



MINUTES ORDINARY MEETING

GWYDIR SHIRE COUNCIL

MONDAY 12 DECEMBER 2016

COMMENCING AT 4.02PM

BINGARA COUNCIL CHAMBERS

Present:

Councillors: Cr. John Coulton (Mayor), Cr. Catherine Egan (Deputy Mayor), Cr. Stuart Dick, Cr Marilyn Dixon, Cr. Jim Moore, Cr. Geoff Smith, Cr. David Coulton, Cr Tiffany Galvin and Cr Frances Young.

Staff: Max Eastcott (General Manager), Leeah Daley (Deputy General Manager), Richard Jane (Director Technical Services), Ron Wood (Chief Financial Officer) and Glen Pereira (Director Development and Environmental Services)

Public: 4 visitors in the gallery for Item 14

Visitor: Nil

This is page number 1 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Gwydir Shire Council for any act, omission or statement or intimation occurring during and Council or Committee meetings.

The Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Council.

Gwydir Shire Council wishes to advise that any plans or documents contained within this agenda may be subject to copyright law provisions and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any item discussed at a Council or Committee meeting prior to written advice on the resolution of council being received.

Agendas and minutes are available on the Council's website
<http://www.gwydirshire.com/>

OFFICIAL OPENING AND WELCOME – MAYOR

APOLOGIES Nil

**CONFIRMATION OF THE MINUTES
COUNCIL RESOLUTION:
MINUTE 387/16**

THAT the Minutes of the previous Council Meeting held on Thursday 24 November 2016 as circulated be taken as read and CONFIRMED.

PRESENTATION



(L to R Geoff Hague, Jenni Hague and Mayor Cr John Coulton)

The Mayor made a presentation to Mr Geoff Hague acknowledging his 40 years of service and his intention to retire from Council's employment.

Various speakers outlined Geoff's contribution to the former Yallaroi Shire Council and more recently Gwydir Shire Council.

Geoff commenced his employment with Yallaroi Shire Council on 26th May 1975 as an Assistant Gardener.

In January 1980, due to an organisational review and Geoff's 'apparent aptitude' for Grader operation he was reclassified and promoted to the position of Operator - Grade A, where he earned \$130.70 per week.

In 1988 Geoff's supervisory skills were officially recognised and he was offered the position of Works Foreman and was responsible for the supervision of construction crews and operating the Grader. He remained in this position for 17 years.

This is page number 3 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

In May 2005 the position of Works Supervisor was vacated and Geoff's application for the position was successful. He continues to carry out the duties of Works Supervisor overseeing Council's road construction and maintenance staff.

CALL FOR THE DECLARATIONS OF INTERESTS AND CONFLICTS OF INTEREST

Councillor Dick declared a pecuniary interest in item 14, Modification to an Approved Extractive Industry Yammacoona Quarry, under the Local Government Act as a property owner in the area and took no part in debate or discussion on the item.

**ADDITIONAL/LATE ITEMS
COUNCIL RESOLUTION:
MINUTE 388/16**

THAT the following items, namely:

- 1. Review of Determination for DA 12/2016 - Gunyerwarildi**
- 2. Modification to an Approved Extractive Industry - Yammacoona Quarry**
- 3. Correspondence from the Office of Local Government**
- 4. Deed of Agreement between Gwydir Shire Council and the Warialda Preschool.**

are accepted as late items onto this Agenda for discussion.

**COMMITTEE OF THE WHOLE – CONFIDENTIAL ITEMS
COUNCIL RESOLUTION:
MINUTE 389/16**

THAT the Council resolve into Confidential Session, Committee of the Whole and that in the public interest and in accordance with Section 10A(2)(a) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider the items listed on the agenda.

**ADOPTION OF THE RECOMMENDATIONS OF THE CONFIDENTIAL
SESSION**

**COUNCIL RESOLUTION:
MINUTE 390/16**

THAT the recommendations of the Confidential Session, namely:

Bingara Saleyards (Ref: 391/16)

**THAT Council's staff are authorised to negotiate a lease for
Lots 329 and part 328 DP 727843 in line with this report and
the November Meeting's report to Russell Smyth Pty Ltd T/A
Ray White Rural Bingara for a weekly rental of \$22 (GST
Inclusive).**

**Confidential Report - Organisation and Community Development -
November 2016 (Ref: 392/16)**

**THAT the Organisation and Community Development
(Confidential) report be received.**

Rural Road Group's North West Freight Report (Ref: 393/16)

**THAT the proposed funding submission based upon the Rural
Road Group's North West Freight Report is endorsed.**

are adopted.

(Moved Cr Egan, seconded Cr Galvin)

Item 1 Vale Former Bingara Councillor Charles Robert Quelch

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.3 Administrative functions - GM - internal

It is with regret that I inform the Council that Charles Robert Quelch died on Sunday 27th November 2016; Charlie was a resident of the Frank Whiddon Nursing Home at Narrabri where he retired to after many years at his property, "Paleroo" Killarney Gap Road, a property renowned for its high quality fleece.

Charlie's service to the former Bingara Shire Council was extraordinary having been initially elected to Bingara Shire Council in 1959. Overall Charlie's service was from 1959 to 1971, 1974 to 1989 and then 1991 to 2004. During this time Charlie was the Deputy Mayor from 1968 to 1971 and then again from 1987 to 1989.

Charlie and my father, Jack, were very good friends and I only have a vague recollection of Charlie from those years when they both worked tirelessly for the benefit of the Yallaroi and Bingara communities.

Charlie was 97 years old when he died and it was a lifetime punctuated with community service with a special affinity for cricket and he was an institution at each of the Bingara Cricket annual presentation days. Charlie was also an accomplished horseman, mainly in camp drafting from memory.

One of Charlie's aims was to completely seal the road to Narrabri from Bingara and this was finally achieved in 2009 after Charlie's retirement from Council but he was the most appropriate person to 'open' the finished road.



From left to right the then Gwydir Mayor Bob Tremain, Member for Parkes, Mark Coulton, former Councillor Charlie Quelch cutting the ribbon to "open" the road, Member for New England Tony Windsor, Member for Northern Tablelands, Richard Torbay, and Mayor of Narrabri, Robyn Faber.

This is page number 6 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

MAYOR'S RECOMMENDATION

THAT the report be received

**COUNCIL RESOLUTION:
MINUTE 394/16**

THAT the report regarding the passing of former Bingara Councillor Charles Robert Quelch be received and acknowledged with a minute's silence.

Item 2 Finance report – November 2016

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.1 Financial management and accountability systems -
CFO - internal

AUTHOR Chief Financial Officer

DATE 4 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

It is recommended this report be adopted as it is for information purposes.

A formal quarterly review is required under the legislation, which is prescriptive in format and content. While this is an important process and provides an appropriate avenue to formally revise budgets, it does lack some flexibility and does not provide Council with up to date information on a regular basis.

Further, the Responsible Accounting Officer (RAO) - currently Corporate Services Director, is required to provide opinions on overall position as part of the quarterly review process – but the amount of information while significant does lack some informative detail. Also, the nature of the report, only being required quarterly (up to two months after the close of each quarter) can lack an element of timeliness.

While the RAO is responsible for providing an appropriate budget system, development of budgets and compliance with approved budgets is largely the responsibility of relevant Directors and Managers.

It is intended to gain more involvement by providing regular financial updates on each of the funds, along with each of the divisions. The executive team will be encouraged to provide commentary on financial performance for the areas under their control.

The summaries in this report do not comply with Accounting Standards and are only meant as a comparative source of information.

TABLED ITEMS Nil

This is page number 8 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

BACKGROUND

This report is not required under the Local Government Act and associated Regulations, but does provide potentially useful financial management information.

Management is generally held accountable at the General Ledger resource level – for practicable purposes (there are too many line items for Council to effectively oversee and manage at this level) these budget and actual figures are summarised for Council reporting and adoption.

Council has two specific Key Performance Indicators (KPI) related to financial performance:

- +/- 10% Actuals vs Original Budget which relates to Annual Financial Statement performance; and;
- +/- 5% of final (Current) budget – given that the final budget adjustments are within 3 months of year end, then tighter performance should be achievable

Why is it important to budget at resource level? The answer to this is quite simple – management is requesting resources (by budget allocation) relevant to provide services to a specified or implied service level.

Why are the KPI's and performance against budget important?

The KPI's measure management's capacity to forecast the resources required regarding service delivery. Accuracy in performance of actuals vs budget is important because they provide credibility to Council's financial management performance and secondly, to forecast results.

High levels of achieving the actual budget vs estimated budget performance in turn provides accurate outcomes relative to forecasts.

Further, higher revenue forecasts can provide the assumption that expenditure budgets are funded when in reality they are not. Lower revenue budgets (against actual outcome) can mean 'easy' targets to achieve and result in opportunity costs – not funding works that could in reality be funded.

On the other side higher expenditure budgets could provide 'easy' targets (too much fat) and be an opportunity cost by not being able to fund other works. Also, if expenditure budgets are not being met, does this mean that services that have been promised are not being delivered? Budgets too low could too easily result in overruns.

In this context, the best result is actuals being very close to budget – actuals being neither too high nor too low relative to budget. This should mean that services were delivered on time and at the net cost estimated/forecast.

This is page number 9 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

High performing councils have a high compliance level with budgets vs actuals, with actual results close to forecast. This is Gwydir's aim.

The financial management reports will continue to be improved with the aim of greater openness and accountability.

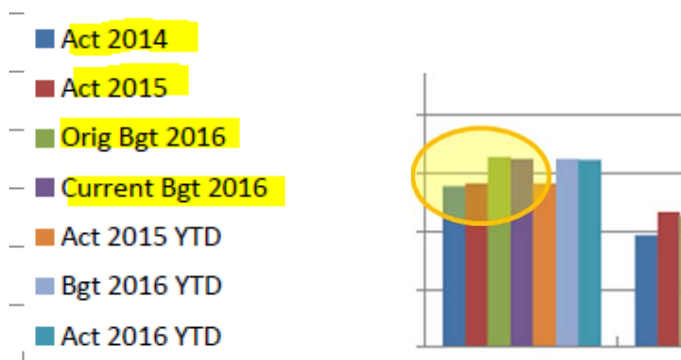
The following should assist in interpreting the attached reports and information below.

The attached financial summaries have information in table and graphical format. This information contains historical information for trend analysis and current information to assess current performance against budget.

Act 2014	Act 2015	Act 2015 YTD	Orig Bgt 2016	Current Bgt 2016
-\$5,548,776	-\$5,652,750	-\$5,652,750	-\$6,558,354	-\$6,487,268
-\$3,863,119	-\$4,659,343	-\$4,659,343	-\$4,516,089	-\$4,568,091

- *Act 2014* = actual revenues and expenses from the year ended 30/6/14
- *Act 2015* = actual revenues and expenses from the year ended 30/6/15
- *Orig Bgt 2016* = current year original budget (reported against actuals in our annual statements)
- *Current Bgt 2016* = current (final) budget for the current year. Any amendments as a result of quarterly review adjustments are reflected here.

These trends are graphically represented below the table:



These are provided for trend analysis – how have these items changed over the last few years?

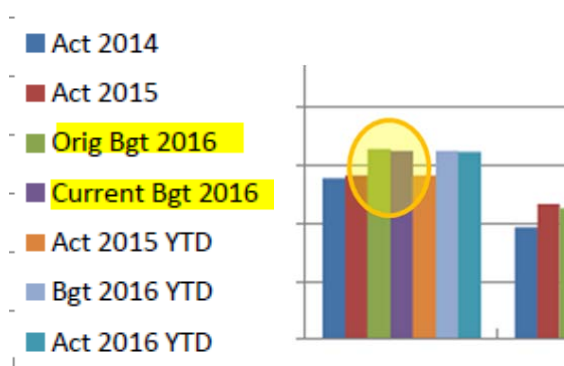
Orig Bgt 2016	Current Bgt 2016
-\$6,558,354	-\$6,487,268
-\$4,516,089	-\$4,568,091

Original and current (final) budget for this financial year are provided for comparison – how do our final estimates compare to our original forecast, remembering that our annual statements use original budget as a performance indicator.

This is page number 10 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

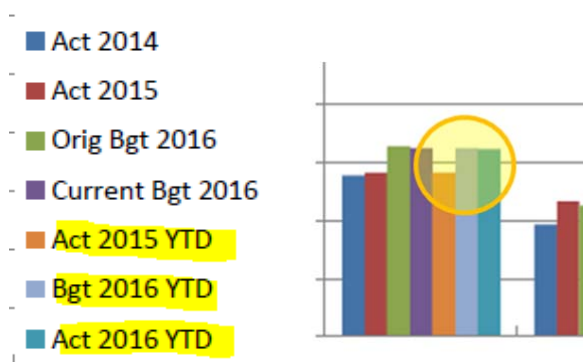
These figures are graphically represented:



Act 2015 YTD	Orig Bgt 2016	Current Bgt 2016	Bgt 2016 YTD	Act 2016 YTD
-\$5,652,750	-\$6,558,354	-\$6,487,268	-\$6,487,268	-\$6,451,509
-\$4,659,343	-\$4,516,089	-\$4,568,091	-\$4,568,091	-\$4,590,687

- *Act 2015 YTD* = Year to date (to the period being reported) actual revenues and expenses for the prior financial year.
- *Bgt 2016 YTD* = Year to date budget for the current year.
- *Act 2016 YTD* = actual revenues and expenses to the current period reported on.

