

**MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE COUNCIL
HELD IN THE COUNCIL CHAMBERS, JERILDERIE
ON TUESDAY 24 OCTOBER 2024, COMMENCING AT 2.00PM**

ACKNOWLEDGEMENT OF COUNTRY

Mayor McRae paid respect to the traditional custodians of the lands and waters of Murrumbidgee Local Government Area, and to all Aboriginal Elders, past and present and emerging.

RECORDING & WEBCASTING OF MEETING

Mayor McRae advised those present the meeting is being recorded and the audio recording will be placed on Council's website. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast.

PRESENT

Present were Councillors R McRae OAM (Mayor) , R Black (Deputy Mayor), F Bryce, T Mauger, C Chirgwin, T Strachan, R Curphey, G Gilbert and J Saxvik.

Also present was General Manager, John Scarce, Director of Infrastructure, Tom Dimec, Director Planning, Community & Development, Garry Stoll and Chief Financial Officer, Kaitlin Salzke.

APOLOGIES

NIL

CONFIRMATION OF MINUTES

168/10/23 **Resolved** on the motion of Councillors Mauger and Bryce that the Minutes of the Ordinary Meeting of Council held on 12 September 2023, as printed and circulated, be confirmed.

CARRIED

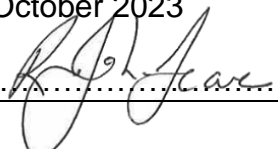
PECUNIARY INTEREST DECLARATIONS

NIL

NOTICE OF RESCISSION

NIL

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.....General ManagerMayor

NOTICE OF MOTION

NIL

MAYORAL REPORT

SC217

169/10/23 **Resolved** on the motion of Councillors Saxvik and Bryce that the information contained in the Mayoral Report be noted.

CARRIED

DELEGATES' REPORTS

NIL

OFFICERS' REPORTS FOR CONSIDERATION

GENERAL MANAGER'S MONTHLY REPORT

SC218

170/10/23 **MOTION**

That the information contained in the General Manager's Monthly Report be noted, and:

1. a) Council authorise the General Manager to tender for the construction of 4 x two bedroom homes in Jerilderie;
- b) Two homes be built on one lot of land in the Wunnamurra Estate. Meaning Council to provision two lots;
- c) The General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for two of the homes;
- d) That Council approve an internal borrowing up to \$1M;
- e) The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction;
2. That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:
 - a) Council has a strong desire that each of our workers go home every night.
 - b) Safety systems, practices and protocols are the key to ensure we have the safest work place.
 - c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

In the absence of a mover or seconder, the motion lapsed.

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..........General ManagerMayor

Amendment to Motion

Moved on the motion of Councillors Curphey and Saxvik that the information contained in the General Manager's Monthly Report be noted, and:

1. a) Council authorise the General Manager to tender for the construction of 2 x two bedroom homes in Jerilderie;
b) Two homes be built on one lot of land in the Wunnamurra Estate.
c) The General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for the two homes;
d) That Council approve an internal borrowing up to \$1M;
e) The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction;
f) Council sell its two Barwidgee Boulevard residences, utilising the funding to build two homes in the Young Street subdivision.
2. That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:
a) Council has a strong desire that each of our workers go home every night.
b) Safety systems, practices and protocols are the key to ensure we have the safest work place.
c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

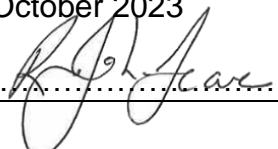
The amendment became the motion, was put to the meeting and was lost.

Amendment to Motion

Moved on the motion of Councillors Gilbert and Bryce that the information contained in the General Manager's Monthly Report be noted, and:

1. a) Council authorise the General Manager to tender for the construction of 4 x two bedroom homes in Jerilderie;
b) Two homes be built on one lot of land in the Wunnamurra Estate. Meaning Council to provision two lots;
c) The General Manager be authorised to enter into a lease with Murrumbidgee Local Health District (MLHD) for two of the homes;
d) That Council approve an internal borrowing up to \$1M;
e) The final decision to build and internally finance will be upon resolution of Council with the award of tender for construction;
f) Council sell its two Barwidgee Boulevard residences, utilising the funding to build two homes in the Young Street subdivision.
2. That Council ratify the actions of the General Manager in signing the Common Commitment to Safety, which details that:
a) Council has a strong desire that each of our workers go home every night;

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..........General ManagerMayor

- b) Safety systems, practices and protocols are the key to ensure we have the safest work place;
- c) We acknowledge that many of the jobs we perform, working around live traffic, entering confined spaces, catching dogs and our water and sewage treatment plants, to name a few of the hundreds of task we perform, have risks and can be inherently dangerous.

