



MINUTES

Ordinary Council Meeting

15 February 2022

**MINUTES OF NARRANDERA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON TUESDAY, 15 FEBRUARY 2022 AT 2PM**

The Mayor declared the Public Forum opened at **1.30pm** and welcomed the Councillors, Staff, Media, Members of the Gallery and those following on the Live Streaming.

PUBLIC FORUM

Presentation

Mayor announced the winners of the 2021 Narrandera Shire Council Christmas Competition for Best Decorated Residents, Business, Mailbox and Street.

Best Grong Grong House – Mark Tilyard – 76 Bunganbil Street

Best Narrandera House – Tania Longford – 175 Audley Street

Best Binya House – Jan Evans – 33 Francis Street

Best Barellan House – Patricia Waide – 46 Wilga Street

Best Business – Vintage Designs – Joanne Rolfe - 6 East Street

Best Street in Narrandera – Shady Street.

Nominated by residents Bob and Lyn Cahill who were in attendance to receive the award.

The Mayor declared the Ordinary Council Meeting opened at **2pm**

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to their people both past and present and extend that respect to other Aboriginal Australians who are present

2 HOUSE KEEPING

Advice provided of Council's Work, Health and Safety (WHS) Evacuation Plan and location of the Amenities.

3 DISCLOSURE OF POLITICAL DONATIONS

Advice provided to those present, of the legislative requirement for Disclosure of Political Donations:

The Environmental Planning and Assessment Act 1979, Section 147 requires a person submitting planning applications or submissions regarding a planning application, to

disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations include those of, or above, \$1,000. The Disclosure Statement forms are available on Councils website or from the Customer Service Centre and must be lodged in accordance with the Act.

There were no Disclosure of Political Donations received by the Chairperson.

4 PRESENT

Cr Neville Kschenka, Cr Cameron Lander, Cr Narelle Payne, Cr Jenny Clarke OAM, Cr Kevin Morris, Cr Peter Dawson, Cr Sue Ruffles, Cr Braden Lyons, Cr Tracey Lewis

In Attendance

George Cowan (General Manager), Shane Wilson (Deputy General Manager Infrastructure), Martin Hiscox (Deputy General Manager Corporate & Community), Vicki Maher (EA/Minute Taker), Amanda Collins (CAA/Minute Taker)

22/034

5 APOLOGIES

Nil

6 DECLARATIONS OF INTEREST

Cr Braden Lyons declared a Non Pecuniary Non Significant Interest in Item 18.5 under the Local Government Act as *Ongoing involvement with Youth Advisory Council* and will remain and take part in discussion and voting.

7 CONFIRMATION OF MINUTES

RESOLUTION 22/034

Moved: Cr Jenny Clarke OAM

Seconded: Cr Narelle Payne

That the minutes of the Ordinary Council Meeting held on 18 January 2022 be confirmed.

CARRIED

8 MAYORAL REPORT

8.1 MAYORAL REPORT JANUARY / FEBRUARY 2022

RESOLUTION 22/035

Moved: Cr Neville Kschenka

Seconded: Cr Cameron Lander

That Council:

1. Receives and notes the Mayoral Report for January / February 2022.

CARRIED

9 QUESTION WITH NOTICE

Nil

10 NOTICES OF RESCISSION

Nil

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - TREE MAINTENANCE

MOTION

Moved: Cr Jenny Clarke OAM

Seconded: Cr Sue Ruffles

That Council:

1. For the sake of safety, cuts and removes foliage from the base of all plane trees in all streets.
2. Determine the source of funding.
3. The Peppercorn trees at Barellan be clipped.
4. Residents do not empty lawn clipping at the base of street trees.

LOST

11.2 NOTICE OF MOTION - BREWERY FLAT SHELTERS - BOLLARDS**MOTION**

Moved: Cr Jenny Clarke OAM

Seconded: Cr Narelle Payne

That Council Approve:

1. A bollard be set in place at each end of the Shelters on Brewery Flat.
2. Reallocation of remainder funds from Parks and Gardens maintenance budget.

LOST

12 COUNCILLOR REPORTS

Nil

13 COMMITTEE REPORTS**13.1 AUSTRALIA DAY PLANNING COMMITTEE - MINUTES - 2 FEBRUARY 2022****RESOLUTION 22/036**

Moved: Cr Narelle Payne

Seconded: Cr Braden Lyons

That Council:

1. Receives and notes the minutes of the Australia Day Planning Committee held on Wednesday 2 February 2022.

CARRIED

13.2 AUSTRALIA DAY PLANNING COMMITTEE - MINUTES - 19 JANUARY 2022**RESOLUTION 22/037**

Moved: Cr Narelle Payne

Seconded: Cr Cameron Lander

That Council:

1. Receives and notes the Minutes of the Australia Day Planning Committee held on Wednesday 19 January 2022.

CARRIED

14 OUR COMMUNITY

Nil

15 OUR ENVIRONMENT**15.1 DEVELOPMENT APPLICATION 004-2021-2022 - MULTI-DWELLING HOUSING AT 26 KING STREET NARRANDERA****RESOLUTION 22/038**

Moved: Cr Jenny Clarke OAM

Seconded: Cr Cameron Lander

That Council:

1. Resolves to vary Clause 7.4.3 of the Narrandera Development Control Plan to reduce the minimum rear setback from five metres (5m) to three metres (3m) in relation to Development Application 4-2021-2022 for the construction of three dwellings at 26 King Street Narrandera.
2. Approves the deferred commencement for DA-004-2021-2022 for the construction of three dwellings and a community title scheme on Lot B in DP 312689, 26 King Street, Narrandera subject to the Conditions of Consent in accordance with section 4.16 of the Environmental Planning and Assessment Act for the following reasons:
 - The development complies with the Narrandera LEP 2013 and the Environmental Planning and Assessment Act 1979.
 - The subject site is suitable for the proposed development.
 - The proposed development is unlikely to have any unreasonable impact on the environment and appropriate conditions have been imposed to mitigate the effects where an adverse impact has been identified.
 - The proposed development does not raise any matter contrary to the public interest.
3. Conducts a Division to record the voting of Councillors.

In Favour: Crs Neville Kschenka, Braden Lyons, Cameron Lander, Jenny Clarke OAM, Kevin Morris, Narelle Payne, Peter Dawson, Sue Ruffles and Tracey Lewis

Against: Nil

CARRIED 9/0**CARRIED****16 OUR ECONOMY**

Nil

17 OUR INFRASTRUCTURE**17.1 DEVELOPMENT APPLICATION 27/2021-2022 - SUBDIVISION OF LOT 74 DRISCOLL ROAD NARRANDERA****RESOLUTION 22/039**

Moved: Cr Braden Lyons

Seconded: Cr Narelle Payne

That Council:

1. Approves DA-027-2021-2022 for a three (3) lot Torrens Title subdivision of Lot 74 in 1278531, Driscoll Road, Narrandera subject to the Conditions of Consent in accordance with section 4.16 of the Environmental Planning and Assessment Act for the following reasons:
 - The development complies with the Narrandera LEP 2013 and the Environmental Planning and Assessment Act 1979.
 - The subject site is suitable for the proposed development.
 - The proposed development is unlikely to have any unreasonable impact on the environment and appropriate conditions have been imposed to mitigate the effects where an adverse impact has been identified.
 - The proposed development does not raise any matter contrary to the public interest.
2. Conducts a Division to record the voting of Councillors.

In Favour: Crs Neville Kschenka, Braden Lyons, Cameron Lander, Jenny Clarke OAM, Kevin Morris, Narelle Payne, Peter Dawson, Sue Ruffles and Tracey Lewis

Against: Nil

CARRIED 9/0

CARRIED

17.2 STORM EVENTS - JANUARY 2022**RESOLUTION 22/040**

Moved: Cr Narelle Payne

Seconded: Cr Tracey Lewis

That Council:

1. Notes the report.
2. Acknowledges the efforts of the emergency services, Essential Energy, Council staff and the Narrandera community for their fantastic efforts and community spirit shown during and post the January 2022 storm events.
3. Writes to the local member and Minister for Resilience and Emergency Services,

Steph Cooke and thank her and the NSW State Government for their support during and following these events.

4. Endorses the emergency funding approval given by Mayor Kschenka to undertake critical stormwater upgrades post the 6 January 2022 storm event.
5. Authorises the General Manager to engage appropriate consultants to review the stormwater system in Narrandera and provide Council with recommendations on improvements to address the recently experienced flooding issues.

CARRIED

17.3 PROPOSED CHANGES TO INFRASTRUCTURE CONTRIBUTIONS

RESOLUTION 22/041

Moved: Cr Cameron Lander

Seconded: Cr Tracey Lewis

That Council:

1. Notes the Department of Planning, Infrastructure and Environment review into infrastructure contributions, and
2. Acknowledges the need to undertake a review of the existing plan as detailed within the report.

CARRIED

18 OUR CIVIC LEADERSHIP

18.1 INTENTION TO RESOLVE TO CLASSIFY LAND AS OPERATIONAL LAND - LOT 1 DP 1277925

RESOLUTION 22/042

Moved: Cr Tracey Lewis

Seconded: Cr Braden Lyons

That Council:

1. Acknowledges that no submissions were received following the publicly advertised notice of intention to classify Lot 1 DP 1277925 as Operational Land on 9 December 2021 for a period of 28 days;
2. Resolves to classify Lot 1 DP 1277925 as Operational Land in accordance with Section 31 of the *Local Government Act 1993*.

