



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 27 NOVEMBER 2019
COMMENCING AT 7.00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

Cr. Paul Maytom (Mayor), Cr. George Weston (Deputy Mayor), Cr. Paul Smith,
Cr. Peter Davidson, Cr. Tony Ciccia, Cr. Tony Reneker, Cr. Sandra Nardi,
Cr. Tracey Morris and Cr. Michael Kidd

Staff:

Jackie Kruger (General Manager), Peter Keane (Director Environment and
Engineering), Jackie Hawkins (Manager Finance) and Angela Stevens (Business
Support Officer – Corporate and Community)

Press: Talia Carn

LEETON SHIRE COUNCIL

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1. **CIVIC PRAYER** Tony Reneker
2. **ACKNOWLEDGEMENT OF COUNTRY** Paul Maytom

At this point of the meeting Jackie Kruger notified the Council and the public that the meeting will be video recorded as a trial in preparation for webcasting of Council Meetings in 2020.

3. **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE**

Nil

4. **CONFIRMATION OF MINUTES AND MATTERS ARISING**

19/254

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Monday 28 October 2019, as circulated, be taken as read and CONFIRMED.

THAT the Minutes of the Extraordinary Council Meeting held on Monday 4 November 2019, as circulated, be taken as read and CONFIRMED.

(Moved Cr Weston, seconded Cr Nardi)

5. **DISCLOSURES OF INTERESTS**

Pecuniary Conflict of Interest

Item 8.13: Councillor Tony Ciccia declared a Pecuniary Conflict of Interest in Item 8.13 – Leeton Shire Council Local Area Traffic Committee Meeting Held on Thursday 11 November 2019, particularly Item No. 6.6 on the agenda.

The reason for this declaration is that Cr Ciccia owns land in the vicinity of the proposed parking changes.

Cr Ciccia intends to vacate the meeting, not participate in the debate and not vote on this matter.

Less Than Significant Non-Pecuniary Conflict of Interest

Item 8.11: Councillor Paul Smith declared a Less Than Significant Non-Pecuniary Conflict of Interest in Item 8.11 – Gogeldrie Weir Recreational Facility Committee – Terms of Reference.

The reason for this declaration is because Cr Smith is an executive member of a volunteer group, Leeton Bidgee Classic, that utilises the Gogeldrie Weir Recreational Facility for the purpose of the Annual Leeton Bidgee Classic Fishing Competition.

Cr Smith intends to stay in the meeting and participate in debate and vote on the item.

Significant Non-Pecuniary Conflict of Interest

Item 7.3: General Manager Jackie Kruger declared a Significant Non-Pecuniary Conflict of Interest in Item 7.3 – Request for Financial Assistance from Rotary Club of Leeton Central – Roxy Community Theatre.

The reason for this declaration is Jackie is the current president of the Rotary Club of Leeton Central.

6. PUBLIC REPRESENTATIONS

Nil

Motion from the Floor

Cr Morris moved that Item 8.3 be brought forward to accommodate the Auditor who needed to travel back to Albury this evening, and that item 7.2 be moved into Closed Council as the opportunity presented for a Voluntary Planning Agreement with Ib vogt is a legal matter with potential terms and conditions that should be discussed in private.

19/255

Resolved

THAT Council resolves into Closed Council with the press and public excluded to allow consideration of item 7.2 MAYORAL MINUTE – YANCO SOLAR FARM, as provided for under Section 10A(2)(c) of the Local Government Act 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business.

THAT Item 8.3 PRESENTATION OF ANNUAL FINANCIAL REPORTS AND AUDITOR'S REPORTS FOR THE YEAR ENDING 30 JUNE 2019 be moved forward on the agenda and dealt with after Item 7.1.

(Moved Cr Morris, seconded Cr Weston)

7. MAYORAL MINUTES

Item 7.1 RETIREMENT OF MELVA ROBB FROM CROWN LANDS

19/256

Resolved

For Councillors to extend their appreciation to Melva for her dedicated support to Leeton Shire Council on Crown Land matters and her valued contribution to the Fivebough Wetlands Reserve.