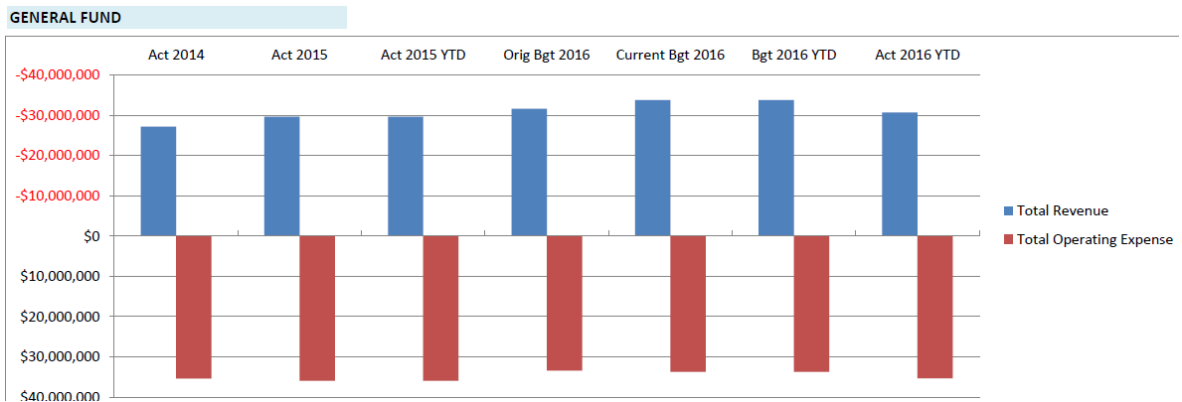
Graphically represented:



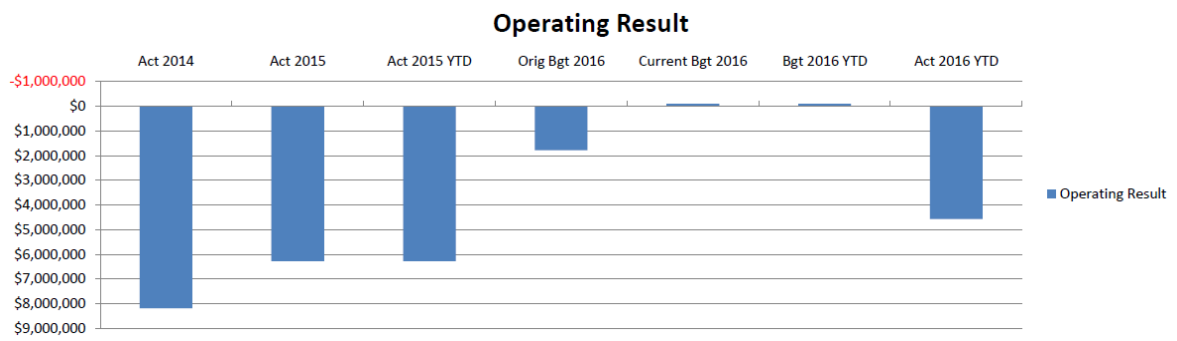
This provides the opportunity to progressively assess actual vs budget performance and compare to the same period in the previous year. The next section of the financial summaries provides some graphical interpretation of the above tables.

This is page number 11 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

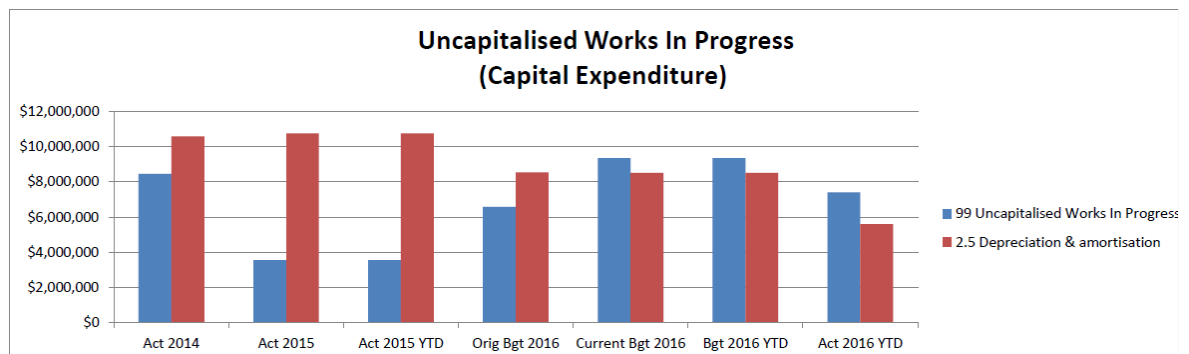
Chairman



The above image graphs gross revenue vs gross expenditure for the some columns as the tables.



The above image combines the gross revenue and expenditure and graphs the net operating result.



This image compares capital expenditure to depreciation and is a (very rough) approximation of the infrastructure renewal ratio.

Some additional performance reporting will be provided from July 2016 – statistics regarding the final (+/- 5%) KPI performance. For a number of reasons, including end of year accrual processing and budget profiling, these

This is page number 12 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

may not provide a clear picture of year end results early in the financial year, but the accuracy should improve over the year.

A table similar to the image below will be shown within the report:

Consolidated Results		Period	1	2016				
Performance	comment	Type	Op/Cap	% of total	Ledger Count	Average variance	\$ Variance	Average \$ Variance
On track		Revenue	Operating	0.66%	12	-1.41%	\$68,931.56	\$5,744.30
		Expense	Operating	2.42%	44	-0.88%	\$683.31	\$15.53
On track Total				3.08%	56	-0.99%	\$69,614.87	\$1,243.12
calc err	No budget	Revenue	Operating	0.50%	9		-\$143,504.61	-\$15,944.96
		Expense	Operating	2.97%	54		\$90,718.62	\$1,679.97
			Capital	0.99%	18		-\$332,673.96	-\$18,481.89
calc err Total				4.46%	81		-\$385,459.95	-\$4,758.76
Off track - > 5%		Revenue	Operating	3.08%	56	1241.12%	-\$6,668,634.25	-\$119,082.75
		Expense	Operating	12.93%	235	322.44%	\$849,836.40	\$3,616.33
			Capital	0.66%	12	400.66%	\$108,359.56	\$9,029.96
Off track - > 5% Total				16.68%	303	495.33%	-\$5,710,438.29	-\$18,846.33
Off track - < -5%		Revenue	Operating	8.92%	162	-569.67%	\$2,455,528.85	\$15,157.59
		Expense	Operating	60.65%	1102		-\$2,233,211.51	-\$2,026.51
			Capital	6.22%	113		-\$1,648,925.12	-\$14,592.26
Off track - < -5% Total				75.78%	1377		-\$1,426,607.78	-\$1,036.03
Grand Total				100.00%	1817		-\$7,452,891.15	-\$4,101.76

These tables show information relating to individual general ledger line items that have values attached in the period indicated. Note that at this point, these do not take into account relativity i.e. a ledger account with a small budget that is out more than 5% will be in the same area that a ledger account with a large budget that is out more than 5%.

The following can be used as an aid to interpreting the results.

Performance. There are a number of groups shown under this heading:

- 'On track'. This is the ideal outcome – performance against budget is within the 5% KPI tolerance.
- 'Calc Err'. This generally indicates there are line items with actuals but no budget.
- 'Off track - > 5%'. This indicates there is a variance between actual and budget of more than + 5%. The impact will differ between revenue and expense.
- 'Off track - -5%'. This indicates there is a variance between actual and budget of less than – 5%. Again the impact will differ between revenue and expense.

Comment. This highlights items with actuals but no budget.

Type. Highlights revenue and expenditure.

Op/Cap. Highlights Operating revenue and expense vs capital items.

This is page number 13 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

% of total. The percentage of ledgers that fall within the above groupings.

Ledger Count. The number of ledgers. As mentioned above, the volume of line items (currently 1817 line items with values) prohibits detailed reporting and management at Council level reporting.

Average variance. This averages the % variance and indicates the severity of the problem. Lower numbers indicate closer actual vs budget results.

\$ Variance. This is the total of all variances and is an indicator of how big the problem may be. Lower numbers indicate closer actual vs budget results.

Average \$ Variance. Indicate the average dollar value of the variance. Lower numbers indicate closer actual vs budget results.

ISSUES AND COMMENT:

This report is not meant as a replacement for the Quarterly Review reports, nor is it meant to provide definitive financial results. It is meant to provide a snapshot on relative performance and provide Council with some information regarding trends.

This report and the summaries attached provide an interim snapshot as at 30 November.

OFFICER RECOMMENDATION

THAT the Finance report – November 2016 report be noted

ATTACHMENTS

AT- Financial Summaries

COUNCIL RESOLUTION: MINUTE 395/16

THAT the Finance report – November 2016 report be noted.

(Moved Cr Dixon, seconded Cr Moore)

Chairman

IPART's ruling that councils can only increase rate income by 1.5% has been made despite the fact there has been an increase of 2.3% in employee benefits and on-costs, an increase of 2.7% in non-residential building construction costs. IPART said these increases were partly offset by decreases in automotive fuels (10.5%), gas (10.4%) and telecommunications and internet services (7.1%).

Members know the rate peg fails to recognise the ongoing squeeze on councils that comes from the combination of rate-pegging and cost-shifting, and deteriorating infrastructure.

The reality is that rates have not kept pace with the cost of services and infrastructure that local government is expected to deliver.

The inadequacy of the determined rate pegged increase brings into question whether the State Government really wants local government generally to be *Fit for the Future* and be adequately funded to meet the infrastructure and service demands placed upon local government by its residents.

Rate pegging is a failed policy that unfortunately has the bipartisan support of the State Government even when no sound evidence justifies its continuation. The only evidence available is that it has led to the deterioration of community assets and public infrastructure as Councils struggle to meet ever increasing demand with fewer and fewer dollars in real terms.

The press release issued by IPart together with the 'Fact Sheet' is attached.

OFFICER RECOMMENDATION

THAT the determination by IPART of an allowable rate pegged increase of 1.5% for the 2017/18 rating year is noted.

ATTACHMENTS

AT- IPart Media Release

AT- IPart Fact Sheet

COUNCIL RESOLUTION: MINUTE 396/16

THAT the determination by IPART of an allowable rate pegged increase of 1.5% for the 2017/18 rating year is noted.

(Moved Cr Egan, seconded Cr D Coulton)

Item 4 Correspondence from the Warialda District Chamber Inc.

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 2. Building the business base

OUTCOME: 2.1 OUR ECONOMY IS GROWING AND SUPPORTED

STRATEGY: 2.1.3 Promote our community as the place to visit,Live,
work and invest - OCD - external

AUTHOR General Manager

DATE 5 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report is for notation.

TABLED ITEMS Nil

BACKGROUND

The President of the Warialda District Chamber Inc. forwarded the attached letter dated 30th November 2016 to Council.

The Council's letter in response is also enclosed for your information.

OFFICER RECOMMENDATION

THAT the correspondence from the President of the Warialda District Chamber Inc. and the Council's response is noted.

ATTACHMENTS

AT- Chamber's Letter dated 30th November 2016

AT- Council's Response

**COUNCIL RESOLUTION:
MINUTE 397/16**

THAT the correspondence from the President of the Warialda District Chamber Inc. and the Council's response is noted.

(Moved Cr Egan, seconded Cr Dixon)

This is page number 32 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Item 5 November Monthly Investment and Rates Collection Report

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.1 Financial management and accountability systems - CFO - internal

AUTHOR Chief Financial Officer

DATE 4 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

At each monthly Ordinary Meeting, the Council is presented with the schedule relating to Investments, as at the end of the previous month.

BACKGROUND

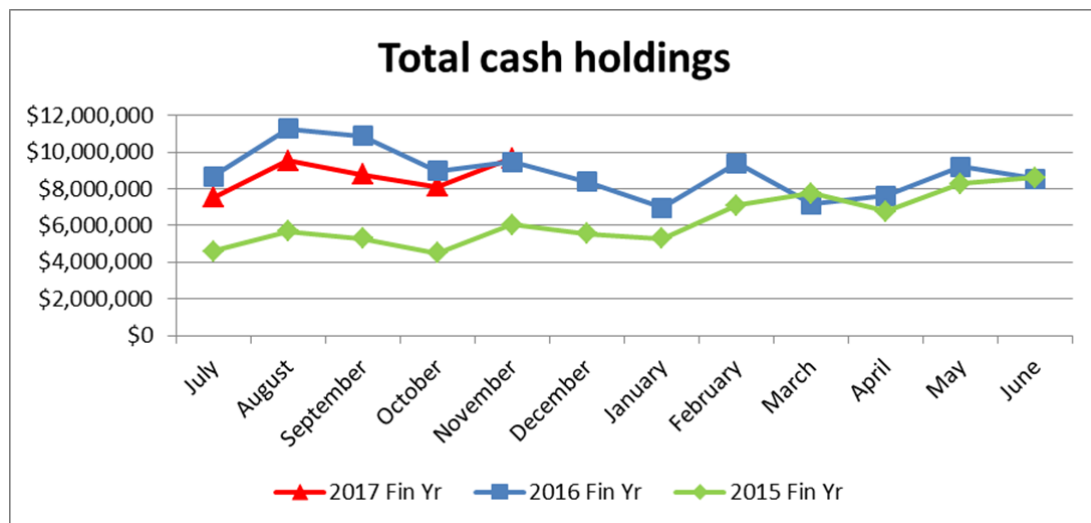
In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council's funds invested as at 30th November 2016.

Direct Investments							
Broker	ID	Investment Name	Rating	Type	Next Rollover	Yield	Current Value
NAB	2017.01	NAB	AA	TD	26/01/17	2.05%	\$1,000,000.00
NAB	2017.03	NAB	AA	TD	13/03/17	2.86%	\$1,067,534.62
NAB	2017.04	NAB	AA	TD	6/03/17	2.95%	\$1,000,000.00
NAB	2017.05	NAB	AA	TD	26/03/17	2.95%	\$1,000,000.00
NAB	2017.06	NAB	AA	TD	5/04/17	1.80%	\$1,000,000.00
NAB	2017.07	NAB	AA	TD	27/03/17	2.70%	\$1,000,000.00
Grand Total							\$6,067,534.62
Managed Funds							
Fund	Investment Horizon		Type	3 Mth Avg Yield		Current Value	
WBC Maxi Direct	At Call		Cash	0.00%		\$0.00	
NECU Interest Maximiser	At Call		Cash	3.20%		\$230,060.84	
Grand Total							\$230,060.84
Direct Investments							\$6,067,534.62
Managed Funds							\$230,060.84
Floating Rate Direct							\$0.00
Grand Total							\$6,297,595.46

This is page number 38 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Cash and Investments			
Total Investments			
Direct Investments			\$6,067,534.62
Managed Funds			\$230,060.84
Grand Total Investments			\$6,297,595.46
Total Cash and Investments			
Investments			\$6,297,595.46
Cash at bank			\$ 3,369,602.96
Grand Total Cash and Investments			\$9,667,198.42
General Fund Cash			
Total cash and investments			\$9,667,198.42
LESS:			
Water fund*			-\$1,181,055.00
Sewer fund*			-\$3,153,368.00
Waste fund*			-\$2,180,967.00
Other restrictions:			
Employee leave entitlements*			-\$420,000.00
Carry over works in progress*			\$0.00
Asset replacement*			\$0.00
Bonds and deposits			-\$391,000.00
Unexpended grants*			-\$387,000.00
Developer contributions			-\$316,000.00
Discretionary General Fund Cash			\$1,637,808.42



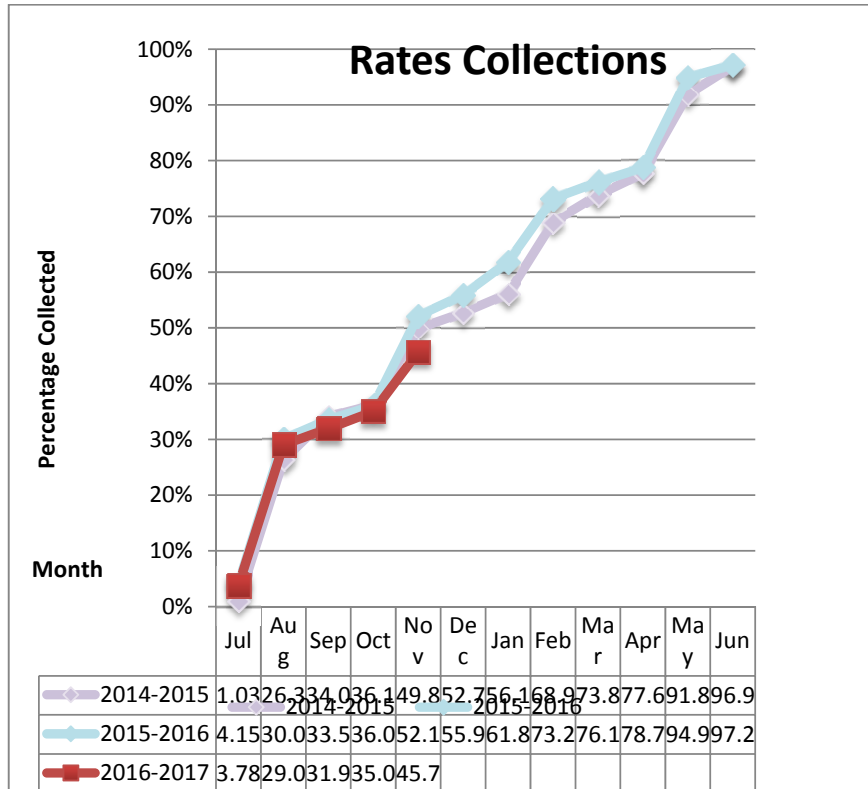
I, Ron Wood, Chief Financial Officer and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council's investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy (F.01.03), as amended.

