. Councillors R HODDLE, J MCARTHUR and K MCGRATH Arts and Cultural.

12.4. DEVELOPMENT APPLICATION NO. 2023/006 – CONSTRUCTION OF A NEW FARM BUILDING – LOT 182 DP755508 – 125 POWNALL ROAD, MULLALEY

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor McGrath*

7.4/23 COUNCIL RESOLUTION

That the Development Application No. 2023/006, for the proposed farm building on Lot 182 DP 755508, 125 Pownall Road, Mullaley be approved subject to the conditions in Attachment 1 - DA2023.006 - Draft Conditions of Consent.

For: Mayor Chaffey, Councillor Hoddle, Deputy Mayor Hooke, Councillor Luke, Councillor McArthur, Councillor McGrath, Councillor Moses, Councillor O'Keefe
Against: None
Absent: Councillor Fuller
Declared Interest: Nil

12.5. APPLICATION TO MODIFY DEVELOPMENT CONSENT NO. 2019/019.002 – TO INTRODUCE A STAGING PLAN (2 STAGES), AMEND DEVELOPMENT PLANS AND REDUCTION IN ONSITE PARKING SPACE NUMBERS – LOT 1 DP 155982 – 70A HENRY STREET, GUNNEDAH.

*MOTION Moved Councillor McArthur
Seconded Councillor Hoddle*

8.4/23 COUNCIL RESOLUTION

That the Section 4.55(1A) Application to Modify Development Consent No. 2019/019.002, to modify development plans for the officials boxes, introduce a staging plan to undertake approved work over 2 stages and reduce the number of parking spaces required onsite from 19 to 10, at Lot 1 DP 155982, 70A Henry Street, Gunnedah, be approved subject to the deletion of conditions A1, E3, F6 and G1 and insertion of condition A1a, A2, E3a, F6a and G1a in Attachment 1 - DA2019.019.002 - Draft Conditions of Consent.

For: Mayor Chaffey, Councillor Hoddle, Deputy Mayor Hooke, Councillor Luke, Councillor McArthur, Councillor McGrath, Councillor Moses, Councillor O'Keefe
Against: None
Absent: Councillor Colleen Fuller
Declared Interest: Nil

12.6. PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL TO REZONE 170 BUSHES LANE GUNNEDAH FROM RU4 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE LOT RESIDENTIAL

*MOTION Moved Councillor Moses
Seconded Councillor McArthur*

9.4/23 COUNCIL RESOLUTION

That Council resolves to:

1. Endorse the draft Voluntary Planning Agreement (VPA) for public exhibition to ensure that the upgrade works to the pump capacity at Links Road Reservoir are paid to guarantee that the land can be serviced by Council's reticulated water supply in order to support the planning proposal;
2. Should submissions be received during the public exhibition period, the submissions on the draft VPA will be reported to Council for review along with the draft VPA for endorsement;
3. Should no submissions be received during the public exhibition period, Council endorses the draft VPA;
4. Subject to the VPA being entered into before the draft planning proposal is finalised, endorse the proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act*

1979 for an amendment to the *Gunnedah Local Government Plan 2012* to:

- a. Amend the Land Zoning Map (LZN_005A) to:
 - i) Rezone Lot 1 DP861697 - 170 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential; and
- b. Amend the Lot Size Map (LSZ_005A) to:
 - ii) Apply a minimum lot size restriction of 1.2 hectares ("Y") to Lot 1 DP861697 - 170 Bushs Lane, Gunnedah.
- iii) Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
- iv) Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

12.7. PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL TO REZONE 210 BUSHS LANE GUNNEDAH FROM RU4 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE LOT RESIDENTIAL.

MOTION *Moved Deputy Mayor Hooke*
 Seconded Councillor McGrath

10.4/23 COUNCIL RESOLUTION

That Council resolves to:

1. Endorse the draft Voluntary Planning Agreement (VPA) for public exhibition to ensure that the upgrade works to the pump capacity at Links Road Reservoir are paid to guarantee that the land can be serviced by Council's articulated water supply in order to support the planning proposal;
2. Should submissions be received during the public exhibition period, the submissions on the draft VPA will be reported to Council for review along with the draft VPA endorsement;
3. Should no submissions be received during the public exhibition period, Council endorses the draft VPA:
4. Subject to the VPA being entered into before the draft planning proposal is finalised, endorse the proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
 - a. Amend the Land Zoning Map (LZN_005A) to:
 - i) Rezone Lots 27 and 28 DP755474 - 210 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential; and
 - b. Amend the Lot Size Map (LSZ_005A) to:
 - ii) Apply a minimum lot size restriction of 9,000m² of Lots 27 and 28 DP755474 - 210 Bushs Lane, Gunnedah.
- iii) Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
- iv) Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of

the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

13. DIRECTOR INFRASTRUCTURE SERVICES' REPORT

13.1. CLIFTON ROAD UPGRADE PROGRESS STATUS

MOTION *Moved Councillor McGrath*
 Seconded Councillor Luke

11.4/23 COUNCIL RESOLUTION

That Council:

1. **Transfer the unspent Clifton Road Upgrade Project allocation for 2022/23 to the 2023/24 financial year Rural Roads Resealing Budget (estimate \$219,081).**
2. **Allocate the 2023/24 Rural Road Resealing Budget of \$485,919 to Clifton Road to undertake the final seal.**

13.2. KELVIN ROAD UPGRADE PROGRESS STATUS

MOTION *Moved Councillor McGrath*
 Seconded Deputy Mayor Hooke

12.4/23 COUNCIL RESOLUTION

That the information on the Kelvin Road Upgrade be received and noted.

13.3. GUNNEDAH ATHLETICS CENTRE - FEES

Councillor O'Keefe declared an interest, left the Chamber and took no part in discussion or consideration of this item.

OFFICER'S RECOMMENDATIONS:

1. That Council decline the request for a 50 per cent reduction in annual hire charges for 5-10 years for Donnelly Fields.
2. That Council provide a credit for Gunnedah Athletics Centre for \$964.80 for the 2022/23 seasonal charges due to flooding, as per the body of the report.

An Amendment was Moved Councillor McArthur:

1. That Council decline the request for a 50 per cent reduction in annual hire charges for 5-10 years for Donnelly Fields.
2. The provide a credit for Gunnedah Athletic Centre for \$2,315.00 being 100% of the 2022/23 seasonal and annual charges due to loss of access from flooding.
3. That Council work with Gunnedah Athletics to secure the required funding (via grants) or other sponsorship opportunities and complete the capital works of surfacing the long jump run ups.
4. That a report brought to the July 2023 Ordinary Council Meeting updating the progress of Item 3.

Deputy Mayor Hooke foreshadowed an Amendment.

The Amendment Lapsed due to lack of a Seconder.

An Amendment was Moved Councillor Hooke, Seconded Councillor McArthur:

1. That Council decline the request for a 50 per cent reduction in annual hire charges for 5-10 years for Donnelly Fields.
2. That Council provide a credit for Gunnedah Athletics Centre for \$964.80 for the 2022/23 seasonal charges due to flooding, as per the body o the report.
3. That Council work with Gunnedah Athletics to secure the required funding (via grants) or other sponsorship opportunities and complete the capital works of surfacing the long jump run ups.
4. That a report bought to the July 2023 Ordinary Council Meeting updating the progress of Item 3.

The Amendment on being put to the meeting was Carried.

The Amendment now becomes the Motion.

The Motion on being put to the meeting was Carried.

*MOTION Moved Councillor McGrath
Seconded Councillor Moses*

13.4/23 COUNCIL RESOLUTION:

1. That Council decline the request for a 50 per cent reduction in annual hire charges for 5-10 years for Donnelly Fields.
2. That Council provide a credit for Gunnedah Athletics Centre for \$964.80 for the 2022/23 seasonal charges due to flooding, as per the body o the report.
3. That Council work with Gunnedah Athletics to secure the required funding (via grants) or other sponsorship opportunities and complete the capital works of surfacing the long jump run ups.
4. That a report bought to the July 2023 Ordinary Council Meeting updating the progress of Item 3.

Councillor O'Keefe returned to the Chamber.

13.4. REQUEST FEE WAIVER - GUNNEDAH SHOW

Councillor Hoddle declared an interest, left the Chamber and took no part in discussion or consideration of this item.

*MOTION Moved Councillor Moses
Seconded Councillor Luke*

14.4/23 COUNCIL RESOLUTION

1. That Council decline the Gunnedah Show Society's request to access the water standpipe at no cost for the Gunnedah Show.
2. That Council decline the Gunnedah Show Society's request to waive the \$5,000 land rental fee for the Gunnedah Show, for the 2022 year and subsequent years up to and including 2027.

Councillor Hoddle returned to the Chamber.

13.5. PESTICIDE USE NOTIFICATION PLAN

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor McGrath*

15.4/23 COUNCIL RESOLUTION

1. That the Pesticide Use Notification Plan (draft) is endorsed and placed on public exhibition for a period of twenty-eight (28) days, and then formally adopted by the Council should no submissions be received.
2. That Council receives a further report following the conclusion of the exhibition period should submissions be received.
3. Following formal adoption of the Pesticide Use Notification Plan, that the Policy - Pesticide Use Notification Plan be adopted by Council on 21 October 2015, be retired.

13.6. 2023 LGNSW WATER MANAGEMENT CONFERENCE

MOTION Moved Deputy Mayor Hooke
Seconded Councillor McGrath

16.4/23 COUNCIL RESOLUTION

That Council resolve for Mayor Chaffey to attend the 2023 LGNSW Water Management Conference to be held in Parkes from 26-28 June 2023.

