



# **JUNEE SHIRE COUNCIL**

## **CONFIRMATION OF MINUTES ORDINARY MEETING**

**MINUTES OF THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, BELMORE STREET, JUNEE ON TUESDAY, 17 DECEMBER 2019.**

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**PRESENT**

Councillors N Smith, R Asmus, M Austin, R Callow, D Carter, M Cook, P Halliburton, M Holmes and K Walker

**STAFF**

General Manager, Acting Director Finance and Administration, Director Community and Business, Director Engineering Services and Executive Assistant.

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**PUBLIC FORUM**

N/A

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The meeting opened at 4.30pm.

**CONFIRMATION OF MINUTES – ORDINARY MEETING 19 NOVEMBER 2019**

**01.12.19** **RESOLVED** *on the motion of Cr R Asmus seconded Cr M Cook that the minutes of the Ordinary Meeting held on 19 November 2019, copies of which had been supplied to each Councillor, be confirmed.*

**BUSINESS ARISING**

Nil

**DECLARATIONS OF INTEREST**

Councillors were invited to disclose any Declarations of Interest related to the items of business in the report.

Councillor Pam Halliburton declared a significant pecuniary interest in Item 10 of the General Manager's report as she is the Secretary of the Junee Community Centre Board.

Councillor David Carter declared a significant pecuniary interest in Item 13 of the General Manager's report as he is the Chairman of the Illabo Showground Trust.

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CHAIRPERSON: \_\_\_\_\_

GENERAL MANAGER: \_\_\_\_\_

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**MAYORAL MINUTE**

**I. PLAN TO SAVE OUR RECYCLING**

**02.12.19** **RESOLVED** on the motion of Cr N Smith seconded Cr R Asmus that:

1. *Council acknowledges the growing imperative to manage waste and recycling within NSW, and calls for urgent action from the State Government to help build a circular economy in NSW.*
2. *Council endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:*
  - a) *Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions.*
  - b) *The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.*
  - c) *Support for the purchase of recycled content by all levels of government, to help create new markets.*
  - d) *Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.*
3. *Council write to the relevant local State Member(s) to confirm its support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.*
4. *Council formally write to its own Youth Council advising its members of its support for the Save Our Recycling campaign, and asking them to consider endorsing and sharing it their own networks across the Junee local government area.*
5. *Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.*
6. *Council shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.*

**GENERAL MANAGER'S REPORT**

The General Manager presented a report which dealt with Items 1 to 18, and the following action was taken:

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CHAIRPERSON: \_\_\_\_\_

GENERAL MANAGER: \_\_\_\_\_

**2[FM] SALE OF LAND FOR UNPAID RATES**

**03.12.19** **RESOLVED** on the motion of Cr M Holmes seconded Cr M Austin that:

1. Council, pursuant to Section 713 and other relevant sections of the Local Government Act 1993, implement a sale of land for overdue rates for properties listed in this report by way of public auction at a time and place to be determined.
2. Council approve the option of this Section 713 sale of land to be undertaken by an external specialist, where under delegation of the General Manager, a specialist may be appointed to administer the sale process on Council behalf.
3. A further report is to be provided outlining the details of Section 713 sale, confirming the sale date and appointed parties assisting in this regard (external specialist, real estate agent and/or auctioneer).
4. Council authorises Council staff and other relevant parties to proceed with the requirements of the Section 713 land sale for properties listed in this report, as required under the Local Government Act 1993 and Local Government (General) Regulation 2005.
5. Council delegates authority to the General Manager discretion as to what properties may be withdrawn from the sale into the future, prior to the set date for auction, with a consideration that properties have had all rates and charges (current, overdue, interest, legal fees) paid in full or where other extenuating technical or legal circumstances exist.
6. Council does not accept any approach by the landowners to consider arrangements for repayment of outstanding rates and charges over time, no arrangements will be entered once the sale process has commenced.
7. Council authorises the execution of contracts and transfer documents pertaining to the properties specified in the body of the report under its Common Seal.

**3[ADFA] GIFTS AND BENEFITS POLICY**

**04.12.19** **RESOLVED** on the motion of Cr R Asmus seconded Cr P Halliburton that:

1. The Gifts and Benefits Policy be adopted.
2. The Conflicts of Interest Policy be rescinded.

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**4[FM] COUNCIL INVESTMENTS AND BANK BALANCES**

**05.12.19** **RESOLVED** on the motion of Cr M Austin seconded Cr R Callow that:

1. The Monthly Investment Reports as at 30 November 2019 be received and noted.
2. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

**5[AAE] ADVENTURE PLAYGROUND DESIGN**

It was MOVED by Cr K Walker seconded Cr M Holmes that Site 1 - west and north of the newly resurfaced carpark at Park Dam be selected as the site for the construction of the Junee Adventure Playground.

