

**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE  
COUNCIL CHAMBERS, DARLINGTON POINT ON TUESDAY 26 FEBRUARY 2019  
COMMENCING AT 10.00AM**

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**PRESENT**

Present were Councillors R McRae (Mayor), R Black (Deputy Mayor), G Smith, F Bryce, G Gilbert, P Brown, R Curphey and C Chirgwin.

Also present were John Scarce, General Manager, Susan Appleyard, Manager, Planning & Environment, Vicki Sutton, Finance Manager, William Wade, Operations Manager, Johann Pereira, Operations Manager, Sue Mitchell, Corporate & Community Services Manager, Stephen Goodsall, Assets Manager, Kellie Dissegna, Tourism & Economic Development Manager and Matt Johnson, Consultant, Habitat Planning.

**APOLOGIES**

An apology was received from Councillor Phillip Wells

**03/02/19**     **Resolved** on the motion of Councillors Chirgwin and Gilbert that the apology from Councillor Wells be received and leave of absence be granted.

**CONFIRMATION OF MINUTES**

**04/02/19**     **Resolved** on the motion of Councillors Chirgwin and Black that the Minutes of the Ordinary Meeting of Council held on Friday 14 December 2018, and Minutes of the Extraordinary Meeting of Council held on Thursday 10 January 2019, as printed and circulated, be confirmed.

**PECUNIARY INTEREST**

Susan Appleyard, Manager Planning & Environment declared a pecuniary interest in Item 5 – DA 52-17/18.

Cr Faith Bryce declared a pecuniary interest in Item 32-Wunnamurra Estate Land Sale.

**NOTICE OF MOTION**

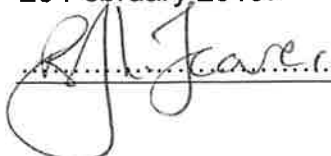
Nil

**NOTICE OF RESCISSION**

Nil

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This is page 1 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

.....General Manager .....Mayor

## MAYOR'S REPORT

**05/02/19** **Resolved** on the motion of Councillors Smith and Bryce that the information contained in the Mayoral Report be noted.

## DELEGATE'S REPORT

### **Coleambally Town Life Meeting**

Cr Chirgwin presented a verbal report on her attendance at the Coleambally Town Life Meeting. Issues raised at the meeting were toilets at Lions Park and barking dogs within Coleambally township. Swimming pool blanket has been delivered to Pool.

Cr Smith spoke on her attendance at the Seniors' Luncheon in Darlington Point, the Traffic Committee Meeting and Internal Audit Risk & Improvement Committee.

## GENERAL MANAGER'S REPORT

### **GENERAL MANAGER MONTHLY UPDATE**

**03.16.02**

**06/02/19** **Resolved** on the motion of Councillors Smith and Brown that Council:

1. Authorise the General Manager's annual leave request from 15 April to 26 April 2019 inclusive;
2. The April meeting of Council be deferred to Tuesday 30 April 2019;
3. Receive the balance of this report as information.

### **COUNCIL ELECTIONS 2020**

**03.10**

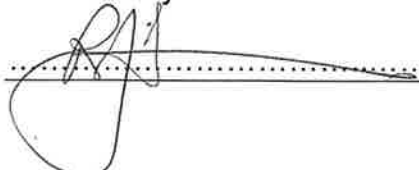
**07/02/19** **Resolved** on the motion of Councillors Brown and Smith that:

The Murrumbidgee Council ("the Council") resolves:

1. Pursuant to Section 296 (2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;
2. Pursuant to Section 296 (2) and (3) of the Act, as applied and modified by s.18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council;
3. Pursuant to Section 296 (2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

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This is page 2 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

.....General Manager .....Mayor

**DRAFT BACKFLOW PREVENTION POLICY**

**03.06**

**08/02/19** **Resolved** on the motion of Councillors Chirgwin and Curphey that the Draft Murrumbidgee Council Backflow Prevention Policy be exhibited for a period of 28 day with a submission period of 42 days in accordance with Section 160 of the Local Government Act 1993.

**JERILDERIE SWIMMING POOL UPGRADE**

**04.25.22**

**09/02/19** **Resolved** on the motion of Councillors Curphey and Chirgwin that:

1. Council endorse the use of Expression of Interest and progress to selective tender in accordance with Section 168 of the Local Government (General) Regulation 2005;
2. An extraordinary meeting of Council be held on 3 April 2019 at 10.00am in the Jerilderie Chambers to award the Jerilderie Swimming Pool tender.