(Moved Cr Maytom)

Item 8.3 PRESENTATION OF ANNUAL FINANCIAL REPORTS AND AUDITOR'S REPORTS FOR THE YEAR ENDING 30 JUNE 2019

19/257

Resolved

THAT Council notes the presentation on the 2018/2019 Financial Reports and Auditor's Reports for Leeton Shire Council by Ms Dannielle MacKenzie from Crowe in Albury.

(Moved Cr Weston, seconded Cr Nardi)

At this time General Manager Jackie Kruger vacated the Chambers having declared a conflict of interest.

Item 7.3 REQUEST FOR FINANCIAL ASSISTANCE FROM ROTARY CLUB OF LEETON CENTRAL - ROXY COMMUNITY THEATRE

19/258

Resolved

THAT Council provides the Rotary Club of Leeton Central with a Quick Response Grant under Council's Community Strengthening Grants Scheme to the value of \$500, noting that Council support is towards public access to and enjoyment of a high calibre men's choir at the Roxy Theatre.

(Moved Cr Weston, seconded Cr Davidson)

At this time General Manager Jackie Kruger returned to the Chambers.

8. REPORTS TO COUNCIL

GENERAL MANAGER'S MATTERS

Item 8.1 LEETON SHIRE COUNCIL COMMUNITY SATISFACTION SURVEY RESULTS

19/259

Resolved

THAT Council note the results received from the Leeton Shire Council Community Satisfaction Survey.

(Moved Cr Reneker, seconded Cr Smith)

**Item 8.2 JOINT VISITOR GUIDE AND COLLABORATIVE DESTINATION
MARKETING PROJECT**

19/260

Resolved

THAT Council supports the participation of Leeton Shire Council in the Joint Visitor Guide and Destination Marketing project to be undertaken in collaboration with Narrandera, Murrumbidgee and Lockhart Shire Councils.

(Moved Cr Kidd, seconded Cr Weston)

CORPORATE AND COMMUNITY MATTERS

Item 8.4 ANNUAL REPORT FOR THE 2018/2019 FINANCIAL YEAR

19/261

Resolved

THAT Council:

1. Notes the activities and progress made during 2018-19, outlined in the Annual Report, towards achieving Council's Delivery Program commitments.
2. Endorses the 2018-19 Annual Report.
3. Posts the Annual Report for the 2018/2019 Financial Year on Leeton Shire Council's webpage, advising the Leeton community and the Minister for Local Government of its availability by 30 November 2019.

(Moved Cr Kidd, seconded Cr Morris)

**Item 8.5 2019/2020 BUDGET REVIEW FOR THE QUARTER ENDING 30 SEPTEMBER
2019**

19/262

Resolved

THAT the review of Council's Budget as at 30 September 2019 be noted and the variations contained in the Quarterly Budget Review Statements (Budgeted Income Statement – Consolidated and Capital Expenditure Funding Source and Asset Classification included as part of **Attachment 1**) be adopted.

(Finance Manager Jackie Hawkins undertook to review some figures in response to an enquiry from Cr Morris.)

(Moved Cr Morris, seconded Cr Smith)

Item 8.6 INVESTMENTS REPORT FOR OCTOBER 2019

19/263

Resolved

THAT the information contained in the Investments Report for October 2019 be noted.

(Moved Cr Kidd, seconded Cr Reneker)

Item 8.7 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF 10 OCTOBER 2019

19/264

Resolved

THAT Council endorses the minutes of the Audit, Risk and Improvement Committee meeting held on 10 October 2019 and notes the information contained therein.

(Moved Cr Reneker, seconded Cr Morris)

Item 8.8 ROUND 1 OF THE 2019/2020 COMMUNITY STRENGTHENING GRANTS ALLOCATIONS

19/265

Resolved

THAT Council approves the following applications for assistance under Round One of the 2019/2020 Community Strengthening Grants:

Sarah Eyles – Creative Community Concepts	\$1,450
Kurrajong	\$1,000
Leeton Pipe Band – Leeton Presbyterian Church	\$2,000
Sarah Tiffen – Leeton Historic Hydro Hotel	\$2,000
Yanco Public School Parents and Citizens	\$ 550
TOTAL	<u>\$7,000</u>

(Moved Cr Nardi, seconded Cr Kidd)

Item 8.9 MINUTES OF THE YANCO HALL MANAGEMENT COMMITTEE (14 OCTOBER 2019)

19/266

Resolved

THAT Council receives for information the Minutes of the Yanco Community Hall Management Committee held on 14 November 2019 and notes the information contained within the Minutes.