This is page number 39 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current years collections are up to 30th November 2016.



OFFICER RECOMMENDATION

THAT the November Monthly Investment and Rates Collection Report be received.

ATTACHMENTS

There are no attachments for this report.

COUNCIL RESOLUTION: MINUTE 398/16

THAT the November Monthly Investment and Rates Collection Report be received.

(Moved Cr Egan, seconded Cr D Coulton)

Chairman

Item 7 Namoi Joint Organisation Minutes - 1st December 2016

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 4. Proactive Regional and Local Leadership

OUTCOME: 4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY

STRATEGY: 4.2.1 Build strong relationships and shared responsibilities - GM - external

AUTHOR General Manager

DATE 3 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report recommends the notation of the Namoi Joint Organisation minutes from its meeting held on 1st December 2016. It further recommends an authorization to the General Manager to finalise the employment contract for the newly appointed Executive Officer.

BACKGROUND

At the last JO Board Meeting the following Chair's report was considered:

With the upcoming retirement of our Executive Officer, Stephen Bartlett, the Namoi Region Joint Organisation has been conducting a recruitment process for the appointment of a new Executive Officer

Following an advertising and search conducted by Recruitment Consultants, Blackadder Associates, sixteen (16) high quality applications were received at the close of advertising on 7 November 2016. There was a very diverse offering with existing or former local government general managers, existing/former LG directors/managers, and government and private sector candidates.

Eight (8) candidates were then selected for interview with the Interview Panel comprising myself and the following members with Stephen Blackadder of Blackadder Associates assisting:

- Mayor Cathy Redding, Narrabri Shire Council
- Mayor Col Murray, Tamworth Regional Council
- Lester Rodgers, General Manager, Moree Plains Shire Council
- Alison McGaffin, NSW Northern Director, Premier and Cabinet

This is page number 50 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

At the outset can I thank the members of the Recruitment Panel for their expert guidance and support.

The Panel had the benefit of considering each candidate's curriculum vitae, their application response to key selection criteria, two (2) reference checks conducted on each candidate prior to interview, and a Hogan Personality assessment conducted on each to measure the type of leadership they would bring to the role. Prior to interview on the day each candidate gave a written response to a scenario provided to them when they arrived.

At interview the candidates responded to questions relating to their personal attributes, personal development, advocacy, leadership, stakeholder engagement/collaboration, and networking and influencing skills. After a very comprehensive assessment of the relative merit of candidates the Recruitment Panel unanimously identified one (1) candidate who the Panel considered to be able to best undertake the role at a high level and to meet the key selection criteria. Rebel Thomson is currently the Manager Enterprise Risk and Executive Business at TAFE New England and she has been involved with a broad range of roles and industries.

Her work experience is as follows:

- **Manager, Enterprise Risk and Executive Business, TAFE NSW**
New England – 2014 to Current
- **Senior Regional Coordinator, NSW Department of Premier & Cabinet** Western NSW – 2012 to 2014
- **Electorate Officer, Office of Kevin Anderson MP** – 2012 to 2012
- **Director, Rebel Consulting** – 2011 to Current
- **General Manager, Tourism Tamworth Ltd** – 2005 to 2011
- **Executive Officer, New England North West Area Consultative Committee** – 2001 to 2005

Rebel has a very diverse and impressive work background in the region and brings some impressive skills and abilities, with qualifications:

- **Graduate Certificate in Risk Management, Governance Institute of Australia, In progress**
- **Graduate Certificate in Management, University of New England, 2009**

The Panel was very impressed with Rebel, her obvious skills and experience but in particular her desire to work with the new Joint Organisation and to continue to be part of the regional community. Rebel's advocacy and business experience will be of great benefit in the role. She has significant regional experience with such projects as the Coledale Action Plan, Tamworth Country Music Festival, a Gap Analysis of Regional NSW Marketing and Attraction Initiatives, Western NSW Mining and Resource Development Taskforce, applications under the Regional Partnerships Program for the

Australian Equine and Livestock Events, AviSkills and the Namoi Valley Structural Adjustment Package.

Rebel has a strong regional and state network, consultation and negotiation skills, media, public relations and communication skills, and an ability to work on regional growth, social housing, community and economic development, education, mining and resource development, tourism and destination marketing.

She also appears to have the energy and drive which will be needed in the role. Board Members have been made aware of advice from received from the Minister for Local Government that when established by legislation, Joint Organisation Executive Officers employment arrangements will be subject to the Local Government State Award.

Should it be confirmed in either the JO legislation or subsequent Proclamation and Regulation, the Contract of Employment terms and conditions must reflect this requirement.

As a result of the delay in placing the appropriate legislation before Parliament the Joint Organisations will not have legislated existence until the first NSW Parliamentary session in the new year at the earliest although the Office of Local Government expect the legislation to become effective from 1st July 2016.

The resolution in part passed at the Board's meeting was:

That it be noted pending finalisation of the upcoming Joint Organisation legislative arrangements, the Executive Officer will be employed by Gwydir Shire Council until enabling legislation is passed where at that time, a determination will be made in respect of whether the Joint Organisation will become the employer for the balance of the term of the contract of employment.

COMMENT

As a result of this delay in the passage of the relevant legislation the appointment of the Executive Officer will be auspiced by Gwydir Shire Council as an interim measure although all the costs will be recouped from the Joint Organisation.

To formalise this an appropriate enabling resolution is required from Gwydir Shire Council.

FINANCIAL IMPLICATIONS

Nil

OFFICER RECOMMENDATION

This is page number 52 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

THAT the minutes of the Namoi Joint Organisation meeting held at Tamworth on 1st December 2016 be noted.

FURTHER that the General Manager is authorised to take all appropriate measures to action, including the affixing of the Council's Seal if required, resolution 1.5 from the Joint Organisation Minutes, namely:

That it be noted pending finalisation of the upcoming Joint Organisation legislative arrangements, the Executive Officer will be employed by Gwydir Shire Council until enabling legislation is passed where at that time, a determination will be made in respect of whether the Joint Organisation will become the employer for the balance of the term of the contract of employment.

FURTHER that it is noted that all the associated costs relating to the employment contract for the Joint Organisation Executive Officer position will be reimbursed from the funds held by the Namoi Joint Organisation.

ATTACHMENTS

AT- Minutes

AT- Press Release by Namoi JO Chair

COUNCIL RESOLUTION: MINUTE 400/16

THAT the minutes of the Namoi Joint Organisation meeting held at Tamworth on 1st December 2016 be noted.

FURTHER that the General Manager is authorised to take all appropriate measures to action, including the affixing of the Council's Seal if required, resolution 1.5 from the Joint Organisation Minutes, namely:

That it be noted pending finalisation of the upcoming Joint Organisation legislative arrangements, the Executive Officer will be employed by Gwydir Shire Council until enabling legislation is passed where at that time, a determination will be made in respect of whether the Joint Organisation will become the employer for the balance of the term of the contract of employment.

FURTHER that it is noted that all the associated costs relating to the employment contract for the Joint Organisation Executive Officer position will be reimbursed from the funds held by the Namoi Joint Organisation.

(Moved Cr Egan, seconded Cr D Coulton)

Item 8 Monthly Governance / Town Utilities Report

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.3 Administrative functions - GM - internal

AUTHOR Town Services Manager

DATE 4 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

The monthly Town Utilities and Plant report details the activities carried out by the Town Utilities and Plant Department.

TABLED ITEMS Nil

BACKGROUND

The monthly Town Utilities report has been identified by the Council as the process of reporting the activities carried out monthly by the Town Utilities and Plant Department.

COMMENT

Technical Services and Administration

Engineering infrastructure, asset management, planning, design and surveys were carried out in-house. The engineering staff continued to provide customer service to the Gwydir Shire residents.

Water / Sewerage Supply (all sites)

The water supply and sewerage schemes are being maintained.

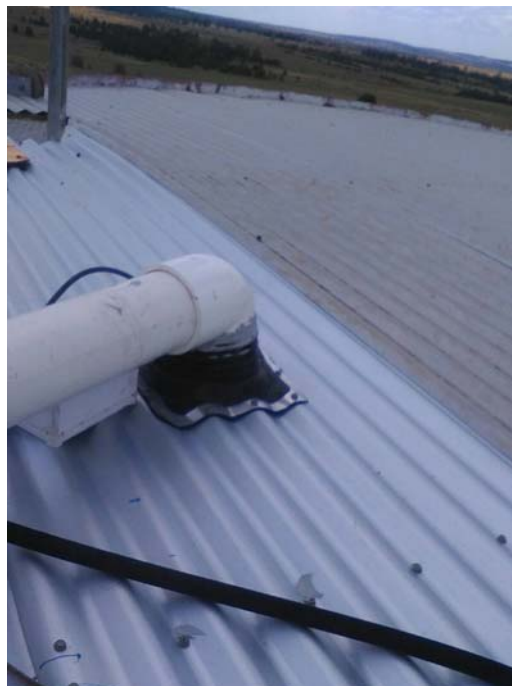
There were two major incidents with the water supplies during November. The first incident was at Bingara water treatment plant with a variable speed drive of the filtered water pump burn out. Bingara was placed on emergency water restrictions for 3 days while the problem was repaired.

The second incident was with Gravesend water supply; E.coli bacteria were found in the regular testing of the water. The E.coli bacterium was most likely from bird droppings in the Gravesend reservoir. As a result, NSW Public Health department advised Council to issue a Boil Water alert for Gravesend. The Boil water alert was in place from Friday 18th November to Thursday 24th November.

Maintenance work has been undertaken at the Roxy, Whitfeld Place aged units, Holden Street aged units, Cranky Rock, Bingara showground and Gravesend bore. One (1) new water connection was installed, 15 service lines were repaired and five (5) sewer blocks were attended to. Work continued on the water mains replacement in Crane Street, Warialda and sewer main extension in Dinoga Street, Bingara.



Gravesend Reservoir Roof – flashing before repair



Gravesend reservoir roof – after repair

This is page number 63 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Replacement of the footbridge over the Gwydir River and Halls Creek bridges by RMS is nearing completion. During November Council's water operators installed the connection on the southern end of the Halls Creek bridge, thus returning the supply of water to North Bingara via trunk main rather than the auxiliary feeder line from Copeton Dam Road. There is a small section of sewer main to be installed across the intersection of Copeton Dam Road. This will be completed in February 2017.



Ductile iron pipe work under Halls Creek Bridge

Water meters will be read during the first week of December 2016.

Bingara Showground

The Showground continues to be maintained.

Events in November:

- Northern Schools prime stock competition 15th – 17th November
- Private hire birthday party 12th November

Plant and Workshop

1 Plant Replacement

The replacement Grader was delivered on Wednesday 23rd November. The old Caterpillar 12H grader has been sold privately. Quotations for 85Hp tractor for replacement of plant 1080 John Deere tractor close on Tuesday 6th December.

This is page number 64 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman



New Caterpillar 140M Grader

2 Workshop

Service and repairs of Council's fleet has been undertaken during October.

Plant 1067 JCB backhoe is currently in the workshop for an engine rebuild after electrolysis has eaten away the back of the engine block causing water to get into the sump. The backhoe was purchased in the year 2000 and has 7600 hours on the engine hour meter.

Portable Toilets:

The portable toilets were used at the following events during November:

- Road works
- Bingara anglers club
- Upper Horton trail ride
- Warialda motor aeroplane fly in.

Customer Service Requests:

Water and Sewerage			
Month	Number of Received Requests	Completed Requests	Pending Requests
November	7	4	3

This is page number 65 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

CONCLUSION

The activities carried out by the Town Services Department are in line with the 2016/17 Management Plan and otherwise as directed.

CONSULTATION

Consultation is carried out within the Town Utilities, Technical Services and Environmental Services during the month.

POLICY IMPLICATIONS

Policy implications are those relating to the 2016/17 Management Plan and the Engineering Policies of Gwydir Shire Council.

FINANCIAL, ECONOMIC AND RESOURCE IMPLICATIONS (Including Asset management)

The activities carried out by the Town Utilities Department are in line with the 2016/17 Management Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environmental)

The activities undertaken by the Town Utilities Department regarding social and environmental factors are targeted for best practice in line with the 2016/17 Management Plan.