The MOTION was PUT and LOST.

**06.12.19** **RESOLVED** on the motion of Cr D Carter seconded Cr M Cook that staff prepare a further report with final designs for both Site 1 and Site 2 for further consideration by the Council.

**6[DES] POLICY ON DISCHARGE OF LIQUID TRADE WASTE INTO COUNCIL'S SEWER**

**07.12.19** **RESOLVED** on the motion of Cr R Asmus seconded Cr R Callow that:

1. Council adopts the Discharge of Liquid Trade Waste into Council's Sewer Policy with an effective commencement date of the 7 January 2020.
2. Council receive a further report should submissions be received up until 7 January 2020 regarding the policy.

**7[MES] BIOSECURITY – WEEDS POLICY**

**08.12.19** **RESOLVED** on the motion of Cr D Carter seconded Cr M Austin that Council adopt the Junee Shire Council Biosecurity – Weeds Policy.

**8[MES] PESTICIDE USE NOTIFICATION PLAN**

**09.12.19** **RESOLVED** on the motion of Cr R Callow seconded Cr R Asmus Council adopt the revised Junee Shire Council Pesticide Use Notification Plan.

**9[DES] FORMAL NAMING OF URBAN AND RURAL ROADS**

**10.12.19** **RESOLVED** on the motion of Cr R Callow seconded Cr K Walker that all town, village and rural road names listed in the report and currently classified as 'in use' by the Geographic Names Board be formalised by publishing them in the Government Gazette with the exception of up to five road names listed by Councillors requiring further investigation.

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**10[MFC D] TARGETED EARLIER INTERVENTION (TEI)**

Councillor P Halliburton left the meeting at 5.11pm.

**11.12.19** **RESOLVED** on the motion of Cr R Callow seconded Cr R Asmus that:

1. Council elect to not take part in the Targeted Earlier Intervention Program Recommissioning and forego funding as Council are not presently resourced to execute the program under the revised guidelines.
2. Council write to the Department Family and Community Services (FaCS) and request that the Targeted Earlier Intervention funding to be foregone remains in Junee LGA and with a Junee based service provider.

Councillor P Halliburton returned to the meeting at 5.13pm.

**11[MFC D] RENEW OUR LIBRARIES**

**12.12.19** **RESOLVED** on the motion of Cr P Halliburton seconded Cr K Walker that:

1. Council make representation to the local State Member, Steph Cooke, in relation to the need for a sustainable state funding model for the ongoing provision of public library services.
2. Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.
3. Council endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries.

**12[DCB] JUNEE JUNCTION RECREATION AND AQUATIC CENTRE FILTRATION SYSTEM IMPROVEMENTS**

**13.12.19** **RESOLVED** on the motion of Cr M Holmes seconded Cr M Austin that:

1. Council expand the scope of works of the filter replacement project as detailed in this report.
2. Council reallocate \$35,000 from 2019/20 Recreation Centre capital projects as detailed in this report to part fund the expanded scope of works.
3. Council apply to the Building Better Regions Fund for the expanded scope of works.

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**13[DCB] ONGOING MANAGEMENT OF CROWN LAND**

Councillor D Carter left the meeting at 5.20pm.

**14.12.19** **RESOLVED** on the motion of Cr R Callow seconded Cr M Austin that:

1. Council confirm to Crown Lands, Department of Planning, Industry and Environment, Council's interest to retain control of Reserves 47452, 62497, 70726, 77977, 79355, 83926, 88038, 89634, 94593, 220036, 620022, 1024208 and proceed to develop a Plan of Management covering each Reserve.
2. Council seek to divest control of the Reserves 2533, 10300, 27356, 33281, 59362, 76042, 83165, 83167, 84784, 620054 by first consulting with a proposed future trustee then writing to the relevant Minister.
3. Council write to the relevant Minister and apply for control of Lot 7011 DP1073089 and Lot 7013 DP1073090 for the purpose of expanding Reserve 1024208 for public cemetery.

Councillor D Carter returned to the meeting at 5.23pm.

**CORRESPONDENCE**

Nil

**COMMITTEE REPORTS**

Nil

**DELEGATES' REPORTS**

- Riverina Joint Organisation – 14 November 2019
- REROC – 14 November 2019
- Inland Rail – Cr P Halliburton - verbal
- Local Health Advisory Committee – Cr M Holmes - verbal
- Senior Citizens Week – Cr M Holmes - verbal

**NOTICE OF MOTION**

Nil

**LATE BUSINESS**

**14[DCB] DA 2019-56 - ATHENIUM THEATRE**

This item was withdrawn.