13.7. SHOWGROUND WORKING GROUP MEETING MINUTES

Councillor Hoddle declared an interest, left the Chamber and took no part in discussion or consideration of this item.

MOTION Moved Councillor Moses
Seconded Councillor McArthur

17.4/23 COUNCIL RESOLUTION

That the minutes of the Showground Working Group Meeting held on 20 March 2023 be received and noted.

Councillor Hoddle returned to the Chamber.

13.8. 2023 LOCAL ROADS CONGRESS

MOTION Moved Deputy Mayor Hooke
Seconded Councillor Moses

18.4/23 COUNCIL RESOLUTION

That Council endorse the attendance of Mayor Chaffey to accompany the Director Infrastructure Services to attend the 2023 Local Roads Congress to be held at NSW Parliament House on Monday 5 June 2023.

14. REPORT OF COMMITTEES

14.1. AUDIT COMMITTEE MEETING MINUTES - 21 MARCH 2023

MOTION Moved Councillor McArthur
Seconded Councillor McGrath

19.4/23 COUNCIL RESOLUTION

That the Minutes of the Audit Committee Meeting held on 21 March 2023 be received and noted.

15. DELEGATE'S REPORT

Nil.

16. NOTICES OF MOTION/QUESTIONS WITH NOTICE

16.1. QUESTION ON NOTICE - GUNNEDAH MEMORIAL POOL

Councillor Fuller:

Gunnedah Swimming Pool where are we at with the continued leaking of water

Director Infrastructure Services response:

That Council note the response to the Question on Notice submitted by Councillor Fuller.

CLOSED MEETING

*MOTION Moved Councillor Moses
Seconded Deputy Mayor Hooke*

A Motion was Moved into Closed Council for consideration of the following matters and that members of the press and public be excluded from the meeting, the reason being that the matters to be discussed concerned personnel and contractual matters, as detailed below:

- a. Director Corporate Services' Report to Closed Council
- b. Director Infrastructure Services Report to Closed Council

17. DIRECTOR CORPORATE SERVICES' REPORT TO CLOSED MEETING

17.1. GUNNEDAH KOALA SANCTUARY UPDATE

Councillor M O'Keefe declared an interest, left the Chamber and took no part in discussion or consideration of this item.

OFFICER'S RECOMMENDATIONS:

1. That Council receive and note the update on the Gunnedah Koala Sanctuary.
2. That Council delegate authority to the General Manager to approve all variations to Tender SPT602122GUN for any additional works completed to construct the Gunnedah Koala Sanctuary Stage 2 scope, provided that the overall project value remains within the approved Council adopted budget for the project.

An Amendment was Moved Councillor R HODDLE, seconded Councillor J MCARTHUR:

1. That Council receive and note the update on the Gunnedah Koala Sanctuary.
2. That Council delegate authority to the General Manager to approve all variations to Tender SPT602122GUN for any additional works completed to construct the Gunnedah Koala Sanctuary Stage 2 scope, provided that the overall project value remains within the approved Council adopted budget for the project.
3. Capping the variation to the value of the preliminary estimates on the cost of the proposed changes

as detailed in the report.

The Amendment on being put to the meeting was Carried.

The Amendment now becomes the Motion.

The Motion on being put to the meeting was Carried.

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor Moses*

20.4/23 COUNCIL RESOLUTION

1. That Council receive and note the update on the Gunnedah Koala Sanctuary.
2. That Council delegate authority to the General Manager to approve all variations to Tender SPT602122GUN for any additional works completed to construct the Gunnedah Koala Sanctuary Stage 2 scope, provided that the overall project value remains within the approved Council adopted budget for the project.
3. Capping the variation to the value of the preliminary estimates on the cost of the proposed changes as detailed in the report.

Councillor O'Keefe returned to the Chamber.

18. DIRECTOR INFRASTRUCTURE SERVICES' REPORT TO CLOSED MEETING

18.1. TENDER T2223-08 - GUNNEDAH POETRY PRECINCT ACTIVATION PROJECT - DELEGATED AUTHORITY TO ACCEPT TENDER

*MOTION Moved Deputy Mayor Hooke
Seconded Councillor McArthur*

21.4/23 COUNCIL RESOLUTION

1. That Council endorse departure from convention of reporting to Council as identified in the Procurement and Tendering Framework on this occasion, in order to allow the General Manager to accept a tender for Tender T2223-08 - Gunnedah Poetry Precinct Activation Project under delegated authority.
2. That the General Manager be authorised to negotiate and execute resulting contracts on behalf of Council.

RESOLUTION OUT OF CLOSED COUNCIL

*MOTION Moved Councillor Moses
Seconded Deputy Mayor Hooke*

COUNCIL RESOLUTION:

On the resumption of the Ordinary business of the meeting, the Chairperson reported that the previous resolutions were adopted in Closed Council.

There being no further business, the meeting concluded at 6:03 pm.

**Councillor J Chaffey
MAYOR**