OFFICER RECOMMENDATION

THAT the Monthly Governance / Town Utilities Report be received

ATTACHMENTS

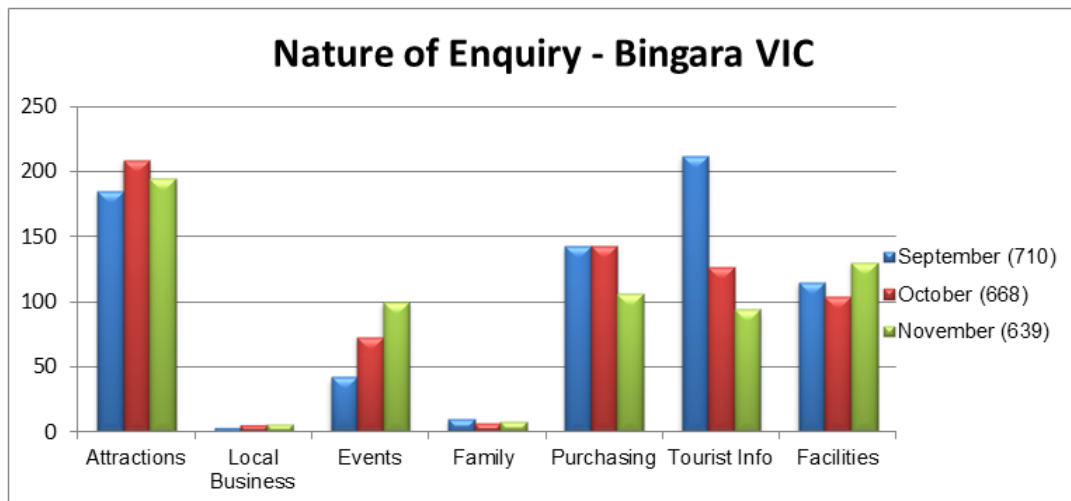
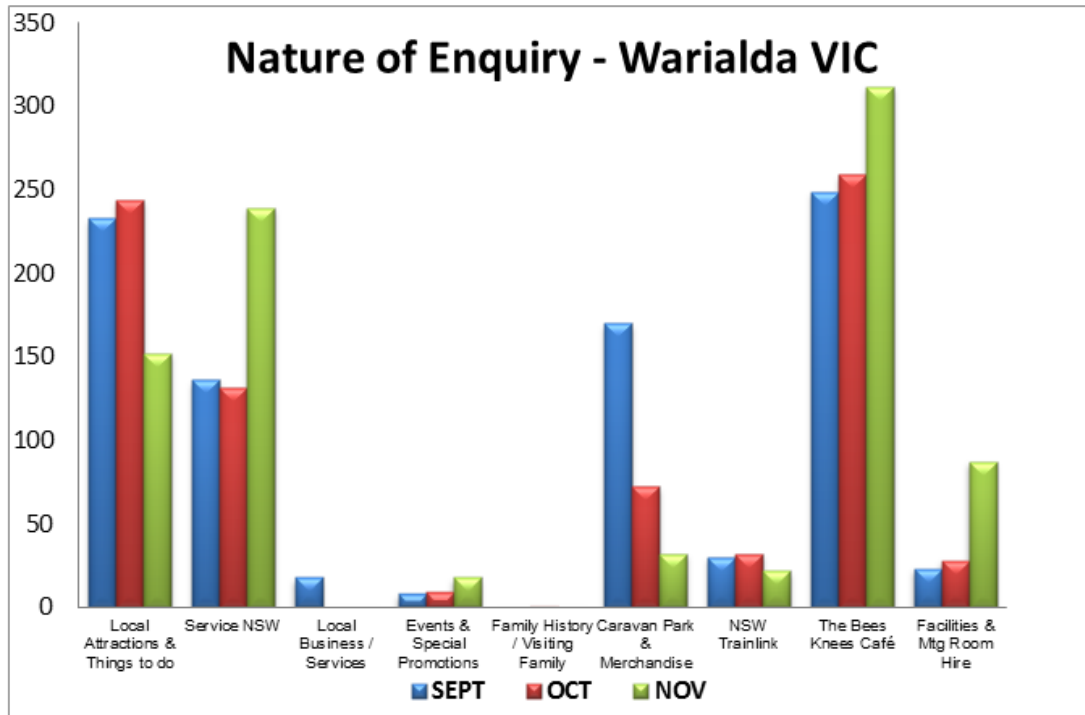
There are no attachments for this report.

COUNCIL RESOLUTION: MINUTE 401/16

THAT the Monthly Governance / Town Utilities Report be received

(Moved Cr Moore, seconded Cr Dick)

Chairman



2 Community Home Support Program

- Service streams of Meals, Transport, Social Support Group and Social Support Individual continue to be in demand
- Social Support Group (formerly Day Centre) is particularly busy at this time of the year, with Christmas functions being planned

This is page number 68 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- Volunteer Christmas function and thank you gathering was held in Bingara on 28 November and a similar function is scheduled for Warialda/Delunga on 15 December
- The valuable role of volunteers was acknowledged by staff at the Bingara Volunteer function. According to the Centre for Volunteering, there are 5.8 million volunteers in Australia. The National average for volunteering is 128 per hours, per year, per volunteer. Figures were calculated for Bingara Home Support Service and Bingara Community Transport, based on one year of volunteering from 32 volunteers – a total of 4,380 per year. This equates to 136 hours per year, per volunteer, placing just one area of volunteering within Gwydir Shire above the National average. We are a fortunate Community!
- A replacement van for Warialda Home Support Services will be delivered the week commencing 12th December, 2016.
- Bingara Transit Bus will need replacing in 2017, as the age limit has exceeded the requirements of the Transport for NSW Funding Agreement. The funding requirement is outlined below:
(10.3c): No contract car/minibus or contract bus which seats between 9 and 12 adults (including the driver) shall be used in the delivery of the Services if its age is greater than 10 years from the purchase date, or if it has travelled more than 300,000 kilometres.

3 Gwydir Learning Region

3.1 GLR Manager's Report:

Discussions have been held with Community Representatives from Warialda regarding the establishment of a Warialda Community Food garden on a block of land of 2.28 hectares bordered by Gragin Road, East Street and Warialda Creek. The proposal is for a food forage garden incorporating garden projects with crafts and suited to a range of age groups from Pre-schoolers to Seniors.

Visits to The Living Classroom (TLC) during November included Year 11 students from Cavendish Road State High in Brisbane.

Nearly 60 visiting High School students were at the Bingara Showground for the Steer Competition in November. The students from Coonamble, Tamworth, Glen Innes and Manilla enjoyed an afternoon tour of TLC.

A Work for the Dole crew has been signed off to commence work at TLC in mid-December. The program will run for 26 weeks. The work of the crew will complement but not replace nor replicate that of the existing GSC staff.

A group of local School Principals visited TLC hosted by Bingara Central School's Acting Principal, Brooke Wall.

This is page number 69 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Meetings to advance The Carbon Farm and the Bush Tucker garden projects at TLC were held during November.

Bingara Central School Civics Classes from Years 5 to 8 attended TLC and have been involved in mulching, fertilising and cataloguing the newly planted Citrus Orchard in the Mediterranean Garden.

A nursery will be set up as a propagation site for cochineal beetle on prickly pear and tiger pear at TLC. This nursery will adjoin the 20m x 7m greenhouse/nursery at TLC. This is a joint project with NSLA and NWLLS.

3.2 Security

Following break-ins and damage at the Automotive Trade Training Centre (ATTC) it was decided to install CCTV security cameras to cover the external perimeter of the premises. Sapphire City Security has conducted an assessment of the property and provided a quote. Gates are presently being built to close the opening between the High School and the Automotive Trade training Centre.

3.3 Heavy Vehicle Training

The RTO has conducted seven heavy vehicle Final Competency Assessments (FCAs) during the month of November. These were all private clients. The licences completed consisted of one Heavy Combination (HC), five Heavy Rigid (HR) and one Medium Rigid (MR) licences completed.

The GLR second Trainer and Assessor has now completed all training and assessment requirements and received a Certificate IV in Heavy Vehicle Driving Instruction and Logistics. A request will now be sent to the RMS to issue a heavy vehicle trainer and assessor licence up to a class Multi Combination (MC).

No further information has been received regarding the proposed changes, if any, to the multi lane section of road in Inverell used for training and assessment. Multiple lanes are a pre-requisite for a Final Competency assessment (FCA) route; this is an RMS requirement. A second route in Moree will be developed for conducting licencing and will include MC vehicles.

3.4 TAFE - Automotive Vocational Preparation Certificate II

Classes continue to be well attended. The remaining class has had the hours extended for Term IV and runs for the full day. The automotive class will soon complete for the year but will re-commence when school returns in 2017.

3.5 Portable Appliance Testing (PAT)

Bingara workshop appliance testing has been completed. The Automotive Trade Training Centre is now due to be re- tested along with the Warialda Works Depot and the Warialda workshop. There are still many departments yet to be tested.

This is page number 70 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

3.6 New courses for the Automotive Trade Training Centre

'Community Colleges' has secured a training contract to run High School engineering courses for students during their final years. GLR staff have been approached to conduct the part time training of the enrolled students. This is likely to take place early in 2017 providing there are sufficient numbers. Classes being considered are located in both Warialda and Bingara.

4 Economic Development

4.1 Bingara Docket Boxes recorded the following collections from tourists during November:

Shell Service Station -	\$3,688.57
Meat on Maitland	\$755.30
Bingara VIC	\$3,794.18
Bingara IGA	\$6,229.85

Total \$14,467.90

4.2 Gwydir Community Business Awards

The 19th Gwydir Community Business Awards were held at The Roxy on Thursday 24 November 2017. A crowd of 130 attended the awards.

The winners of the business awards categories were:

- Small Business under five (5) employees - The Warialda Golf and Bowling Club
- Large Business over five (5) employees - Bingara Sportsman's Hotel
- Junior Employee (under 21) - Katelyn South of Pally Styles Bingara
- Senior Employee (over 21) - Erin Hall from the Warialda Toy Library.

Bingara Central School student Rosalie Carr was the Gwydir Vocation Education Student of the year.

An outstanding number of nominations were received this year with over 30 separate nominations for the Senior category alone. Many council staff received a nomination which is testament to the hard work and dedication of Gwydir Shire Staff. Those Council staff nominated include:

Erin Hall, Justin Hellmuth, Dan Hall, Tracey Newby, Georgia Trevithick, Cherylalee Wilson, Jenny Mead, Janeane Pratt, Alyse Steiger and Georgia Standerwick.

CONCLUSION:

The activities carried out by the Organisation and Community Development Department are in line with the 2016/2017 Operational Plan and otherwise as directed.

This is page number 71 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

CONSULTATION:

Consultation has occurred within the Organisation and Community Development Directorate.

POLICY IMPLICATIONS:

Policy implications are those relating to the 2016/2017 Operational Plan and the Policies of Gwydir Shire Council.

FINANCIAL, ECONOMIC and RESOURCE IMPLICATIONS (including Asset Management):

The activities carried out by the Organisation and Community Development Department are in line with the 2016/2017 Operational Plan.

SUSTAINABILITY IMPLICATIONS (Social and Environment):

The activities undertaken by the Organisation and Community Development Department regarding social and environmental factors are targeted in line with the 2016/2017 Operational Plan.

OFFICER RECOMMENDATION

THAT the report be received

ATTACHMENTS

There are no attachments for this report.

**COUNCIL RESOLUTION:
MINUTE 402/16**

THAT the Monthly Organisation and Community Development Report - November 2016 report be received.

(Moved Cr Dixon, seconded Cr Galvin)

**Item 10 Notation of Minutes Border Regional Organisation of
Councils Meeting held 18 November 2016**

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.3 Administrative functions - GM - internal

AUTHOR General Manager

DATE 5 December 2016

STAFF DISCLOSURE OF INTEREST Nil

BACKGROUND

Gwydir Shire Council is the current elected Executive Council of the Border Regional Organisation of Councils (BROC). Seven (7) member councils make up BROC, these being Moree Plains Shire, Tenterfield Shire, Inverell Shire, Balonne Shire, Southern Downs Regional and Goondiwindi Regional Councils. A new member council is Walgett Shire Council.

Member Councils take turns in hosting quarterly meetings. The last meeting was held in Tenterfield on 18 November, 2016.

OFFICER RECOMMENDATION

THAT the Minutes of the Border Regional Organisation of Councils meeting held on 18 November 2016 be noted

ATTACHMENTS

AT- Minutes - BROC Meeting - 18 November 2016

**COUNCIL RESOLUTION:
MINUTE 403/16**

THAT the Minutes of the Border Regional Organisation of Councils meeting held on 18 November 2016 be noted.

FURTHER that the excellent work of Mrs Robyn Phillips is acknowledged in revitalising the group's meeting.

(Moved Cr Young, seconded Cr Galvin)



MINUTES

18 November 2016 - Tenterfield

Venue:	Council Chambers, 247 Rouse St Tenterfield	Date:	18 November 2016
Chair:	Cr John Coulton, Gwydir Shire Council	Time:	10am QLD time
Attendees:	Mayor Peter Petty, Cr Brian Murray, Damien Connor GM	Tenterfield Shire Council	
	Mayor John Coulton, Max Eastcott GM, Cr Frances Young, Cr Catherine Egan, Ken Davey, RP	Gwydir Shire Council	
	Cr Stephen Ritchie, Lester Rodgers GM	Moree Plains Shire Council	
	Cr Joan White	Goondiwindi Regional Council	
	Jo Murrell, Bronwyn Herbert	Dept Infrastructure LG & Planning QLD	
	Russell Stewart	RDA Northern Inland	
	Christine Dennis	Guest presenter	
File ref:	S1242		

Item No	Agenda Item
1	Meeting Opened 11.10am
2	Apologies
	Mayor Richard Marsh, Cr Fiona Gaske, Michelle Clarke (Balonne, St George); Mayor Paul Harmon, Cr Kate Dight (Inverell); Cr Jo McNally (SDRC, Warwick); John Bird, Qld Dept of State Development; Adam Marshall MP Member for Nthn Tablelands; Phillip Glyde (MDBA); James McTavish (Cross Border Commissioner)
	Moved that apologies be accepted: Cr Murray Seconded Cr Young Carried
3	Minutes of Meeting 05 August 2016 (Goondiwindi)
3.1	Matters arising from the Minutes
3.2	6.2 - Qld Dept State Development (formal cross border agreement, assessment of current economic opportunities and grant funded initiatives) – Cr Petty (Tenterfield) advised that he met with Barnaby Joyce (State Member for New England and Deputy Prime Minister) last week. Barnaby will be in Tenterfield on 19 December and Cr Petty will provide him with an update at that time.
3.3	6.4 - Inland rail – at the National Local Roads and Transport Congress in Toowoomba 9-11 November, ARTC advised that the inland rail project (Melbourne to Brisbane) has commenced and will take 10 years to complete, expected completion date in 2024. (Mayor J Coulton, Gwydir) Lester Rodgers (Moree) advised that the section of rail between Coonabarabran,