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**QUESTIONS ON NOTICE**

Nil

**INFORMATION BOOKLET**

The information booklet was received and noted.

**CONFIDENTIAL ITEM**

**16.12.19** At 5.49pm Council **RESOLVED** on the motion of Cr P Halliburton seconded Cr R Callow to go into Closed Committee of the Whole under Section 10A (2):

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(d)(i) prejudice the commercial position of the person who supplied it.

AND

(d)(ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

**15[GM] JOHN POTTS ESTATE, STAGE 8 PRICING**

**17.12.19** **RESOLVED** on the motion of Cr R Callow seconded Cr M Austin that:

I. Council set a non-negotiable selling price for lots within the John Potts Stage 8 Land Development in the unregistered plan dated 1 October 2019 Reference No. 19078 v4 at:

- Lot 22 \$101,000
- Lot 23 \$125,000
- Lot 24 \$115,000
- Lot 25 \$104,000
- Lot 26 \$104,000
- Lot 27 \$103,500
- Lot 28 \$106,000
- Lot 29 \$110,000
- Lot 30 \$110,000
- Lot 31 \$110,000
- Lot 32 \$110,000
- Lot 33 \$110,000
- Lot 34 \$116,000
- Lot 35 \$101,000
- Lot 36 \$101,000
- Lot 37 \$104,000

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- Lot 42 \$ 89,000
- 2. Council reconfirms the classification of land in John Potts Stage 8 as Operational Land.
- 3. Council authorise the affixing of the Council's Seal to relevant documents in relation the sale of property and conveyancing matters within the John Potts Stage 8 residential estate.
- 4. The General Manager be delegated to prepare and execute conveyancing and contractual documents to enable the sale of the residential land to which John Potts Stage 8 land refers.

**16[DES] 2019-12 CONSTRUCTION OF DWELLING UNIT - 6 HAYES CRESCENT, JUNEE**

**18.12.19** **RESOLVED** on the motion of Cr R Asmus seconded Cr R Callow that:

1. The Council notes the report on the tender assessment for the Construction of Dwelling Unit at 6 Hayes Crescent, Junee.
2. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept Hotondo Home's tender.
3. Authorise the affixing of the Council's Common Seal to all relevant documents as required.
4. Advise the unsuccessful tenderers in writing.

**17[DCB] TENDER 2019-11 JUNEE ATHENIUM THEATRE HVAC SUPPLY AND INSTALLATION**

**19.12.19** **RESOLVED** on the motion of Cr P Halliburton seconded Cr M Cook that:

1. Council in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005, decline to accept any of the tenders submitted in response to the RFT 2019-11 for the Junee Athenium Theatre HVAC Supply and Installation.
2. Note the reason for declining to accept the tenders is that the submitted tenders exceeded the budget for the project.
3. In accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005, authorise the General Manager or their delegate to enter into direct negotiations with one or more of the tenderers with a view to entering into a contract in relation to the subject matter of the RFT 2019-11.

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4. *Note the reason for proceeding to direct negotiations is that Council anticipates that direct negotiations with one or more of the unsuccessful tenderers may produce an acceptable result.*
5. *Authorise the General Manager or their delegate to enter into a contract for the Junee Athenium Theatre HVAC Supply and Installation if a successful negotiation is achieved.*
6. *Authorise the affixing of Council's Common Seal to all relevant documents as required.*

**18[DCB] TENDER 2019-10 JUNEE ATHENIUM THEATRE CONSTRUCTION OF NEW BUILDING HOUSING KITCHEN AMENITIES AND STORAGE AREA**

**20.12.19** **RESOLVED** on the motion of Cr P Halliburton seconded Cr R Callow that:

1. *Council note the report on the tender assessment for RFT 2019-10 for the construction of new building housing kitchen amenities and storage area at the Junee Athenium Theatre.*
2. *In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender from Bradall Building (trading as Hotondo Homes Junee).*
3. *Enter into a contract with Bradall Building (trading as Hotondo Homes Junee) in accordance with the tender pending final development and construction approvals including those required from the NSW Office of Environment and Heritage.*
4. *Authorise the affixing of Council's Common Seal to all relevant documents as required.*
5. *Advise the unsuccessful tenderers in writing.*

**REVERSION TO OPEN COUNCIL**

**21.12.19** **RESOLVED** on the motion of Cr R Asmus seconded Cr M Austin that Council move out of committee and revert to an open meeting of the Council, the time being 5.57pm.

**22.12.19** **RESOLVED** on the motion of Cr R Asmus seconded Cr M Cook that Council adopt the resolutions made in Closed Committee.

There being no further business, the meeting closed at 6.02pm.

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CHAIRPERSON: \_\_\_\_\_

GENERAL MANAGER: \_\_\_\_\_