**DEVELOPMENT APPLICATION 52-17/18**

**DA 52-17/18**

Mr Gary Baffsky was welcomed to the meeting to address Council on the matter of DA 52-17/18.

Susan Appleyard, Manager Planning & Environment, declared a pecuniary interest in this matter and departed the building.


**10/02/19** **Resolved** on the motion of Councillor Smith that Council refuse Development Application No. 52-17/18 for a proposed chain mesh fence, display of decorative fuel bowsers and installation of five (5) shipping containers on Lot 5, DP758541, and addressed as 64 Jerilderie Street, Jerilderie dated 8 May 2018 in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to the reasons for refusal provided as attachment # 4.

The motion failed for want of a seconder.

A decision on Development Application 52-17/18 was deferred to allow a discussion on modifications to DA 52-17/18 between Mr Baffsky and Mr Matt Johnson of Habitat Planning, outside the meeting.

Susan Appleyard, Manager Planning & Environment, returned to the meeting.

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.....General Manager .....Mayor

**DEVELOPMENT APPLICATION 27-18/19**

**DA 27-18/19**

**11/02/19** **Resolved** on the motion of Councillors Curphey and Brown that Council grant Development Consent to Development Application No. 27-18/19 for a carport on Lot 86, DP 236144, addressed as Falcon Road, Coleambally dated 29 January 2019 and described in details accompanying the application under *Section 4.16 of the Environmental Planning and Assessment Act, 1979*, and subject to the conditions provided as attachment # 8.

In Favour: Councillors Smith, Curphey, Chirgwin, Brown, Gilbert, Black, Bryce and McRae

Opposed: Nil

Absent: Councillor Wells

**DEVELOPMENT APPLICATION 29-17/18**

**DA 29-17/18**

**12/02/19** **Resolved** on the motion of Councillors Curphey and Chirgwin that Council grant Development Consent to Development Application No. 29-17/18 for a proposed redevelopment of an existing highway service centre (BP) on Lots 1 & 2, DP515642, Lot 15, DP564034, Lot 143, DP756426, addressed as 11-15 Southey Street, Jerilderie, dated 14 November 2017, and as amended 19 October 2018 and described in details accompanying the application under *Section 4.16 of the Environmental Planning and Assessment Act, 1979* and subject to the conditions provided as attachment # 9.

In Favour: Councillors Smith, Curphey, Chirgwin, Brown, Gilbert, Black, Bryce and McRae

Opposed: Nil

Absent: Councillor Wells

**COLEAMBALLY POOL OPERATIONS FOR MARCH 2019**

**07.04**

**13/02/19** **Resolved** on the motion of Councillors Brown and Smith that the Coleambally Swimming Pool operate utilising the fob system for the remainder of season 2018/19, with pool operations to be reviewed prior to the 2019/20 season.

**ART EXHIBITION-REQUEST FOR SUPPORT**

**07.06**

**14/02/19** **Resolved** on the motion of Councillors Curphey and Chirgwin that:

1. 15% commission on all art works sold at the art exhibition be held in trust by Council to support further art exhibitions at each future Show 'n Shine; and

This is page 4 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

  
..... General Manager ..... Mayor

2. Council provide the use of Council facilities for each of the workshops, together with the art exhibition, at no cost.

**DEVELOPMENT APPLICATION 52-17/18**

**DA 52-17/18**

Mr Gary Baffsky and Mr Matt Johnson, Consultant, Habitat Planning returned to the meeting to present options and amended recommendation associated with DA 52-17/18.

Susan Appleyard, Manager Planning & Environment, declared a pecuniary interest in this matter and departed the building.

**15/02/19** **RESOLVED** on the motion of Councillors Gilbert and Curphey that Development Application 52-17/18 be approved with conditions, and as amended in red on the approved plans.

In Favour: Councillors Curphey, Chirgwin, Brown, Gilbert, Black, Bryce  
Opposed: Councillors Smith and McRae  
Absent: Councillor Wells

Mr Baffsky and Mr Johnson departed the meeting.

At 12.45pm the meeting was adjourned.

At 1.00pm the meeting was resumed.

Susan Appleyard, Manager Planning & Environment, returned to the meeting.

**Presentation by Transgrid**

Mr Mitchell Hume, Public Relations Specialist, Policy and Corporate Affairs and Mr Dany Gittani, Group Manager, Project Development, Transgrid attended the meeting to make a presentation on Transgrid's NSW electricity transmission network.