This is page number 74 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

	Moree and North Star has been given priority for environmental studies, currently calling for expressions of interest/tenders. A request will be sent to ARTC to address the next meeting.
3.4	7.1 - Signatories have been changed at Warwick Credit Union and NAB
3.5	Moved minutes be accepted: Cr White Seconded: Lester Rodgers Carried
4	Correspondence
4.1	Inwards: <ul style="list-style-type: none"> • Response from NSW Minister for Regional Development, the Hon. John Barilaro • Response from Minister for Infrastructure and Transport Hon Darren Chester • Update from James McTavish, Cross Border Commissioner (attached)
4.2	Outwards: <ul style="list-style-type: none"> • Letter to NSW Minister for Regional Development, the Hon. John Barilaro
4.3	Moved that correspondence be accepted: Cr Young Seconded Cr White Carried
5	Financial Report as at 18 November 2016
5.1	<u>Fixed Deposit acct - Warwick Credit Union</u> 12 months term from 22 April 2016 Opening balance 1 July 2016 - \$13,456.48 Compounded interest paid 22 July 2016 \$90.33 Compounded interest paid 22 Oct 2016 \$91.94 Closing balance as at 4 November 2016 - \$13,638.75
5.2	<u>NAB account</u> Balance as at 11 August 2016 - \$2,223.50 Interest paid on 30 September 2016 - 0.06 Balance as at 11 November 2016 - \$2,223.56
5.3	Moved that the financial report be accepted: Lester Rodgers Seconded: Cr White Carried
6	Guest Speakers
6.1	Ken Davey, Gwydir – 'Behind the Meter' solar electricity proposal Gwydir Shire Council is moving forward with an innovative and imaginative program designed to reinvigorate the shire's local economy. This 'Circular Economy' approach seeks to promote greater resource productivity with the integration of several components. The proposal incorporates a regional scale Agri-industrial system demonstrating a vertically integrated poultry sector, a biogas plant and a large scale glasshouse system for the production of organic food. Another component of the Circular Economy is the Behind the Meter solar electricity proposal. Behind the meter scheme This component will see a shire wide solar electricity scheme developed. Under this scheme the Council will assess the energy requirements of each dwelling and business, both urban and rural properties, and develop an individual solution to meet the energy needs for each consumer. Once designed, entry to the scheme will be voluntary. The Council's partnering organisation in this scheme is ZEN Energy, a South Australian based solar energy supplier.

	<p>The scope and scale of the proposal would make this innovative approach to energy conservation quite unique. The proposal has significant economic benefits to the Shire's population while at the same time providing an opportunity for Council to improve the electricity services currently provided.</p> <p>To ensure that the benefits are available to every household, irrespective of the socioeconomic circumstances of the household, a funding method is proposed that will ensure the repayments are less than or equal to the energy cost savings accrued.</p> <p>Loan financing will be used to implement the scheme and, excluding the Council's own buildings, there will be no net cost to Council over the life of the project.</p> <p>This proposal will allow money to remain within the Shire and circulate many times locally. It will also create employment opportunities for local electricians in the installation and maintenance of the scheme.</p> <p>Moved: Cr Murray that further speakers on the subject be invited to attend the next BROC meeting. Seconded: Cr Young Carried</p> <p>Max Eastcott issued an invitation to BROC members to come and inspect The Living Classroom once installation has been completed.</p> <p>Video presentations were given – links attached for your information.</p> <p>https://www.youtube.com/watch?v=3mGiuo-ur0Y</p> <p>https://www.youtube.com/watch?v=wXLD4gxpWU0</p> <p>https://www.youtube.com/watch?v=FBfdEhZnuVk</p>
6.2	<p>Christine Dennis from Mingoola gave a presentation on the recent relocation of refugee families to the Mingoola area.</p> <p>Items for consideration included:</p> <ul style="list-style-type: none"> • Project suits small communities, need intimate contact and must be well supported • Project is ongoing • The initial action plan was developed in 2013 • Julia Harpham developed partnership with Emmanuel Musoni of Great Lakes Agency for Peace and Development International • Refugee families were from farming backgrounds and want to be on the land • Understanding that at the moment seasonal work only is available and limited number of families • The families visited the area prior to settlement • Working bees were required to make houses liveable, these houses were provided for low rents and had space for vegetable gardens • Mingoola school had been in recess prior to the resettlement of families • No Govnt assistance provided for project as families had been in Australia > 3 years • Two families initially settled until other houses were made liveable • Second term 2016 Mingoola school re-opened with African refugee students, giving an opportunity for other (local) children to attend when they reach school age • Some older children attend high school in Tenterfield • There are now three (3) refugee families settled with another in the pipeline • Farmers need training e.g. in relation to WHS practices • Requires upskilling in English as a second language

This is page number 76 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

	<ul style="list-style-type: none"> • Challenge is to find jobs/activity allowing them to supplement their seasonal work • Have found that there is no opportunity to expand, at the moment can support only four (4) families
6.3	<p>Damien Connor, General Manager, Tenterfield Council provided an overview of his 2016 study trip to the United States. This trip was made possible by LG Professionals and is an annual exchange program and research tour where any member of Local Government Professionals is able to apply.</p> <p>Damien noted that American Councils are not dissimilar to Australian councils except they are constitutionally recognised and make laws.</p> <p>He also noted their ability to drive economic development through delivery of major events was superior to what we see in Australia.</p> <p>Damien would be pleased to answer any enquiries should you wish to discuss further. A summary of Damien's trip is attached.</p>
7	General Business
7.1	<p>BROC Constitution</p> <p>Moved: Cr Petty that the BROC meeting scheduled for February 2017 in Inverell includes the Annual General Meeting. Seconded: Cr White Carried</p>
7.2	<p>Cr John Coulton advised that the Murray Darling Basin Authority team headed by Phillip Glyde will be presenting their Northern Basin Review report to State Government on Tuesday 22 November.</p> <p>There will be meetings in Moree on 7th December and Goondiwindi on 8th December. Cr White advised that she is unable to attend the Goondiwindi meeting however will try and attend the Moree meeting.</p>
7.3	<p>Cr Joan White, Goondiwindi RC</p> <p>Cr White expressed her concern at the withdrawal of the State government support of RDA funding in NSW.</p> <p>National Broadband Network needs to be addressed – most inadequate</p> <p>Emma Bradbury is the new CEO of Murray Darling Association – wants Zones 11 and 12 to be reenergised. BROC will be in this area. Cr White suggested that Emma Bradbury contact relevant councils through correct governance procedures advising Emma Bradbury will be undertaking consultation in the area between 28 November and 2 December 2016.</p>
7.4	<p>Russell Stewart – RDANI</p> <ul style="list-style-type: none"> • Thanked BROC for contacting Hon John Barilaro • RDANI has built up a fee for service to remain independent of grant funding • Changes within RDA – expect to be advised by end of 2016 • RDANI has retained their staff, thanks to alliance with Councils • Believes we need to get a ruling on the word 'regional' e.g. not larger centres such as Newcastle, Wollongong, Sydney or Logan (in Qld); Russell S will ask John Barilaro to follow up • Cr White asked how many projects had been approved in 2016 – Russell responded three (3) • Cr White advised that the QLD southwestern RDA region has applied for funding for 17 projects and has not received funding for any of them, most of the funding had gone to Logan, a suburb of Brisbane (not a 'regional' area) • QLD southwestern RDA region (consisting of 7 councils) has developed a road map for prioritised funding applications for the whole region for 2016-2020 into four (4) categories: waste management, water security, IT communications, inland rail (infrastructure)

This is page number 77 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

	<ul style="list-style-type: none"> Moved: Russell Stewart that BROC write to federal ministers Fiona Nash and Barnaby Joyce requesting a determination on the word 'Regional' and request that jobs in regional areas be weighted Seconded: Cr White Carried
7.5	<p>Qld DILGP – Jo Murrell</p> <ul style="list-style-type: none"> Currently in the process of funding round – applications have been received and assessed, waiting on Premiers to sign off Auditor General in QLD has recently studied financial sustainability of councils with the following recommendations: <ul style="list-style-type: none"> emphasised asset management planning councils need to have a formal scalable project showing decision making framework councils need to engage more with community on service levels (SDRC had community consultation and service levels in their budget – request Jo McNally (SDRC) to give a presentation at the next BROC meeting) provide explanation of financial forecasts and how councils deal with long life assets Recommendations/emphasis by Auditor General for DILGP to provide more assistance for councils with their 10 yr Plan, particularly including Asset Management
7.6	<p>Lester Rodgers expressed the concerns of Moree Plains Shire Council in relation to the cutbacks for disaster recovery especially eligibility for flood relief. Restrictions now imposed on local Councils under the natural Disaster Relief and Recovery Arrangements (NDRRA).</p> <p>Moved: Lester Rodgers that BROC writes to Hon Michael Keenan and a copy to state ministers expressing concern and seeking support. Seconded: Cr White Carried.</p>
7.7	<p>Cr Katrina Humphries, Mayor of Moree Plains Shire Council, was elected as the new Chair for NSW Country Mayors Association in November. Cr Humphries has advised BROC she is happy to receive any requests for political assistance/lobbying (Lester Rodgers).</p>
7.8	<p>Lester Rodgers expressed his concerns regarding the lack of information about collection of emergency services levy. Cr Humphries will take this matter up through NSW Country Mayors Assn.</p>
7.9	<p>Auditor General's recent legislation/regulation – MPSC expressed their concern that the recent Auditor General's legislation to appoint external auditors for councils will mean substantial additional costs to councils. Request BROC submit a letter to Chair NSW Country Mayors opposing this legislation.</p>
7.10	<p>Cr Joan White requested to attend the meeting in December with Barnaby Joyce.</p>
8	<p>Next Meeting – February 2017 – date to be advised - Inverell (followed by Southern Downs, Moree and Balonne) Cr Kate Dight is Inverell's representative on BROC. As listed in the minutes of the August meeting, host councils will provide a topic and speaker.</p>
9	<p>Meeting Closed – 2.10pm</p>

Action Item Log:			
Officer	Item	Listed	Outcome
Exec	7.3 – Review Annual Report (Cross Border Commissioner)	20/05/16	

Exec	3.3 – Invite ARTC to February meeting in Inverell	18/11/16	
Exec	6.1 – Invite further speakers on 'Behind the Meter' Scheme to February meeting	18/11/16	
Exec	7.1 – Circulate constitution to member councils	18/11/16	
Exec	7.4.1 – Write to Federal Ministers Fiona Nash and Barnaby Joyce seeking a determination on the word 'Regional' and weighting of jobs in 'regional' areas	18/11/16	
Exec	7.6 – Letter to Minister Keenan – NDRRA funding cutbacks	18/11/16	
Exec	7.9 – letter to NSW Country Mayors re AG appt of auditors	18/11/16	

DRAFT

This is page number 79 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Chairman

2.2 Maintenance Works – Local, Regional and State Roads

Maintenance Grading

SR76 Bristol Lane, SR34 River Road, SR18 Gineroi Road, SR37 Oakey Creek Road, SR33 Forest Creek Road, SR65 Munsies Road, SR39 Allandale Road.

Gravel Resheeting

SR13 Oregon Road, SR90 Old Bora Road.

Bitumen Patching

MR133 Killarney Gap Road, MR63 Cobbadah Road, HW12 Gwydir Hwy, RR7705 North Star Road, RR63 Warialda Road, SR4 Baroma Downs Road, SR14 Mosquito Creek Road, SR7 Croppa Creek Road, SR5 Croppa Moree Road, MR63 Allan Cunningham Road.

Pipe/Headwall Repairs

Drainage pipe extensions on SR3 Elcombe Road.

Vegetation Control

HW12 Gwydir Highway, RR63 Warialda Road.

Miscellaneous Work

Kerb and gutter replacement on Gragin Road, Warialda.

Painted the centre line on the RR7705 North Star Road near Forrest Creek Road.

Slashing

HW12 Gwydir Highway, RR7705 North Star Road, RR63 Warialda Road, MR3 Cobbadah Road, SR15 Gulf Creek Road, SR11 Horton Road, MR133 Killarney Gap Road, MR134 Delungra Road, SR19 Whitlow Road, SR1 Copeton Dam Road.

Self Help Program

SR79 Girraween Road, SR247 Fairfield Road, SR262 Nunga Road.

2.3 Roads Maintenance Council Contract – Works Orders issued by RMS

All Work Orders issued by RMS are quality assurance schedule of rates projects carried out by Council staff under the Roads Maintenance Council Contract with Roads and Maritimes Services.

State Roads

Heavy patching works are planned to continue, completing all patches located within reseal segments. Along with the heavy patching, crews will be preparing segments for reseals. Reseals are programmed for the first week in February due to delays with the heavy patching and contractor availability.

Regional and Local Roads

This is page number 81 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Final trimming works and density compaction testing on Elcombe Road will be programmed for early December now that the pavement has been stabilised and mixed. These works are only scheduled for this week with a double/double seal booked for Tuesday 13 December. Works will be put on hold for Elcombe Road until crews return after the Christmas break.

The first section of North Star Road has been sealed, with final trimming works and density compaction testing programmed to continue in the first week of December on the second section. A double/double seal is also booked for Thursday and Friday 8 and 9 December. Construction crews will then start works on Baroma Downs Road, near Hueys Arm Creek Bridge when they return after the Christmas break.

Urban reseals have been completed on various streets throughout Warialda, Bingara, Gravesend, North Star and Croppa Creek in November. These were completed by NSW Spray Seal using an S35E Polymer Modified Bitumen and 7mm pre-coated stone. A Polymer Modified Bitumen is bitumen that contains a percentage of rubber, providing a more watertight seal that can allow stretch for small amounts of movement. This is particularly favourable where vehicle turning movements are likely to occur, as it seems to provide a stronger hold on the stone and can prevent the stone from "plucking out".

2.4 Rural Roads 2015-2016 Capital Works Program

Nil Attached

2.5 Other Services

Street services continued to be maintained for vehicular, pedestrian and public conveniences.

Stormwater drainage facilities continue to be maintained.

Aerodromes at Warialda and Bingara continue to be maintained and inspections are done monthly.

Existing quarry sources are continually being utilised and future sources are being investigated as time permits with other competing projects.

The radio and television towers continued to be maintained.

3. DESIGN AND ASSET SERVICES

Survey, design and soil testing is continuing for the 2016-2017 works programs. Progress is as follows:

SR4 Baroma Downs Road

The survey and design of a section of Baroma Downs Road, from chainage 6800 to 9340, has been conducted. A draft design has been completed.

Warialda High Productivity Vehicle (HPV) Bypass

A final Plan Set including all intersections and road alignments is to be completed; this will include all the details for the HPV bypass required for construction to commence.