The amendment became the motion, was put to the meeting and was carried.

CARRIED

**REQUEST TO SUSPEND ALCOHOL FREE ZONE FOR 2024
AUSTRALIA DAY CELEBRATIONS SC5**

171/10/23 Resolved on the motion of Councillors Chirgwin and Curphey that Council resolve to:

1. Allow the prohibition on the consumption of alcohol in the vicinity of the Council Chambers, Civic Hall, Luke Park and Powell Street to be lifted from midday to midnight on 26 January, 2024;
2. Allow the prohibition signs to be covered during the period of the celebrations;
3. Notify the local Police; and
4. Advertise Council's action.

CARRIED

**DISCLOSURE OF RETURNS BY COUNCILLORS, AUDIT RISK &
IMPROVEMENT COMMITTEE MEMBERS AND DESIGNATED PERSONS
SC286; SC130; SC56**

172/10/23 Resolved on the motion of Councillors Mauger and Bryce that the information contained within the Disclosure of Returns by Councillors, Audit Risk & Improvement Committee Members and Designated Persons Report be noted, and Disclosures be made publicly available in accordance with legislative requirements.

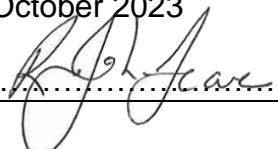
CARRIED

FINANCIAL ASSISTANCE GRANTS SC140

173/10/23 Resolved on the motion of Councillors Chirgwin and Mauger that correspondence received from the Local Government Grants Commission be noted, and no submission be made in relation to the Financial Assistance Grant methodology.

CARRIED

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..........General ManagerMayor

CONVERSION OF LEASE

SC79

174/10/23 Resolved on the motion of Councillors Saxvik and Gilbert that Council:

1. Authorise the General Manager to negotiate the conversion of Lease Number L301235 at the 1 July 2022 land value, with Council's legal fees and stamp duty to be paid by the lessee;
2. The conversion settlement is to be paid in full;
3. Council authorise the General Manager to execute the required document.

CARRIED

STRONGER COMMUNITIES FUND – SEPTEMBER 2023

SC137

175/10/23 Resolved on the motion of Councillors Mauger and Bryce that the contents of the Stronger Communities Fund Report be noted, and additional funding be voted for the Coleambally Sports Precinct upgrades in the amount of \$126,821.07 and Jerilderie Early Learning Centre Project in the amount of \$3,155.84, and funds in the amount of \$527.05 from the Waddi Educational Centre Project be returned to the Fund.

CARRIED

MODIFICATION TO DEVELOPMENT CONSENT NO. 6-2015/16

DA6-2015/16

176/10/23 Resolved on the motion of Councillors Chirgwin and Mauger that:

1. Murrumbidgee Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to modify Development Application No: DA 6-2015/16 for an electricity generating works on Lots 2 and 5, DP 858670, South Coree Road, Jerilderie subject to suitable conditions;
2. The modification application be delegated to the Director Planning, Community & Development for issue of the notice of determination;
3. Murrumbidgee Council undertake a division and record the votes.

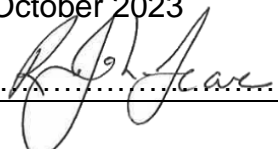
CARRIED

In favour: Councillors McRae, Bryce, Mauger, Curphey, Gilbert, Saxvik, Black, Chirgwin and Strachan.

Opposed: Nil

Absent: Nil

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..........General ManagerMayor

**VOLUNTARY PLANNING AGREEMENT – MICRO-SOLAR FARM
PROJECTS** **SC212-002; DA2023/21; DA2023/22**

177/10/23 **Resolved** on the motion of Councillors Curphey and Strachan that:

1. Council not enter into a voluntary planning agreement with the applicants for DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally for the following reason:
 - a. Due to uncertainty with future development activities and the rate development that will occur in the Local Government area, ad hoc approach to voluntary planning agreements reduces Council's ability to provide community facilities in accordance with its Section 7.12 Contribution Plan.
2. Council advise the proponents of DA 21/2023 (PPSWES-190), 415 Macleay Rd, Coleambally and DA 22/2023 (PPSWES-189), 5037 Kidman Way, Coleambally that it will seek Section 7.12 developer contributions in accordance with Section 1.12 of the Murrumbidgee Council Section 7.12 Development Contributions Plan for these developments.
3. Council officers, at the determination hearing for the above applications, to inform the Western Regional Planning Panel of its resolution.