CARRIED

18.2 REVISION OF THE CODE OF MEETING PRACTICE**RESOLUTION 22/043**

Moved: Cr Cameron Lander

Seconded: Cr Tracey Lewis

That Council:

1. Considers the revised Narrandera Shire Code of Meeting Practice 2022 and adopts the proposed Code of Meeting Practice for the purpose of exhibition.
2. Deems the Code of Meeting Practice 2022 as adopted should no submissions be received from the community at the conclusion of the exhibition period.

CARRIED**18.3 RENEWAL OF LEASE AGREEMENT - 6 VICTORIA SQUARE NARRANDERA****RESOLUTION 22/044**

Moved: Cr Tracey Lewis

Seconded: Cr Jenny Clarke OAM

That Council:

1. Supports the Executive Leadership Team endorsed lease agreement with the Health Administration Corporation for three years commencing 1 March 2022 and concluding 28 February 2025 for the use and occupation of 6 Victoria Square, Narrandera as a pathology collection centre; and
2. Provides delegated authority for the Mayor and the General Manager to sign and execute the lease agreement; and
3. Approves the placement of the Seal of Council to this document and any other documents associated with this matter.

CARRIED**18.4 ADOPTION OF TERMS OF REFERENCE FOR CORPORATE & COMMUNITY COMMITTEES****RESOLUTION 22/045**

Moved: Cr Narelle Payne

Seconded: Cr Sue Ruffles

That Council:

1. Retains the committees listed below within the committee structure for this term of

Council.

2. Endorses the revised Terms of Reference for each of the committees listed below:
 - i. Arts and Culture Advisory
 - ii. Bettering Barellan Advisory
 - iii. Domestic Violence Advisory
 - iv. Grong Grong Community Advisory
 - v. Railway Station Facility Advisory
 - vi. Parkside Cottage Museum S355

CARRIED

18.5 YOUTH ADVISORY COUNCIL - TERMS OF REFERENCE REVIEW

RESOLUTION 22/046

Moved: Cr Tracey Lewis

Seconded: Cr Braden Lyons

That Council:

1. Endorses the revised Narrandera Shire Youth Advisory Council Terms of Reference for adoption.

CARRIED

18.6 AUDIT RISK & IMPROVEMENT COMMITTEE

RESOLUTION 22/047

Moved: Cr Cameron Lander

Seconded: Cr Narelle Payne

That Council:

1. Extends the term of ARIC independent members Mr John Batchelor and Mrs Gayle Murphy until the end of this Council term in 2024.
2. Recruits one further independent member to the ARIC with a term until the end of this Council term in 2024.
3. Adopts the existing ARIC Charter pending the release of ARIC guidelines or code by the Office of Local Government.

CARRIED

19 STATUTORY AND COMPULSORY REPORTING – DEVELOPMENT SERVICES REPORTS**19.1 JANUARY 2022 DEVELOPMENT SERVICES ACTIVITIES****RESOLUTION 22/048**

Moved: Cr Narelle Payne

Seconded: Cr Braden Lyons

That Council:

1. Receives and notes the Development Services Activities Report for January 2022.

CARRIED

20 STATUTORY AND COMPULSORY REPORTING – FINANCIAL / AUDIT REPORTS**20.1 POLICY REVIEW - POL025 INVESTMENTS POLICY****RESOLUTION 22/049**

Moved: Cr Cameron Lander

Seconded: Cr Braden Lyons

That Council:

1. Reviews and endorses policy POL025 Investments Policy as presented for the purpose of public exhibition seeking community comment for a period of 28 days.
2. Deems POL025 Investments Policy as adopted should no submissions be received from the community at the conclusion of the exhibition period.

CARRIED

20.2 DECEMBER 2021 QUARTERLY BUDGET REVIEW**RESOLUTION 22/050**

Moved: Cr Jenny Clarke OAM

Seconded: Cr Narelle Payne

That Council:

1. Receives, notes and adopts the information and variations contained in the December Quarterly Review.

CARRIED

20.3 JANUARY INCOME STATEMENT**RESOLUTION 22/051**

Moved: Cr Tracey Lewis

Seconded: Cr Sue Ruffles

That Council:

1. Receives and notes the information contained in the Income Statement report for the period ending 31 January 2022.

CARRIED

20.4 JANUARY STATEMENT OF INVESTMENTS**RESOLUTION 22/052**

Moved: Cr Tracey Lewis

Seconded: Cr Braden Lyons

That Council:

1. Receives and notes the report indicating Council's Fund Management position.
2. That the Certificate of the Responsible Accounting Officer be noted and the report adopted as at 31 January 2022.