Elcombe Road

This is page number 82 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Further survey and design is required on Elcombe Road as the construction is to be continued.

The Living Classroom

The proposed greenhouse at The Living Classroom has been set out, ready for construction to commence.

Asset staff continue to undertake other varied tasks, constructing queries and spreadsheets for the following:

- Capture GPS Point and number of Rural Addresses
- Update GIS data
- Rural Address – New Rural Address captured and letters sent
- Maps
 - Warialda industrial area and bypass
 - Tourism maps
 - Namoi Joint Council Organisation – road classifications
 - Kellys Gully Road – road alignment
 - Rural Addressing and tourist destinations
- National Heavy Vehicle Regulator – road permits for heavy vehicles.
- Internal and external enquiries and mapping

CONCLUSION

The activities carried out by the Technical Services Department are in line with the 2016/2017 Management Plan and otherwise as directed.

CONSULTATION

Consultation is carried out within the Technical Services Department during the monthly Technical Services team meetings and other relevant persons.

POLICY IMPLICATIONS Policy implications are those relating to the 2016/2017 Management Plan and the Technical Services Policies of Gwydir Shire Council.

FINANCIAL IMPLICATIONS The activities carried out by the Technical Services Department are in line with the 2016/2017 Management Plan.

OFFICER RECOMMENDATION

THAT the monthly Technical Services report be received

ATTACHMENTS

There are no attachments for this report.

**COUNCIL RESOLUTION:
MINUTE 404/16**

THAT the monthly Technical Services report be received.

(Moved Cr Smith, seconded Cr Moore)

This is page number 83 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Item 12 Office closure over Christmas / New Year period

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.3 Administrative functions - GM - internal

AUTHOR General Manager

DATE 5 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report is for notation regarding the Christmas New Year closure of the Council's offices.

TABLED ITEMS Nil

BACKGROUND

The Council's offices will be closed from 12 noon Friday 23rd December 2016 until Tuesday 3rd January 2017.

The advertisement outlining emergency contacts during this period and the range of services available is attached.

OFFICER RECOMMENDATION

THAT the arrangements for the Christmas New Year closure of the Council's offices is noted.

ATTACHMENTS

AT- Advertisement

**COUNCIL RESOLUTION:
MINUTE 405/16**

THAT the arrangements for the Christmas New Year closure of the Council's offices are noted.

(Moved Cr D Coulton, seconded Cr Galvin)

This is page number 84 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman



OFFICE HOURS AND SERVICE PROVISIONS FOR THE HOLIDAY SEASON

NOTICE is hereby given that Gwydir Shire Council will operate on reduced services during the Christmas / New Year period from **Friday 23rd December 2016** to **Tuesday 3rd January 2017**. All administration offices will **CLOSE** at 12.00noon Friday 23rd December 2016 and will reopen at 9.00am Tuesday 3rd January 2017.

Garbage Collections

All waste collections services will be collected as usual on scheduled days **INCLUDING PUBLIC HOLIDAYS**

Waste Centres

Bingara and Warialda landfills will be **CLOSED** from 12.00 noon Friday 23rd December.

Bingara and Warialda landfills will be **CLOSED** on Public Holidays: Christmas Day, Boxing Day, Tuesday 27th December, New Year's Day, Monday 2nd January and Australia Day 26th January 2017.

Normal operating hours will apply on all other days - 8.30am to 12.00pm and 1.30pm to 5.30pm daily.

Service NSW

Warialda Roads and Maritime Services (RMS) will **CLOSE** at 12.00pm Friday 23rd December 2016 and will return to usual operating days from Tuesday 3rd January 2017 (Bingara - Mon and Thurs; Warialda - Tues, Wed and Fri)

After Hours Emergency Services

Roads and Bridges	- Warialda	Mobile 0428 291 951
	- Bingara	Mobile 0427 241 511
Impounding		Mobile 0417 792 650
Water and Sewerage	- Warialda/Gravesend	Mobile 0428 291 206
	- Bingara	Mobile 0428 241 909
	- North Star	Mobile 0427 291 274
Bushfire Emergency		Phone 000
Flood or Storm Emergency		SES 132500

Commonwealth Home Support Program (formerly HACC) Offices

The Bingara and Warialda Commonwealth Home Support Program Offices will be **CLOSED** 12.00pm Friday 23rd December 2016 and will reopen on Tuesday 3rd January 2017.

Tourist Offices

Warialda and Bingara Tourist Information Centres will be **CLOSED** on Public Holidays (Christmas Day, Boxing Day and New Year's Day). Centres will be open on all other days during the Christmas period on reduced hours and offering some limited services levels.

Centrelink (Bingara)

The Bingara Centrelink Office will **CLOSE** at 12.00pm Friday 23rd December 2016 and will return to usual operating hours from Tuesday 3rd January 2017.

Libraries

Bingara and Warialda Libraries will **CLOSE** at 12.00pm Friday 23rd December 2016 and will return to usual operating hours from Tuesday 3rd January 2017.

Toy Libraries

Warialda Toy Library will **CLOSE** from 12.00pm Friday 23rd December 2016 and will reopen on Monday the 9th January 2017.

Bingara Toy Library will **CLOSE** from 12.00pm Friday 23rd December 2016 and will reopen with a new timetable on Monday 9th January 2017.

Vacation Care

Vacation care programs will be delivered for Warialda and Bingara at Bingara Preschool on the following dates:

19th – 22nd December 2016

9th – 13th January 2017

16th – 20th January 2017

There will be a bus running from Warialda to Bingara daily to attend these events.

Check venues in your local paper or contact Alyse Steiger on 0408 454 813 for further information. Bookings are essential.

Bingara Youth Space

Youth Space will be closed for the holiday period and will reopen in February 2017, date to be advised.

Max Eastcott
General Manager

Chairman

FURTHER that the applicant is advised of Councils decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

FURTHER that the objectors are notified of Council's decision.

FURTHER that the issue of paddock feeders located immediately adjacent to any adjoining properties be discussed with the EPA, requesting an appropriate buffer be established and included as a condition within the consent conditions and/or the operating licence (Ref: 232/16).

FURTHER that urgent legal advice be sought to determine whether the entire property could be considered as a feedlot under the definition and if the operation of the extensive grazing, including the use of paddock feeders, constitutes an essential element of the feedlot's operations or feedlotting and can therefore be conditioned within the current development application determination (Ref: 233/16).

A letter of request to review the determination was received under the provisions of Section 82A (1) of the Environmental Planning and Assessment Act 1979, from the proponent's consultant by Council on the 15 September 2016. The issue was first raised in an email dated 25 August 2016.

There have been a number of meetings and phone calls regarding the proponent's intention to lodge a request to review the determination within the 28 day expiration period.

The letter requests reconsideration of one (1) condition of consent, namely Part E Post Occupation Condition 3 (see below). Further, that the applicant be recorded as Ceres Ag not SMK Consultants on the consent.

3 Paddock Feeders

That no paddock feeder and associated cattle shall be located within 1 kilometre of any neighbouring dwelling.

Council has received a request for the review of determination for the operation of a 20,000 head feedlot including construction of associated infrastructure, determined and approved by Council on 28 July 2016. A number of conditions were imposed on the development.

Peter Taylor, from SMK Consultants, and Amy Collins, representing Ceres Ag, met with Council on the 27 October 2016 to discuss concerns about the condition, with a further meeting with Council's Director Development and Environmental Services, to come to an agreement on the wording of the amended condition.

A submission dated 10 October 2016 relating to the reasoning why the condition should be altered is attached.

Staff Comment

As highlighted in the discussions with the Councillors and the proponent, there are a number of ways that the issue of excessive fly numbers and control can

This is page number 87 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

be implemented to reduce the impact of flies on adjoining residential premises.

CONCLUSION

Conditions of consent establish compliance controls and performance and environmental audits to mitigate the environmental impacts of the proposal to an acceptable level.

The request to review the determination has been assessed along with the previous issues raised by government departments and all other individuals and land owners and Council staff; it is considered that the conditions as outlined in the report are considered reasonable in the specific circumstances of the case.

STATUTORY ENVIRONMENT

There are no statutory implications under the Local Government Act 1993 with this matter.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

OFFICER RECOMMENDATION

THAT Council support the applicant's request and amend Part E Post Occupation - Condition 3 to the following:

Management will employ reasonable endeavours to monitor and control fly populations with respect to the feeders located in paddock settings. This will include using similar practices utilised within the Feedlot Development under the Feedlot Management Plan taking into consideration stocking rates, seasonal and weather conditions in determining baseline and acceptable fly populations.

FURTHER that the applicant's details be modified as requested.

FURTHER that the applicant is advised of Council's decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

ATTACHMENTS

AT- Letter from SMK Consultants on behalf of Ceres Agriculture P/L

**COUNCIL RESOLUTION:
MINUTE 406/16**

THAT Council support the applicant's request and amend Part E Post Occupation - Condition 3 to the following:

*Management will employ **all** reasonable endeavours to monitor and control fly populations with respect to the feeders located in paddock settings. This will include using similar practices utilised within the Feedlot Development under the Feedlot Management Plan taking into consideration stocking rates, seasonal and weather conditions in determining baseline and acceptable fly populations.*

FURTHER that the applicant's details be modified as requested.

FURTHER that the applicant is advised of Council's decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

(Moved Cr Smith, seconded Cr Dixon)

Upon being put to the meeting, the motion was declared carried.

For the Motion were Crs Dick, Dixon, Egan, J Coulton, Moore, Smith, Galvin, D Coulton and Young Total (9).

Against the Motion was Nil Total (0).

SMK

CONSULTANTS

surveying – irrigation – environmental – planning

ABN 63 061 919 003

10th October 2016

Gwydir Shire Council
Locked Bag 5
Bingara, NSW 2404

Attention: Glen Pereira

Dear Glen,

Re: Development Application 12-2016 – Gunyerwarildi Feedlot Extension

On behalf of Ceres Agriculture Pty Ltd, we wish to lodge a Section 96 application to modify the consent for DA12-2016.

Condition Part E – Post Construction Condition 3 of the approval is of concern to Ceres Agricultural Company (Ceres). This condition imposes a restriction on normal agricultural operations on the farm. The second matter that needs to be altered relates to *Details of the Applicant*.

The following presents a submission to accompany the application.

Consent Condition

Part E – Post Construction

Condition 3 – Paddock Feeders and Cattle Buffer

“That no paddock feeder and associated cattle shall be located within 1 km of any neighbouring dwelling”.

The Proponent considers that this condition will result in restrictive landuse options on their existing grazing enterprise which was not the subject of the development application relating to the expansion of the existing feedlot capacity. On this basis, the condition is considered unrelated to the feedlot operation and will make some of the land around the boundary of Gunyerwarildi aggregation, worthless as it cannot be used for production other than crops.

The land subjected to this condition is Zoned as RU1 Primary Production. The Primary Production zoning has been established for the purpose of agricultural operations. The grazing of cattle on this land is considered a core activity underpinning this landuse in the Gwydir Shire. The attached appendix 1 presents a review of the Gwydir Local Environmental Plan (LEP) in relation to permissible uses of RU1 land. The intent of the LEP is to encourage agricultural production on RU1 land. This includes grazing of cattle without buffer zones to neighbouring properties.

The Proponent does recognise the concern that has been raised during the development application process for the feedlot operation and realises that Council has an opportunity to impose conditions on landuse associated with the property operation in response to concerns of local residents. In this case, the operation subjected to the condition, consists of the grazing of cattle on natural grassland in conjunction with a grain ration consumed from a self-feeder. The issue raised relates to flies associated with these cattle in the open paddock. Flies are an issue to the cattle and many other normal farming

39 Frome Street
PO Box 774
Moree NSW 2400
Ph 02 6752 1021
Fax 02 6752 5070
ptaylor@smk.com.au

Other offices: Goondiwindi,
Gatton, Brisbane, Miles
www.smk.com

operations, in addition to the intensive development of a feedlot. The flies are considered a normal component of farm operations and therefore management of the fly population forms part of the farming operations.

On this basis, the Proponent requests that this restrictive condition is replaced with a requirement for appropriate management procedures. Similar procedures have been incorporated within the development documentation for the Feedlot, including submissions lodged and approved by NSW EPA. The management procedures are to be included in the Gunyaerwarildi Feedlot Operational Environmental Management Plan (OEMP) and the Gunyaerwarildi Quality Assurance document (QA). The requirement for management plans is outlined in Consent Condition Part A – Planning: Condition 20 A1.1 dot point 4. The EPA and subsequently Council, have stated that the proposed operation of the approved facility requires an ongoing:

“environmental management plan (EMP) and an annual environmental management report (AEMR) to be prepared and implemented by the proponent.”

On this basis, this documentation is essential for the proponent to meet ongoing approval conditions for both Council and NSW EPA. The implementation of these plans and procedures is therefore an integral part of the approval of which Council and NSW EPA have the right to monitor and prosecute if the process is not implemented.

The development application has incorporated all cultivation paddocks on Gunyaerwarildi as part of the approved development on the basis that composted manure will be recycled on these fields. The Council approval therefore extends to the whole of Gunyaerwarildi farmed area in addition to the feedlot operation. The manure is not to be spread on grassland areas and therefore the feedlotting operation does not encumber grazing paddocks.

Management of vermin around the feedlot site including fly populations is incorporated in the current documentation required by Council as part of the construction and occupation of the extended Feedlot operation. This documentation incorporates general management procedures for fly monitoring and control activities. The procedures are aimed at cattle and staff welfare.

Attachment 1 presents an excerpt from the current QA/EMP management process. This is already in place for monitoring and management of flies within the feedlot. The success of this program is visually observable when inspecting the feedlot site, in the form of a lack of flies. It should be noted that there has not been any complaints received at the Feedlot to date.

The following section present a proposal to upgrade these procedures to fulfil the intent of Condition 3 relating to cattle grazing along the boundary of the property.

Farm Management and Alternative to Condition 3

During the course of community consultation and review of submissions resulting from the public advertising of DA12-2016 for the feedlot extension, the issue of flies generated by the feedlot was identified. The Proponent provided responses to pest management in the environmental impact statement.

The specific section stated:

“Insects and Cattle Health

On occasions, the conditions at the Feedlot would generate ideal conditions for various insects, especially flies. The prevalence of flies is an issue that can be managed through the use of baits and fly traps. The insect population will also be managed through appropriate manure pad management in the pens. The maintenance and repair of pen floors to avoid development of wet areas or bog areas is particularly addressed within the general pen maintenance activities.