CARRIED

REINSTATEMENT OF ALCOHOL FREE ZONES

SC100

178/10/23 **Resolved** on the motion of Councillors Bryce and Gilbert that the following alcohol free zones be reinstated for a period of 4 years from 12 November 2023 until 11 November 2027:

1. Darlington Point - CWA Park, Shire Hall and Basketball Court, Carrington Street;
2. Jerilderie - Jerilderie Street, between Bolton and Kennedy Streets, Powell Street in its entirety, Wood Street between Jerilderie and Mahonga Streets; and Luke Park and the lake foreshore.

CARRIED

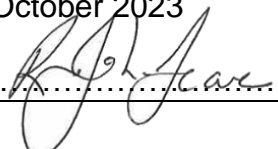
THE PIG DAY OUT EVENT, DARLINGTON POINT

SC26

179/10/23 **Resolved** on the motion of Councillors Curphey and Gilbert that Council endorse the Riverina Car Rally Pig Day Out on Saturday 11 November 2023.

CARRIED

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..........General ManagerMayor

DRAFT MURRUMBIDGEE LOCAL ENVIRONMENTAL PLAN SC212-002

180/10/23 Resolved on the motion of Councillors Mauger and Bryce that Council:

1. Endorse the Planning Proposal and forward it to the Minister for Planning seeking to consolidate and repeal the Murrumbidgee Local Environmental Plan 2013 and Jerilderie Local Environmental Plan 2012, and request that a Gateway Determination be issued, including the delegation of Plan making powers to the General Manager, so as to enable the public exhibition of the Planning Proposal pursuant to the Environmental Planning & Assessment (EP&A) Act 1979;
2. Upon receipt of a Gateway Determination under Section 3.34 of the EP&A Act 1979, place the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Schedule 1, clause 4 of the EP&A Act 1979; and
3. Should no objections be received, furnish a copy of this report and other relevant information to the NSW Department of Planning, Industry and Environment and/or NSW Parliamentary Counsels Office, in accordance with the EP&A Act 1979, and request the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the proposed amendment.

CARRIED

**BUILDING OVER OR ADJACENT TO COUNCIL INFRASTRUCTURE
POLICY SC49**

181/10/23 Resolved on the motion of Councillors Chirgwin and Strachan that Council adopt the Building Over or Adjacent to Council Infrastructure Policy.

CARRIED

DRAFT USE OF COUNCIL'S FOOTPATH POLICY SC49

182/10/23 Resolved on the motion of Councillors Black and Chirgwin that Council endorse the draft Use of Council's Footpath Policy to enable it to proceed to public exhibition.

CARRIED

DRAFT CROWN LAND PLAN OF MANAGEMENT- BALMERINGA

SC119

183/10/23 **Resolved** on the motion of Councillors Bryce and Gilbert that Council adopt the draft Plan of Management for Balmeringa.

CARRIED

AMENDMENT TO DEVELOPMENT CONTRIBUTIONS PLAN

SC98; SC49

184/10/23 **Resolved** on the motion of Councillors Bryce and Strachan that Council adopt the amendments to its Development Contributions Plan (Section 7.12 Environmental Planning & Assessment Act, 1979).

CARRIED

DRAFT DATA BREACH POLICY

SC49

185/10/23 **Resolved** on the motion of Councillors Curphey and Mauger that:

1. The draft Data Breach Policy be endorsed by Council, and placed on public exhibition for a period of 28 days, seeking public comment.
2. At the completion of the exhibition period, the draft Data Breach Policy be presented for adoption.

CARRIED

REPORTS/MINUTES OF COUNCIL COMMITTEES

JERILDERIE TIDY TOWNS COMMITTEE MEETING

SC21

186/10/23 **Resolved** on the motion of Councillors Bryce and Mauger that the information contained in the Jerilderie Tidy Towns Committee Minutes of 7 September 2023 be noted.

CARRIED

RIVERINA AND MURRAY JOINT ORGANISATION (RAMJO) – DISASTER RISK REDUCTION FUND PROJECT

CY1-005

187/10/23 **Resolved** on the motion of Councillors Chirgwin and Strachan that the information contained in the Riverina and Murray Joint Organisation (RAMJO) – Disaster Risk Reduction Fund Project Report be noted.

