

**MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE COUNCIL
HELD AT THE COLEAMBALLY SPORTS PRECINCT
ON TUESDAY 18 OCTOBER 2022 COMMENCING AT 3.00PM**

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge and pay 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 (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 Planning, Community & Development, Garry Stoll and Chief Financial Officer, Kaitlin Salzke.

APOLOGIES

NIL

CARRIED

CONFIRMATION OF MINUTES

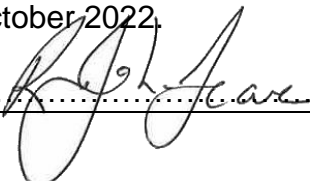
146/10/22 **Resolved** on the motion of Councillors Chirgwin and Strachan that the Minutes of the Ordinary Meeting of Council held on 27 September 2022, as printed and circulated, be confirmed.

CARRIED

PECUNIARY INTEREST DECLARATIONS

NIL

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.....General ManagerMayor

NOTICE OF RESCISSION

NIL

NOTICE OF MOTION

NIL

MAYORAL REPORT

SC217

147/10/22 **Resolved** on the motion of Councillors Black and Strachan that the information contained in the Mayoral Report be noted.

CARRIED

DELEGATES' REPORTS

NIL

OFFICERS' REPORTS FOR CONSIDERATION

GENERAL MANAGER'S MONTHLY REPORT

SC218

148/10/22 **Resolved** on the motion of Councillors Chirgwin and Bryce that the contents of the General Manager's Monthly Report be noted, and Council:

1. Adopt the revised Corporate Uniform Policy
2. Adopt the revised Alcohol and Other Drug Policy
3. Adopt the revised Motor Vehicle Policy
4. Adopt the revised Work Health and Safety Policy
5. Adopt the revised Personal Protective Equipment (PPE) Policy
6. Authorise the General Manager to apply for the Go FOGO grant from the NSW EPA.
7. Endorse the Coleambally Lake Joint Committee, with Murrumbidgee Council representatives being Mr John Scarce General Manager, Mr Garry Stoll Director of Planning, Community & Development and Councillors McRae and Strachan (alternate delegate Councillor Chirgwin). Further, Council's General Manager consult with Coleambally Chamber of Commerce on this proposal, establishing the first meeting of the Committee as soon as possible.
8. Authorise the final public consultation of the Luke Park Jerilderie concept plans, by displaying the 2D and 3D concepts for public consultation. A report be presented to the December 2022 meeting on the community feedback, and resolving to move forward to detailed design, tender and construction.


.....General ManagerMayor

9. Authorise the Mayor to make submission to the Governance Team of the Office of Local Government NSW on Council's position on the proposed changes to the *Local Government Act* in relation to Senior Staff.

CARRIED

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

- 149/10/22** **Resolved** on the motion of Councillors Saxvik and Strachan 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

**REQUEST TO SUSPEND ALCOHOL FREE ZONE FOR 2023 AUSTRALIA
DAY CELEBRATIONS SC5**

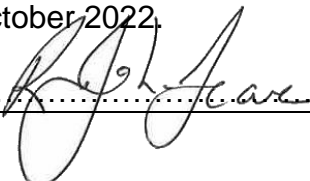
- 150/10/22** **Resolved** on the motion of Councillors Bryce and Curphey that Council:
1. Allow the prohibition on the consumption of alcohol in the vicinity of the Council Chambers, Civic Hall, Luke Park and Powell Street to be lifted from midday to midnight on 26 January, 2023;
 2. Allow the prohibition signs to be covered during the period of the celebrations;
 3. Notify the local Police; and
 4. Advertise Council's action.

CARRIED

DRAFT 2021/22 FINANCIAL STATEMENTS SC133

- 151/10/22** **Resolved** on the motion of Councillors Black and Gilbert that:
1. Following review, the going concern basis is appropriate for the financial statements for the year ended 30 June 2022, and the required disclosures within the statements with regards to going concern are fairly reflected within the applicable notes;
 2. Council authorises the General Manager, in consultation with the Audit Risk & Improvement Committee, Council's Auditors and the Chief Financial Officer, to make any necessary adjustments to the financial statements that may arise as the result of the audit process, and to

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

report back to Council on any such adjustments that are made, where significant;

3. Council authorises the signing of the Statement by Councillors and Management by the Mayor and Deputy Mayor, and endorse the signing by the General Manager and Chief Financial Officer (as Responsible Accounting Officer) in relation to the General Purpose Financial Statements;
4. The General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2022 be formally referred to Council's Auditor for audit; and
5. Council delegates to the General Manager authority, upon receipt of the Auditor's Reports to:
 - a. forward a copy of the financial statements and Auditor's Reports to the Office of Local Government;
 - b. arrange for public notice to be given, in the required format, on Council's website, of the Council meeting for presentation of the audited 2021/22 financial statements;
 - c. arrange for the Council's audited financial statements and Auditor's reports to be placed on public exhibition; and
 - d. list the audited financial statements and Auditor's reports on the agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.

CARRIED

**PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY
REVIEW** **SC49**

152/10/22 **Resolved** on the motion of Councillors Chirgwin and Strachan that the revised Councillor Expenses and Facilities Policy be adopted.