SMK Consultants

Page 2 of 10

The generation of flies around the cattle is also identified as a health issue for the cattle. The management of flies therefore is of concern to cattle managers who closely monitor the fly population.

It is noted that the flies that are attracted to the Feedlot have a relatively short flight distance and therefore travel from the Feedlot to neighbouring areas is considered as a minor issue. The Feedlot is almost surrounded by open cultivation country which does not encourage fly travel. The monitoring program can therefore concentrate on populations at the Feedlot site."

Flies are monitored within the feedlot and appropriate quick actions such as fly bait programs are undertaken. Slower actions such as instigating additional pen cleaning form part of the process for fly management, but the breeding event may be completed by the time all pens are cleaned.

The issue of flies affecting cattle in open grazing paddocks has also been recognised as a potential issue of concern to cattle health and production. This matter was briefly discussed with neighbouring residents during the community consultation phase, prior to lodgement of the development application. The issue of potential fly populations extending across property boundaries was highlighted during community discussions. The issue is not unusual in grazing operations as flies can be an issue on a seasonal basis. The issue is also prevalent in grain production operations given the right fly breeding conditions.

The Proponents intends to extend current Management Procedures adopted at the feedlot, to include a management procedure to monitor and control fly populations on grazing land in order to replace Approval Condition 3. The following Procedure could be included within the QA/OEMP documentation to provide management with a standard work method statement and procedural tool for management of fly populations associated with open grazing cattle.

Table 1: Procedural Operation for Management of Flies to be incorporated in the OEMP/QA documentation for Gunyerwarildi

Component	Procedural Process
Fly and Pest Operational Policy Objective	To minimise fly populations associated with cattle grazing in open paddocks.
Performance Criteria	Fly populations are managed to an extent where they are not considered a nuisance or cause of a complaint.
Responsibility	Farm Manager
Implementation Strategy	<ul style="list-style-type: none"> Implement a process of reporting on fly populations Provide appropriate fly species recognition information (House fly, bush fly, stable fly, blow fly) by utilising an appropriate identification chart as presented in attachment 3. Monitor weather conditions and fly populations to enable appropriate and timely actions to occur to reduce the incidents of unmanaged fly outbreaks.
Corrective Action	<ul style="list-style-type: none"> Pour-ons: Use a pour-on insect control chemical on the cattle. Dust bags/cattle rubs: The advantage of a dust bag or rub is that, if placed at a site where all cattle must use it. Cattle rubs can provide very economical control of flies. Proper placement and keeping it charged with insecticide are the keys.

Component	Procedural Process
	<ul style="list-style-type: none"> Sprays: Timely spraying of cattle throughout the year can be effective in reducing the fly population Sprays directly onto fly breeding areas: Potential use of Pyrethroid and other sprays as biodegradable insecticide for fly management can provide an effective and quick knock down process for management of fly populations. Refer attachment 4 for basic range of chemical options. Ensure appropriate chemical rotations are used to avoid resistance in the fly population. Implementation of an integrated pest management strategy including options of biological controls available for flies (parasitic wasps, insect fungi, predatory mites, dung beetles) - Refer to documents such as Qld Department of Employment, Economic Development and Innovations, "Integrated pest management for nuisance flies in cattle feedlots", 2011 for guidance.
Monitoring	<p>Following each rainfall or high humidity event:</p> <ul style="list-style-type: none"> Inspect the area where cattle concentrate within grazing areas to monitor fly populations Monitoring of fly and larval populations to provide pre-emptive options for fly population outbreaks using options such as "sticky sheets", traps (Alsynite traps), fly count observations, cattle behaviour observations (number of tail swishes, ear flicks, head tosses, leg stomps observed over a short set period) Record a description of the fly population level
Complaints	In the event of actions taken as a result of a complaint, report actions and effects to complainant and advise of ongoing management actions.
Reporting	Where an action has been taken, report the effect of the action and whether such action needs further repeats or an alternative strategy is required.

The above procedure would be adopted within the QA and OEMP process for overall cattle management on Gunyerwarildi. This process would then be subject to review by NSW EPA, Council as well as the National Feedlot Accreditation Scheme (NFAS). NSW EPA have the legal option of instigating a Pollution Reduction Program through the Environment Protection Licence that they issue to the feedlot operator. Council would have the opportunity to issue a Direction to improve under statutory authority if required.

The existing feedlot is accredited under this scheme and therefore any modifications to the operation would need additional auditing to update the accreditation. The process also attracts regular audits and reporting to enable the feedlot operator to sell cattle produced on the property as grain fed cattle. The NFAS process is not necessarily directly related to the grazing of cattle on pastures, however the process of auditing would provide a third party check on the property's documentation and completion of stated management objectives. NFAS has the potential to suspend the accreditation if the feedlot was not considered to be operating at a suitable standard by following stated procedures. This would potentially impose a significant financial burden on the operator when their accreditation to sell cattle as grain fed is suspended.

SMK Consultants

Page 4 of 10

The process of QA and OEMP documentation is widely adopted for many industries. It has established a basis for agreed management of facilities or in this case, a whole farm operation centred on cattle production in a feedlot as well as on native pastures. The process of these documents enables an agreed process of management, including monitoring and actions to ensure the operation is undertaken within agreed levels of activities, emissions and thresholds of responsibility. This enables some flexibility in improving operations where possible. In many cases, the adoption of this process has resulted in a reduction in the need to establish restriction operating conditions on the development at an early stage when a lack of data or fact is available to provide guarantees that management can achieve appropriate responsibilities.

The approvals related to the feedlot, incorporate a requirement for a formal complaint receipt and complaint management process. This formal complaint process has been in place since the original approval for the development of a 5,000 head cattle feedlot. A standard complaint recording sheet is presented as attachment 2. The process is activated if neighbouring resident/s report their concerns with the operations on Gunyerwarildi. The concerns can be raised with any staff at the feedlot site and this triggers a mechanism which must be dealt with by Management. The management of a complaint must be documented. This includes full documentation of the complaint and the manner in which this complaint was dealt with. The complaint and outcome of such is then included in the AEMR process which is assessed by EPA on an annual basis. Any ongoing or poorly managed issue can be dealt with by NSW EPA at any time, including through additional Licence reviews or imposition of forced management changes and reporting.

The Proponent entrusts that Council is able to review this submission relating to Condition 3 and hopefully remove this condition in replace of the adoption of appropriate and well documented management procedures, adopted as part of the development consent process and ongoing Licensed activities on the property.

Details of Applicant

The application was lodged by SMK Consultants on behalf of Ceres Agricultural Company Pty Ltd. Mistakenly, the development application form listed SMK Consultants as the applicant. This was a procedural error and therefore we request that Council transfer the consent to the real applicant, being:

Ceres Agricultural Company Pty Ltd
"Gunyerwarildi Station"
1450 North Star Road,
Warialda, NSW 2404

If required, the relevant ACN and ABN numbers for this company are:

- **Australian Company Number:** 155816416
- **Australian Business Number:** 40155816416

Yours faithfully,

Peter Taylor
Peter Taylor BSc MEIANZ CIAg
SMK Consultants

Attachment 1: Current Quality Assurance document for Fly and Vermin Management



CERES
AGRICULTURAL COMPANY

CERES AGRICULTURAL COMPANY – GUNYERWARILDI STATION

3.9 - Fly and Vermin Management

PURPOSE: This procedure outlines the measures taken to control fly and vermin populations on Gunyerwarildi Station.

SCOPE: This procedure applies to daily operational activities performed to prevent increases in fly and vermin populations and in the event of increased fly and vermin populations on Gunyerwarildi Station.
WHEN/WHERE

RESPONSIBLE: All Managers/All Staff

ACTIONS:

<u>Fly Population Management</u>	Ref.
1. Gunyerwarildi Station aims to control fly populations through the implementation of:-	All points 1-3
i. Regular pen cleaning and removal of manure from fence-lines	
ii. Avoiding feed spillages	
iii. Removal of spoil feed from feed bunks daily and self-feeders weekly	
iv. Maintaining hygiene in feed milling and feed preparation areas	
v. Correctly composting dead stock	
2. Any complaints from local community and/or authorities are recorded and investigated.	4

Vermin Management

1. Gunyerwarildi Station is committed to maintaining feedlot areas and feed milling areas in a clean and tidy manner. This will assist in the minimisation of rat and mice population increases.
2. Where and when required, chemical treatment will be implemented by authorised persons, ensuring commodities and/or stock feeds are not contaminated.
3. Details of any chemical treatments applied will be recorded including date, chemical name, batch number, application rate, plan of bait stations and signature of persons applying treatments. 5
4. Any complaints from local community and/or authorities are recorded and investigated. 4

REFERENCES:

1. NFAS Standards of Accreditation
2. Development Plan and EIS for Gunyerwarildi Station
3. National Beef Cattle Feedlot Environmental Code of Practice
4. Complaints Register
5. Chemical Treatment Records

DEFINITIONS: Nil

19/01/2015 Version 1

Page 1 of 1

Authorised by:
General Manager North

Attachment 2: Standard Complaints Form		
Complaint Form – Ceres Agriculture, “Gunyerwarildi”		
Date:	Time:	Name of person receiving the complaint:
Name of Complainant:		
Address of Complainant:		
Contact Details of Complainant:		
Complaint detail:		
Date and Time of Incident:		
Weather and wind direction at time of incident:		
Possible cause of pollution/Pollution source/complaint source:		
Action to resolve complaint		
Complaint acknowledged:		
Date: Time:		
Complainant Advised of any action:		
Date: Time:		
Person the complaint was referred to:		

SMK Consultants

Page 7 of 10

This is page number 96 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Attachment 3: Fly Identification chart

To use this pictorial identification key, start with the box (marked 1, 2 or 3) most similar to the unknown fly then follow the arrows to identify.

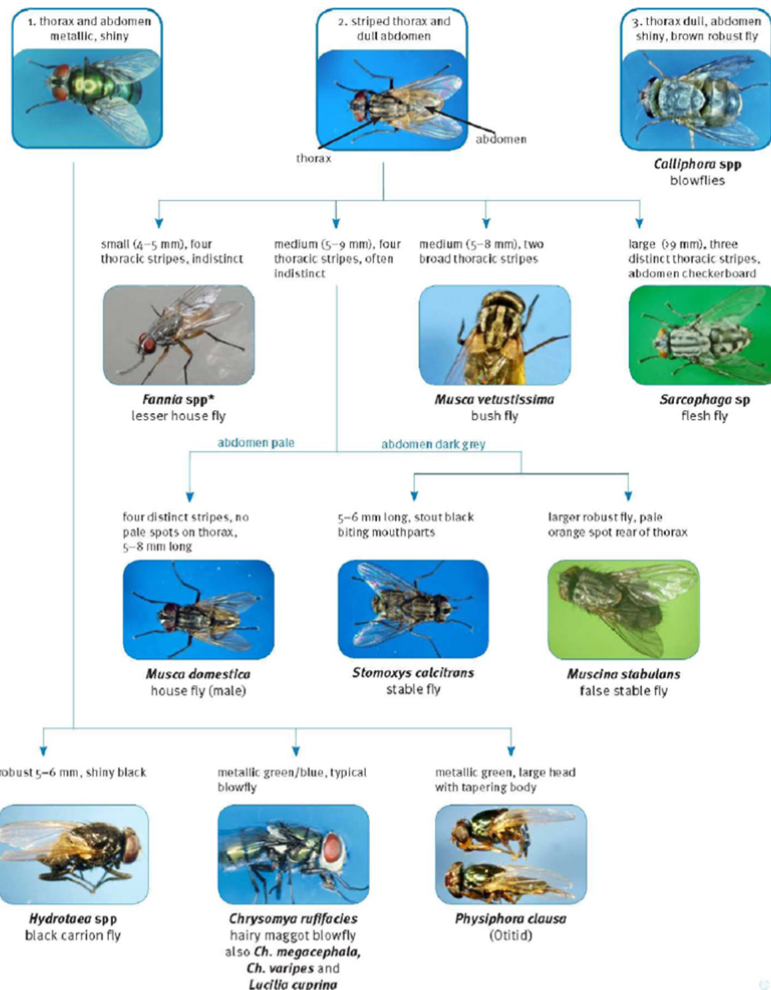


Figure 1: Pictorial key to common feedlot flies
(*Source: <http://commons.wikimedia.org/wiki/File:Mouches1-67000.jpg#globalusage>)

Source: Qld Department of Employment, Economic Development and Innovations, "Integrated pest management for nuisance flies in cattle feedlots", 2011.

Attachment 4: Options for chemical control of fly populations

Table 1. List of active constituents and chemical groups that can be used for nuisance fly control in feedlots

Group*	Chemical group	Active constituents	Fly control	Use
1A	Carbamates	Bendiocarb	Adults/larvae	Residual surface/Bait
		Methomyl + Z-9-tricosene	Adult flies	Bait
1B	Organophosphates	Diazinon	Adults/larvae	Residual surface
		Dichlorvos	Adult flies	Residual surface
		Fenthion	Adult flies	Residual surface
		Maldison	Adult flies	Residual surface
		Pirimiphos-methyl	Adult flies	Residual surface
		Trichlorfon	Adults/larvae	Residual surface
3A	Pyrethroids/pyrethrins	beta-Cyfluthrin	Adult flies	Residual surface
		Cyfluthrin	Adult flies	Residual surface
		Cypermethrin	Adult flies	Residual surface
		Permethrin 25:75	Adult flies	Residual surface
		Pyrethrins + piperonyl butoxide	Adult flies	Knock down
4A	Neonicotinoids	Imidacloprid + Z-9-tricosene	Adult flies	Residual surface/Bait
		Thiamethoxam + Z-9-tricosene	Adult flies	Residual surface/Bait
5	Spinosyns	Spinosad	Adult flies	Residual surface
		Spinosad + Z-9-tricosene	Adult flies	Bait
17	Cyromazine	Cyromazine	Larvae	Manure treatment
22A	Indoxacarb	Indoxacarb	Adult flies	Residual surface

* Mode of action classification for insecticides Version 7.1 2011 (www.irac-online.org/teams/mode-of-action); list compiled November 2011.

Source: Qld Department of Employment, Economic Development and Innovations, "Integrated pest management for nuisance flies in cattle feedlots", 2011.

Appendix 1 – Gwydir Local Environmental Plan Definitions

Definition of a Feedlot and Landuse Provisions under the Gwydir LEP

The inclusion of a condition that impacts on general grazing on Gunyerwarildi requires some clarification in relation to whether the activity of grazing cattle on natural or improved pasture and providing some additional feed to improve weight gains ("Feed assist" system) is considered as feedlotting.