CARRIED

20.5 JANUARY CAPITAL WORKS PROGRAM**RESOLUTION 22/053**

Moved: Cr Braden Lyons

Seconded: Cr Jenny Clarke OAM

That Council:

1. Receives and notes the information contained in the Capital Works report as of 31 January 2022.

CARRIED

20.6 JANUARY STATEMENT OF BANK BALANCES

RESOLUTION 22/054

Moved: Cr Sue Ruffles

Seconded: Cr Narelle Payne

That Council:

1. Receives and notes the information contained in the Statement of Bank Balances report as of 31 January 2022.

CARRIED

20.7 JANUARY STATEMENT OF RATES AND RECEIPTS

RESOLUTION 22/055

Moved: Cr Narelle Payne

Seconded: Cr Braden Lyons

That Council:

1. Receives and notes the information contained in the Statement of Rates and Receipts report as at 31 January 2022.

CARRIED

21 STATUTORY AND COMPULSORY REPORTING – OTHER REPORTS

Nil

22 CONFIDENTIAL BUSINESS PAPER REPORTS**RESOLUTION 22/056**

Moved: Cr Tracey Lewis

Seconded: Cr Narelle Payne

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the *Local Government Act 1993*:

22.1 Major Land Sale - Red Hill Industrial Estate

This matter is considered to be confidential under Section 10A(2) - di, dii and diii of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

22.2 Purchase of Land for Barellan Sewer Project

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

22.1 Mayoral Report - General Manager 2021/22 Six Month Review

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

22.2 Mayoral Report - General Manager Contract Renewal

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

CARRIED

22.1 MAJOR LAND SALE - RED HILL INDUSTRIAL ESTATE**RESOLUTION 22/057**

Moved: Cr Kevin Morris

Seconded: Cr Tracey Lewis

That Council:

1. Accepts the offer from Bhullar Group to purchase 70,000 square metres of land in two equal sized lots of 35,000 square metres each, identified as lots B and C (see plan attached) for \$5 per square metre plus GST.
2. Offers Bhullar Group the right of first refusal to purchase lot A (see plan attached) until 31 July 2022, or to an extended date as agreed between the parties, with a suitable holding deposit to be paid to the agents QPL.
3. Subdivides the required lots being A, B and C at no cost to the purchaser.
4. Allocates \$430,000 from the Property Development Reserve for the required construction of new sealed road, concrete kerb and gutter and provision of services for the subject lots.
5. Transfers the proceeds of the sale of the subject lots into the Property Development Reserve upon completion
6. Authorises the Mayor and General Manager to sign any documents on behalf of Council in relation to this matter.
7. Authorises the placement of the Seal of Council on any documents relating to this matter.

CARRIED

22.2 PURCHASE OF LAND FOR BARELLAN SEWER PROJECT**RESOLUTION 22/058**

Moved: Cr Kevin Morris

Seconded: Cr Tracey Lewis

That Council:

1. Approves the purchase of approximately 15 hectares of Lot 7 DP751672 being 436 Kolkilbertoo Road, Barellan for the amount detailed within the report.
2. Authorises the Mayor and General Manager to sign any documents on behalf of Council resultant to the sale and purchase.
3. Authorises the placement of the Seal of Council on any documents relating to this matter.
4. Classifies the land purchased as operational.

CARRIED

At this point, time being 3.26pm, all staff left the meeting during discussion and voting on Items 22.1 and 22.2.

22.1 MAYORAL REPORT - GENERAL MANAGER 2021/22 SIX MONTH REVIEW

RESOLUTION 22/059

Moved: Cr Kevin Morris

Seconded: Cr Cameron Lander

INFORMATION

That Council:

1. Accept the General Manager Performance Review Committee's appraisal of the General Manager's mid-term review as being assessed as "More Than Satisfactory" with an average rating of 7.1/10.

CARRIED

22.2 MAYORAL REPORT - GENERAL MANAGER CONTRACT RENEWAL

RESOLUTION 22/060

Moved: Cr Braden Lyons

Seconded: Cr Cameron Lander

INFORMATION

That:

1. Council renews the General Manager's contract of employment as per the General Manager's written request dated 26 November 2021.
2. That the new contract be a standard General Manager performance-based contract for a period of five (5) years commencing 28 February 2022 to 27 February 2027.
3. That the General Manager's current Total Remuneration Package and any other benefit, transition as is, to the new contract.

CARRIED

At this point, time being 3.34pm, all staff returned to the meeting.

23 OPEN COUNCIL

RESOLUTION 22/061

Moved: Cr Kevin Morris

Seconded: Cr Narelle Payne

That Council moves out of Closed Council into Open Council and the Mayor advise of the resolutions endorsed in Closed Session.

CARRIED

The Meeting closed at 3.42pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 March 2022.



.....
GENERAL MANAGER



.....
CHAIRPERSON