(Moved Cr Nardi, seconded Cr Kidd)

ENVIRONMENT AND ENGINEERING MATTERS

Item 8.10 PROPOSED ROAD CLOSURE AND SALE - PART KEFFORD ROAD YANCO

19/267

Resolved

THAT Council:

1. Supports in principle the closure of a Council public road being Kefford Road as shown on the attached map.
2. Advertises under the Roads Act 1993 the proposal to close the section of the road.
3. Notifies all adjoining owners and notifiable authorities of the proposal to close the section of the road.
4. Invites any interested parties to make public submissions concerning the proposal within the submission period.
5. Provided that no objections are received for the closure of the section of the road authorises the sale of the closed road to Mr M Scali for market value.

(Moved Cr Smith, seconded Cr Kidd)

Item 8.11 GOGELDRIE WEIR RECREATIONAL FACILITY COMMITTEE - TERMS OF REFERENCE

19/268

Resolved

THAT Council:

1. Adopts the Gogeldrie Weir Recreational Facility Terms of Reference as tabled, noting that the Committee is an Advisory Committee.
2. Invites interested community members who wish to serve on the Gogeldrie Weir Recreational Facility Committee to make application.

(Moved Cr Weston, seconded Cr Davidson)

Item 8.12 AUTOMATIC WATER METER REPLACEMENT PROJECT

19/269

Resolved

THAT Council:

1. Accepts the quote submitted under Local Government Procurement by Taggle systems.
2. Resolves to increase the available funding as per Option 1 in support of the project.
3. Authorises the Mayor and General Manager to execute all documents relating to the contract between Leeton Shire Council and Taggle Systems Pty Ltd.
4. Council endorses a public education program be coordinated prior to and during roll out of the new system.
5. Be provided a full report at 6 and 12 months after the completion the project outlining the performance of the system, the impact on water use, any cost savings and the financial impacts on ratepayers.

(Moved Cr Kidd, seconded Cr Weston)

At this time Cr Tony Ciccia vacated the Chambers having declared a conflict of interest.

**Item 8.13 LEETON SHIRE COUNCIL LOCAL AREA TRAFFIC COMMITTEE
MEETING HELD ON THURSDAY 11 NOVEMBER 2019**

19/270

Resolved

THAT Council resolves to note the Minutes and endorse the recommendations of the LATC meeting held on 14 November 2019 except for recommendation 6.6 which will be referred back to the traffic committee for alternate options.

(Moved Cr Nardi, seconded Cr Smith)

At this time Cr Tony Ciccia returned to the Chambers.

**Item 8.14 MINUTES OF THE LEETON TREE MANAGEMENT GROUP DATED 20
NOVEMBER 2019**

19/271

Resolved

THAT Council receives the Minutes of the Leeton Tree Management Group for 20 November 2019 and notes the information contained therein.

(Moved Cr Davidson, seconded Cr Morris)

Item 8.15 COMMUNITY PARTICIPATION PLAN

19/272

Resolved

THAT Council:

1. Endorses the DRAFT Community Participation Plan November 2019.
2. Places the DRAFT Community Participation Plan on Public Exhibition from Friday 29 November 2019 to 17 January 2020 for community comment.

(Moved Cr Kidd, seconded Cr Reneker)

9. NOTICES OF MOTION

Nil

10. COUNCILLOR ACTIVITY REPORTS

Item 10.1 COUNCILLOR ACTIVITY REPORT

19/273

Resolved

THAT the report be noted, including Cr Weston's update on Australia Day planning which was inadvertently left out of the Agenda.