At 1.50pm Mr Hume and Mr Gittani departed the meeting.

At 1.50pm the meeting was adjourned.

At 2.05pm the meeting resumed.

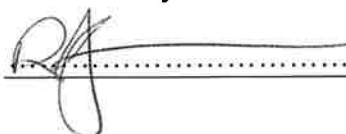
**QUARTERLY BUDGET REVIEW – DECEMBER 2018**

**05.13**

**16/02/19** **Resolved** on the motion of Councillors Smith and Bryce that the report be noted and variances to the budgets, as outlined in the attachment, be approved.

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This is page 5 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

.....General Manager .....Mayor

**DARLINGTON POINT NATURE TRAILS**

**05.17.04**

- 17/02/19** **Resolved** on the motion of Councillors Curphey and Bryce that Darlington Point Nature Trail signposting and identified aboriginal names be placed on public exhibition for a period of 30 days, and with a submission period of 30 days.

**COMMITTEE MINUTES**

**MINUTES OF THE MURRUMBIDGEE ECONOMIC & TOURISM  
ADVISORY GROUP (METAG) MEETING** **01.15**

- 18/02/19** **Resolved** on the motion of Councillors Chirgwin and Curphey that the information contained in the Murrumbidgee Economic & Tourism Advisory Group (METAG) Minutes be noted.

**MINUTES OF THE MURRUMBIDGEE COUNCIL TRAFFIC COMMITTEE  
MEETING** **06.16**

- 19/02/19** **Resolved** on the motion of Councillors Gilbert and Chirgwin that the information contained in the Traffic Committee Minutes be noted.

**MINUTES OF THE JERILDERIE TIDY TOWNS COMMITTEE GENERAL  
MEETING** **02.09**

- 20/02/19** **Resolved** on the motion of Councillors Gilbert and Smith that the information contained in the Jerilderie Tidy Towns Committee Minutes be noted.

**MINUTES OF THE JERILDERIE AUSTRALIA DAY COMMITTEE  
MEETING** **02.02.01**

- 21/02/19** **Resolved** on the motion of Councillors Smith and Bryce that information contained in the Jerilderie Australia Day Committee Minutes be noted.

**MINUTES OF THE COLEAMBALLY AUSTRALIA DAY COMMITTEE  
MEETING** **02.02.01**

- 22/02/19** **Resolved** on the motion of Councillors Curphey and Smith that the information contained in the Coleambally Australia Day Committee Minutes be noted.

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This is page 6 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

 ..... General Manager ..... Mayor

**MINUTES OF THE HERITAGE DARLINGTON POINT GENERAL MEETING** **02.34**

**23/02/19** **Resolved** on the motion of Councillors Black and Curphey that the information contained in the Heritage Darlington Point Committee Minutes be noted.

**ITEMS FOR INFORMATION**

**MONTHLY CASH & INVESTMENT REPORT – DECEMBER 2018** **05.13**

**24/02/19** **Resolved** on the motion of Councillors Brown and Bryce that Council note the Monthly Cash and Investment Report containing the bank balances and schedule of investments as at 31 December 2018.

**MONTHLY CASH & INVESTMENT REPORT – JANUARY 2019** **05.13**

**25/02/19** **Resolved** on the motion of Councillors Black and Gilbert that Council note the Monthly Cash and Investment Report containing the bank balances and schedule of investments as at 31 January 2019.

**LOAN BORROWINGS AS AT 31 DECEMBER 2018** **05.14**

**26/02/19** **Resolved** on the motion of Councillors Curphey and Gilbert that the information contained in the Loan Borrowings Report as at 31 December 2018, be noted.

**NEW COUNCIL IMPLEMENTATION FUND – DECEMBER 2018** **03.13.08A**

**27/02/19** **Resolved** on the motion of Councillors Chirgwin and Curphey that the contents of the New Council Implementation Fund, December 2018, be noted.

**STRONGER COMMUNITIES FUND – DECEMBER 2018** **03.13.08A**

**28/02/19** **Resolved** on the motion of Councillors Gilbert and Curphey that the contents of the Stronger Communities Fund, December 2018, be noted.

**RATES & CHARGES COLLECTION REPORT – JANUARY 2019** **05.33**

**29/02/19** **Resolved** on the motion of Councillors Bryce and Chirgwin that the contents of the Rates and Charges Collection Report-January 2019, be noted.