CARRIED

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..........General ManagerMayor

OFFICERS' REPORTS FOR NOTING

MONTHLY INVESTMENT REPORT – SEPTEMBER 2023

SC133

- 188/10/23 **Resolved** on the motion of Councillors Black and Saxvik that Council note the monthly Investment Report identifying all money Council has invested under Section 625 of the *Local Government Act 1993*.

CARRIED

NEW COUNCIL IMPLEMENTATION FUND – SEPTEMBER 2023

SC59

- 189/10/23 **Resolved** on the motion of Councillors Mauger and Bryce that the contents of the New Council Implementation Fund – September 2023 report be noted.

CARRIED

DEVELOPMENT APPLICATION APPROVED UNDER DELEGATION - SEPTEMBER 2023

SC210

- 190/10/23 **Resolved** on the motion of Councillors Chirgwin and Mauger that the information contained in the Development Application Approved Under Delegation, September 2023, Report be noted.

CARRIED

CONFIDENTIAL ITEMS

TENDER – RFT 23/04 SUPPLY OF LINE MARKING SERVICES

SC658

- 191/10/23 **Resolved** on the motion of Councillors Saxvik and Strachan that this item be referred to the **CONFIDENTIAL** section of the Ordinary Council Meeting which is closed to the public. This item is classified as confidential in accordance with Section 10A (2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- d) Commercial information of a confidential nature that would, if disclosed:
- i) Prejudice the commercial position of the person who supplied it.

CARRIED

**TENDER – RFT 23/05 SPRAYED BITUMINOUS AND AGGREGATE
SUPPLY SC659**

192/10/23 Resolved on the motion of Councillors Saxvik and Strachan that this item be referred to the **CONFIDENTIAL** section of the Ordinary Council Meeting which is closed to the public. This item is classified as confidential in accordance with Section 10A (2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- d) Commercial information of a confidential nature that would, if disclosed:
- i) Prejudice the commercial position of the person who supplied it.

CARRIED

**TENDER - SUPPLY, REGISTRATION, AND DELIVERY OF QUAD AXLE
DROP DECK WIDENING LOW LOADER SC653**

193/10/23 Resolved on the motion of Councillors Saxvik and Strachan that this item be referred to the **CONFIDENTIAL** section of the Ordinary Council Meeting which is closed to the public. This item is classified as confidential in accordance with Section 10A (2) (d) (i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- d) Commercial information of a confidential nature that would, if disclosed:
- i) Prejudice the commercial position of the person who supplied it.

CARRIED

Council closed its meeting to the public at 3.32pm. Recording was stopped.

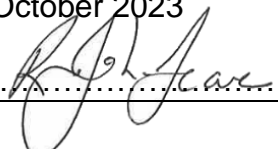
TENDER – RFT 23/04 SUPPLY OF LINE MARKING SERVICES SC658

194/10/23 Resolved on the motion of Councillors Curphey and Chirgwin that:

1. Council endorse the recommendation of the Tender Evaluation Panel and accept a panel of contractors, comprising tenderers as detailed within the report, for line marking services for 2 years, with a further option of 2 years, the maximum allowable contract period being 4 years - Tender Reference RFT 23-04.
2. The contract documents, and any other associated documents, be executed on behalf of Council in accordance with cl 165 of the Local Government Regulation, by the General Manager (Director of Infrastructure) as the Principal's representative.

CARRIED

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..........General ManagerMayor

**TENDER – RFT 23/05 SPRAYED BITUMINOUS AND AGGREGATE
SUPPLY SC659**

195/10/23 Resolved on the motion of Councillors Strachan and Gilbert that:

1. Council endorse the recommendation of the Tender Evaluation Panel and accept a panel of contractors, comprising tenderers as detailed within the report, for sprayed bituminous and aggregate supply for 2 years, with a further option of 2 years, the maximum allowable contract period being 4 years – Tender reference RFT 23-05
2. The contract documents, and any other associated documents, be executed on behalf of Council in accordance with cl 165 of the Local Government Regulation, by the General Manager (Director of Infrastructure), as the Principal's representative.

CARRIED

**TENDER - SUPPLY, REGISTRATION, AND DELIVERY OF QUAD AXLE
DROP DECK WIDENING LOW LOADER SC653**

This item of business was withdrawn from the agenda.

Open Council resumed at 3.59pm, with the meeting re-opened to the public. Recording resumed.

The Mayor informed the meeting of resolution/s 194/10/23 and 195/10/23, as adopted in the Confidential section of the meeting.

There being no further business, the meeting closed at 4.02pm.

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Cr R E McRae OAM
MAYOR