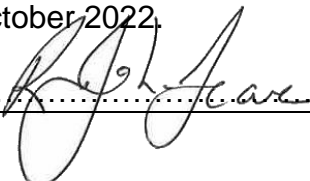
CARRIED

**DEVELOPMENT APPLICATION 27-2022 – 85 - 87 JERILDERIE
STREET, JERILDERIE** **DA 27-2022**

153/10/22 **Resolved** on the motion of Councillors Mauger and Curphey:

- a) That Murrumbidgee Council, as the consent authority pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979, refuse consent to Development Application No: DA 27-2022 for an unmanned service station at Lots 11 & 12 in DP 6664 being 85-87 Jerilderie Street, Jerilderie for the following reasons:
 - (i) The proposed development is considered unsatisfactory in terms of Section 4.15(1)(a)(i) and (d) of the Environmental Planning & Assessment Act, 1979 in that Transport for NSW does not

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

support the development with regard to the provisions of State Environmental Planning Policy (Infrastructure and Transport) 2021.

- (ii) The proposed development is considered unsatisfactory in terms of Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act, 1979 in that the proposed development extends beyond the boundaries of the commercial centre identified in the Jerilderie Development Control Plan.
- (iii) The proposed development is considered unsatisfactory in terms of Section 4.15(1)(b) of the Environmental Planning & Assessment Act, 1979 in that the proposed unmanned service station is likely to have an unreasonable impact on the amenity of neighbours.
- (iv) The proposed development is considered unsatisfactory in terms of Section 4.15(1)(c) of the Environmental Planning & Assessment Act, 1979 in that the site is unsuitable for the proposed development in terms of access by heavy vehicles from Bolton Street.
- (v) The proposed development is considered unsatisfactory in terms of Section 4.15(1)(e) of the Environmental Planning & Assessment Act, 1979 in that the proposed development is not in the public interest as indicated by the number of objections to the development from the local community.

- b) That the development application be delegated to the Director of Planning, Community and Development for issue of the notice of determination.

CARRIED

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

Opposed: Nil

Absent: Nil

DRAFT MURRUMBIDGEE LAND USE PLAN

SC212, SC98

154/10/22 Resolved on the motion of Councillors Curphey and Chirgwin that Council adopt the draft Murrumbidgee Land Use Plan.

CARRIED

**REVISED TRANSPORTABLE OR MOVEABLE DWELLINGS AND
TEMPORARY ACCOMMODATION POLICY** **SC49**

155/10/22 **Resolved** on the motion of Councillors Bryce and Saxvik that the revised Transportable or Moveable Dwellings and Temporary Accommodation Policy be adopted by Council.

CARRIED

ADOPTION OF DRAFT MOBILE FOOD VENDOR POLICY **SC49; SC37**

156/10/22 **Resolved** on the motion of Councillors Mauger and Curphey that the draft Mobile Food Vendor Policy be adopted.

CARRIED

ADOPTION OF DRAFT FROST CONTROL FANS POLICY **SC49**

157/10/22 **Resolved** on the motion of Councillors Bryce and Strachan that the draft Frost Control Fans Policy be adopted.

CARRIED

ADOPTION OF DRAFT SINGLE USE PLASTICS POLICY **SC49**

158/10/22 **Resolved** on the motion of Councillors Chirgwin and Gilbert that Murrumbidgee Council Single Use Plastics Policy be adopted.

CARRIED

OFFICERS' REPORTS FOR NOTING

MONTHLY CASH & INVESTMENT REPORT – SEPTEMBER 2022
SC133

159/10/22 **Resolved** on the motion of Councillors Black and Strachan that Council note the monthly Cash and Investment Report containing the bank balances and schedule of investments as at 30 September 2022.

CARRIED

NEW COUNCIL IMPLEMENTATION FUND – SEPTEMBER 2022 C59

160/10/22 Resolved on the motion of Councillors Mauger and Chirgwin that the contents of the New Council Implementation Fund-September 2022 report be noted.

CARRIED

STRONGER COMMUNITIES FUND – SEPTEMBER 2022 SC137

161/10/22 Resolved on the motion of Councillors Saxvik and Gilbert that the contents of the Stronger Communities Fund, September 2022, Report be noted.

RATES AND ANNUAL CHARGES COLLECTION REPORT – SEPTEMBER 2022 SC165

162/10/22 Resolved on the motion of Councillors Gilbert and Black that the contents of the Rates and Annual Charges Collection Report at 30 September 2022 be noted.

CARRIED

DEVELOPMENT APPLICATION APPROVED UNDER DELEGATION, SEPTEMBER 2022 SC210

163/10/22 Resolved on the motion of Councillors Chirgwin and Bryce that the information contained in the Development Application Approved Under Delegation Report, September 2022, be noted.

CARRIED

CONFIDENTIAL ITEMS

SELECTION OF SUPPLIERS FOR MR321 RESEAL PROGRAM SC190

164/10/22 Resolved on the motion of Councillors Chirgwin and Curphey 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 4.08pm. Recording was stopped.

SELECTION OF SUPPLIERS FOR MR321 RESEAL PROGRAM SC190

165/10/22 Resolved on the motion of Councillors Mauger and Curphey that Council endorse the recommendations of the Senior Technical Officer and accept:

- 1. The quotations from Capital Lines & Signs Pty Ltd for line marking to be undertaken as part of the MR321 2022/23 reseal program.
- 2. Quotations received from Downer EDI Works Pty Ltd for works to be undertaken as part of the MR321 2022/23 reseal program.

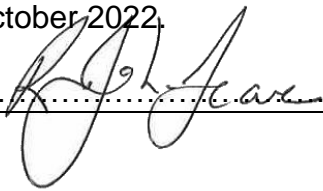
CARRIED

Open Council resumed at 4.17pm, with the meeting re-opened to the public. Recording resumed.

The Mayor informed the meeting of resolution 165/10/22 as adopted in the Confidential section of the meeting.

There being no further business, the meeting closed at 4.19pm.

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Cr R E McRae
MAYOR

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.....General ManagerMayor