.....General Manager .....Mayor

**CITIZENSHIP CEREMONY 28 FEBRUARY 2019** **02.03**

**30/02/19** **Resolved** on the motion of Councillors Black and Bryce that information contained in the Australian Citizenship Ceremony Report be noted.

**DEVELOPMENT APPLICATION APPROVED UNDER DELEGATION, DECEMBER 2018/JANUARY 2019** **04.25**

**31/02/19** **Resolved** on the motion of Councillors Curphey and Chirgwin that the information contained in the Development Application Approved Under Delegation Report, December 2018/January 2019 be noted.

**PROGRESS REPORT ON DARLINGTON POINT STRUCTURE PLAN OCTOBER 2018 - FEBRUARY 2019** **04.25.16**

**32/02/19** **Resolved** on the motion of Councillors Gilbert and Curphey that the information contained in the Progress Report on Darlington Point Structure Plan, October 2018-February 2019, be noted.

**ECONOMIC DEVELOPMENT AND TOURISM ACTIVITIES** **03.16**

**33/02/19** **Resolved** on the motion of Councillors Chirgwin and Curphey that information contained in the Economic Development and Tourism Activities Report be noted.

**WORKS IN PROGRESS 6/12/18 TO 17/2/19** **03.16.04**

**34/02/19** **Resolved** on the motion of Councillors Curphey and Bryce that the information contained in the Works in Progress Report be noted.

**NOXIOUS WEEDS / SALEYARDS / TRUCKWASH / STOCK CONTROL – DECEMBER 2018/JANUARY 2019** **04.21**

**35/02/19** **Resolved** on the motion of Councillors Gilbert and Brown that information contained in the Noxious Weeds, Saleyards, Truckwash and Stock Control Report be noted.

**CONFIDENTIAL ITEM**

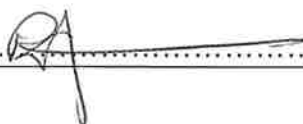
**STUDENT SCHOLARSHIPS** **02.07**

**36/02/19** **Resolved** on the motion of Councillors Smith and Chirgwin 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

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This is page 8 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

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.....General Manager .....Mayor



accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) *personnel matters concerning particular individuals (other than Councillors).*

**EXPRESSION OF INTEREST TO LEASE THE WILLOWS, 11 POWELL STREET, JERILDERIE 07.03.02**

**37/02/19 Resolved** on the motion of Councillors Smith and Chirgwin 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) 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, or
  - ii. Confer a commercial advantage on a competitor of the Council,
- f) Matters affecting the security of the Council, Councillors, Council staff or Council property.

**WUNNAMURRA ESTATE LAND SALE 04.15.02**

**38/02/19 Resolved** on the motion of Councillors Smith and Chirgwin 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) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than Councillors),
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Council closed its meeting to the public at 3.30 pm

**STUDENT SCHOLARSHIPS 02.07**

**39/02/19 Resolved** on the motion of Councillors Black and Smith that the Student Scholarships for 2019 be distributed to applicants as determined by the meeting.

.......... General Manager ..... Mayor

**EXPRESSION OF INTEREST TO LEASE THE WILLOWS, 11 POWELL STREET, JERILDERIE 07.03.02**

**40/02/19** Resolved on the motion of Councillors Black and Gilbert that:

- The applicant be requested to provide a Business Plan to Council;
- Delegated authority be granted to the General Manager to negotiate the terms of a lease to operate a Café and Gift Shop at The Willows, 11 Powell Street, Jerilderie.

**WUNNAMURRA ESTATE LAND SALE 04.15.02**

Cr Bryce declared a pecuniary interest in this item and departed the building.

**41/02/19** Resolved on the motion of Councillors Curphey and Gilbert that the offer for purchase of land within Wunnamurra Estate be rejected and the General Manager be delegated authority to negotiate with the interested parties a price, taking into consideration the recommendation from Jerilderie Shire Council Extraordinary Meeting of 26 January 2016, resolution 15/01/16.

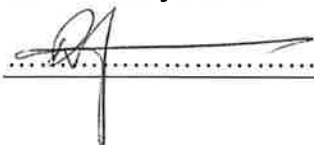
Councillor Bryce returned to the meeting.

There being no further business, the meeting closed at 3.45pm.

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Cr R E McRae  
**MAYOR**

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This is page 10 of 10 of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 February 2019.

..... General Manager ..... Mayor