(Moved Cr Maytom, seconded Cr Weston)

11. CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Note: Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

19/274

Resolved

THAT:

1. Council moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. In accordance with Section 10A(2) of the *Local Government Act, 1993*, the Public and Press be excluded from the meeting to enable Council to determine items listed in Confidential Matters for the reasons indicated.
3. The report relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

(Moved Cr Weston, seconded Cr Morris)

The Mayor asked the gallery if there were any objections to Council going into Closed Session to consider the matters listed.

No objections were received from the Gallery.

Council closed its meeting at 9.11pm and the public and press left the Chambers.

Suspension of Meeting

19/275

Resolved

THAT the meeting be adjourned for a period of 15 minutes. Having so resolved the meeting adjourned at 9.12pm.

(Moved Cr Weston, seconded Cr Smith)

Resumption of Meeting

19/276

Resolved

THAT the meeting be resumed at 9:30pm.

(Moved Cr Weston, seconded Cr Smith)

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Item 7.2 MAYORAL MINUTE - YANCO SOLAR FARM

19/277

Resolved

THAT, having considered the cumulative impacts of the drought gripping the MIA, the Murray Darling Basin Plan which has driven a net loss of water for productive use from the MIA, and current water trading policy that renders water owned by farmers in the MIA a commodity more valuable to sell than to grow annual crops – all of which are currently contributing to significant job losses being announced in Leeton Shire's value adding food and fibre processing sector - Council is willing to withdraw its objection to the Yanco Solar Farm being proposed by ib vogt subject to the following:

- Obtaining legal advice on the process the Council should follow in dealing with ib vogt that will protect the Council's interests, with the Mayor and General Manager authorised to seek that advice and take all necessary action, including all negotiation with ib vogt and the current landowner and concluding all legal agreements, in keeping with the sentiment of this resolution.
- Successfully negotiating arrangements with ib vogt prior to the granting of development consent that will protect the Council's interests including but not limited to:
 - ib vogt agreeing to the development consent being granted subject to a condition limiting the period within which the development can be carried out to 25 years and the consent being required to be surrendered at the expiration of that period;
 - ib vogt making a formal written offer to the Council to enter into a

voluntary planning agreement (VPA) with the Council on terms satisfactory to the Council including that ib vogt will not make or procure the making of an application to extend the period of the development beyond 25 years and will not carry out the development beyond the expiration of that period; the payment of a VPA amount of \$900,000 in tranches acceptable to Council and more attractive than the current offer and with Council having full discretion about how those funds are applied; rehabilitation of the site after 25 years back to full irrigable farming capability; the maintenance of current water delivery entitlements to the land that will form the solar farm; and any other matter in ib vogt's letter of 22 November 2019 that Council deems necessary to include in an agreement.

- Council preparing all legal agreements, including the VPA and ib vogt paying all reasonable costs associated with preparing those agreements

(Moved Cr Ciccio, seconded Cr Davidson)

Extension of Time

19/278

Resolved

THAT the time of the Council Meeting be extended as the time is now 10.00pm.

(Moved Cr Smith, seconded Cr Ciccio)

Item 11.2 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE REVIEW

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains personnel matters concerning particular individuals (Section 10A(2)a); and the report contains matters affecting the security of the Council, Councillors, Council staff or Council property (Section 10A(2)f).

All Staff vacated the Chambers and did not return.

Item 11.2 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE REVIEW

19/279

Resolved

THAT, in regards the General Manager's Performance Review, Council notes the review meeting summary, endorses a 2% above SOORT increase to the General Manager's Salary Package, and confirms the ten General Manager Priorities for the year ahead as listed.

(Moved Cr Weston, seconded Cr Morris)

REVERSION TO OPEN COUNCIL

19/280

Resolved

THAT this meeting of the Closed Council revert to an open meeting of the Council, the time being 10:38pm.

(Moved Cr Weston, seconded Cr Smith)

The Mayor advised that during the Closed Council two resolutions were passed. The Mayor read out the resolutions made in Closed Council for Items 7.2 and 11.2.

12. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 10:43pm.

..... signed by
the Chairman of the meeting held on
22 Jan 2020 at which meeting the
signature hereon was subscribed.