The Gwydir Local Environmental Plan 2013 (LEP) defines Feedlotting as Intensive Livestock Agriculture. The LEP definition of Intensive Livestock agriculture is:

"Means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- a) Dairies (restricted)*
- b) Feedlots*
- c) Piggeries*
- d) Poultry farms*

But does not include extensive agriculture, aquaculture, or the operation of facilities for drought or similar emergency relief."

In relation to the interpretation of a "Feedlot Activity", the NSW Authorities and Guidelines refer to the National Guidelines for a definition of a Feedlot, mainly:

"A beef feedlot is a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production.

This definition does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised saleyards."

The use of self-feeders to improve production of cattle that are located in open grazing paddocks appears to be outside of the definition of a "Feedlot". If this changes at some stage, matters associated the operation of a feedlot will be extended to the paddock grazing situation. However, at present the grazing of cattle and feeding of cattle in an open paddock is therefore consistent with the term "extensive agriculture" under the Gwydir Local Environmental Plan 2013 and is permissible without consent on land Zoned for Primary Production.

On this basis, local planning provisions allow the assisted feeding of cattle in an open grazing situation with a requirement to obtain development consent.

Chairman

The purpose of the development was to extract, screen and process sand and rock, then manufacture masonry products such as bricks and pavers for the building and landscaping industry. Finished products would then be transported from the site.

After advertising the proposed development, a report on the proposed development for sand and rock extraction, crushing and block making plant was considered and determined by the former Yallaro Shire Council on 15 April 1988.

The development consent was issued by Council on 15 April 1988 subject to 12 conditions. These conditions of Consent are enclosed as Attachment 1.

Subsequently the applicant has:

- Obtained a licence from the then State Pollution Control Commission (Environment Protection Licence)
- Signed a Deed of Agreement with the former Yallaro Shire Council to upgrade the road on a basis to be negotiated and pay a contribution of \$1 per tonne per load carried from the land until such time as the road is upgraded to a 2 lane gravel road with bitumen surface an area adjacent to house in the village of Kooloona. (Attachment 2).

The current development also operates under an Environment Protection License (EPL) 20792 issued under the Protection of the Environment Operations Act, 1997 (Attachment 3).

Council considered a report from the General Manager at the Community Services and Planning Committee Confidential Meeting on the 14th April 2016.

Council Resolution: Minute 74/16

THAT the recommendations of the Confidential Session, namely:

DA 32/87 Lots 5, 6 & 7 in DP 263346 for the extraction of sand (Ref: 76/16)

THAT the Council accepts the evidence submitted by the applicant that substantial commencement did occur regarding DA 32/87 and that the development application is still current.

FURTHER that the applicant for DA 32/87 be advised that this acknowledgment does not allow any raw unprocessed material to be taken off site.

1.2 Site Location

The site of the proposed development is located approximately 17.5 kilometres to the South East of the village of Warialda on the Yammacoona Estate Road. (See Figure 1).

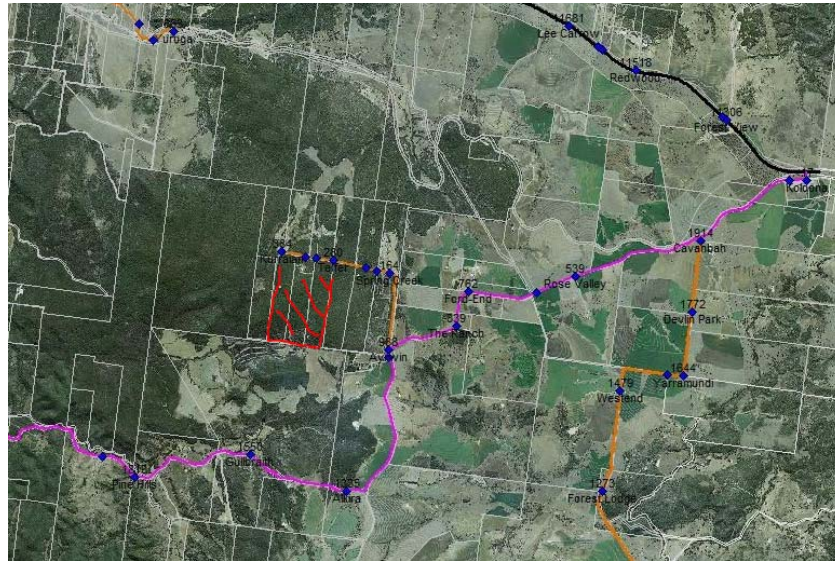


Figure 1: Site Location

1.3 Site Description and Land Ownership

The property is a rectangular in shape located on the southern side of Yammacoona Estate Road, Warialda.

The development site is made up of 3 allotments with an area of 194.62 ha. Currently the applicant owns Lots 7 with area of 64.6 ha and Lot 5 and 6 with an area of 130.02 ha which is owned by Mr. David E Duncan who has consented to the modification application.



Figure 2: Development site

This is page number 102 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

1.4 Surrounding land uses

The land use surrounding the site is detailed in the following table and an aerial view of the site is shown in Figure 3.

Direction	General Land Use
North	Rural residential/Agriculture
North East	Rural residential/Agriculture
East	Rural residential/Agriculture
South East	Agriculture
South	Agriculture
South West	National Park/ Agriculture
West	National Park
North West	Rural residential/Agriculture

Table 1 – Land Use

The land is open to semi-open agricultural land to the south and east, while the country to the north and west has existing cover of various vegetation with some cleared and semi-cleared country.

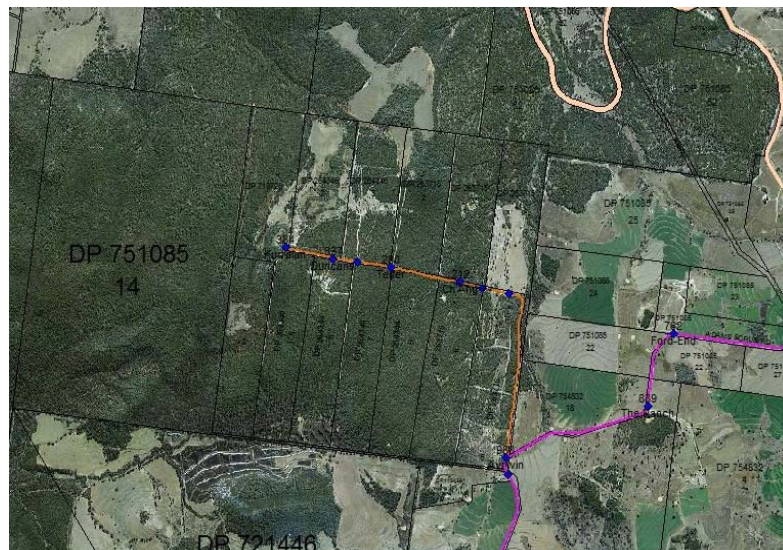


Figure 3: Site - Aerial

1.5 Existing Operations and Uses

There has been a small amount of material removed over the years with the extraction area/s not being continuously worked nor fully developed, and a number of access roads have been created. There has also been regrowth of vegetation in this time. There are currently no buildings on Lots 5 and 7, while a dwelling and associated sheds and access roads have been developed at the front of Lot 6.

1.6 CONSULTATION**Public consultation and Referrals**

The modification application was notified, in accordance with Council's Notification Policy - Number: A.01.01 as detailed in the following table.

The modification application was also advertised as if it was designated development in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation, 2000.

Council's consultation with stakeholders has been in keeping with Council's Notification Policy and the scale and implications of the proposed modification to the existing development consent. The views expressed by each government agency and individual have been carefully considered.

The public consultation included:

- Advertising, notification, and public exhibition of the application to Modify the Development Consent by Council from Wednesday, 2 November 2016 to Thursday, 8 December 2016;
- Advertisement of the exhibition period for the Development Application in the Wialda Standard on Wednesday 2 November, 16 November and 23 November 2016; the Bingara Advocate on Wednesday 2 November, 16 November and 23 November 2016; The Local on Thursday 3 November, 17 November and 24 November 2016
- Notification of nearby and potentially affected landholders and residents;
- Consultation with government agencies through correspondence and telephone conversations.

Notification Type: Level E – LOCALITY	<ul style="list-style-type: none"> • Development, where impacts affect the broader locality, in addition to adjoining properties, as determined by the Council; • Extractive Industries
Notifications:	
Landowners/Occupiers	Adjacent and nearby land owners were notified.
Newspaper advertisements	Yes
Exhibition period	38 days
Exhibition venues	<ul style="list-style-type: none"> • Administration Building at Wialda and Bingara • Gwydir Shire Website
Integrated Approval body	
Referred to State Government Departments	NSW National Parks and Wildlife Service NSW Environment & Protection Authority

This is page number 104 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

	NSW Roads and Maritime Service
Internal consultations	Council's Technical Services Department General Manager
Other	Nil
Submissions received:	
Public Submissions received	12 submissions were received, with three (3) from or on behalf of one (1) complainant. One petition from 10 residents was received. Issues are considered in this report. Refer Attachment 4 for Submissions.
Referral Submissions received	Two (2) submissions were received. A summary of these submissions is at Attachment 5. Issues are considered in this report.

Table 2 – Notification and Submission Summary

Public Meeting

On 23 November 2016, Gwydir Council's Mayor facilitated a Public Meeting at the Warialda Council Chambers for residents and the proponent, along with Councillors and staff to discuss the modification application.

The meeting provided an opportunity for residents to discuss their concerns and seek clarification about aspects of the development with the applicant and Council.

Issues raised are discussed later in the report.

2 THE MODIFICATION OF THE DEVELOPMENT PROPOSAL

On the 11 July 2016, the applicant lodged an Modification Application along with a Statement of Environmental Effects (Attachment 6) with Council under the provisions of Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the EPAA) to modify conditions 6, 9, 11 and insert a new condition of the development consent for the Yammacoona Sand Quarry.

Condition 6:

That hours of operation be between the hours of 7:00am to 5:00pm week days and 7:00am to noon on Saturdays with no operation on Sundays or Public Holidays.

Condition 9:

That block making plant be located a minimum distance of 50 metres from the property boundary with the road.

Condition 11:

Conformity of the proposal with the method and scale set out in the EIS and conveyed to Council. Any extension beyond the proposal to be the subject of a further application to Council.

This is page number 105 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Insert Condition:

Limit the annual output to a maximum of 1.3 million tonnes.

The proposed modification was originally sought to increase the extraction limit; increase the number of truck movements; extend the operating hours; and remove the block making plant of Yammacoona Sand Quarry. The applicant has since made a number of changes to the Modification Application.

In particular no increase in the extraction limit; maintain the number of truck movements; reduce the changes to the operating hours; and remove the block making plant from the existing development.

The details of the proposed changes are detailed in the following table:

Table 3 – Proposed Modification

Existing Development		Proposed Modification	
Extraction Limit 35,000 tonnes Quarry footprint 1.2ha		35,000 tonnes 1.2ha	
Council Development Consent Conditions	NSW Department of Environment and Heritage EPL 20792	Proposed Change/s	Further Change/s
Condition 6 – The hours of operation be between the hours of 7.00am and 5.00pm week days and 7.00am to noon on Saturdays with no operation on Sundays or Public Holidays.	L3 Hours of Operation L3.1 The licensee must carry out operations related to the activity covered by the licence between the hours of 7am and 5pm Monday to Friday, and 7am to 12pm Saturdays	2 x 8 hour shifts Monday to Saturday. 1 x 12 hour shift on Sunday	Operating hours for the quarry will be daytime only with no night operations, however, due to the requirements of the port operator trucks will need to be loaded on Sundays so that they can reach the port on Mondays. Suggested hours would be 6.00am to 6.00pm Monday to Friday, 7.00am to 12 noon Saturday with truck loading 7.00am to 5.00pm on Sunday.
Condition 9 – The block making plant be located a minimum distance of 50 metres from the property boundary with the road.		Removal of the condition.	Removal of the condition.

<p>Condition 11 – Conformity of the proposal with the method and scale set out in the EIS and conveyed to Council. Any extension beyond the proposal to be the subject of a further application to Council.</p> <p><i>Note: This condition set the Extraction limit - based on truck movements in the EIS to 35,000 tonnes/year. The reports to Council also refer to a maximum extraction footprint of 1.2ha and was referenced by the NSW Soil Conservation Service</i></p>	<p>L4 Other limit conditions</p> <p>L4.1 The licensee, in regards to extraction, processing or storage of extractive materials, must not produce and transport more than 35,000 tonnes of finished material from the premises to which this licence applies in any 12 month reporting period.</p>	<p>Proposal to increase to 100,000 tonnes/year</p> <p>Proposed extraction area to 116 ha</p>	<p>Extraction to remain at 35,000 tonnes per annum</p> <p>Proposed extraction area to 1.2 Ha</p>
---	---	--	--

3 STATUTORY PLANNING CONSIDERATION

The Modification proposal falls under Part 4 of the Environmental Planning and Assessment Act, 1979 and is classified as integrated and designated development.

3.1 Integrated Development

Normally, the proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the Protection of the Environment Operations Act 1997.

The modification of a development consent in accordance with Section 96 is taken not to be the granting of development consent under this Part of the EPAA, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

However, the Modification Application was referred to the Environment Protection Authority for consideration and comment. Refer Attachment 7 for response.

3.2 Designated Development

Upon initial assessment the proposal is classified as designated development, under Section 77A of the *Environmental Planning & Assessment Act 1979*, because it is for an extractive industry that would “obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year...”; and consequently meets the criteria for designated development in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000 (EPAR)*.

However, under Schedule 3 Part 2 of the *EPAR* the extent to which an existing development can be modified before it should be classified as a designated development is detailed.

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the

This is page number 107 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

It should also be noted that Development referred to in this clause is not designated development for the purposes of section 77A of the Act. This means that section 98 of the Act (Appeal by an objector) will not extend to any such development.

Council, in forming an opinion as to whether or not development is designated development, must consider the factors under clause 36 EPAR:

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) the impact of the existing development having regard to factors including:**
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and**
 - (ii) rehabilitation or restoration of any disturbed land, and**
 - (iii) the number and nature of all past changes and their cumulative effects, and**
- (b) the likely impact of the proposed alterations or additions having regard to factors including:**
 - (i) the scale, character or nature of the proposal in relation to the development, and**
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and**
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and**
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and**
- (c) any proposals:**
 - (i) to mitigate the environmental impacts and manage any residual risk, and**
 - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.**

It is difficult to assess the previous environmental management performance as there are no previous records of Council or EPA officers having carried out inspections, either in relation to the operation of the development or assessing or dealing with complaints about the operation of the development over this period. Further, the scale of operations over this time was minimal compared to the currently approval extraction quantities.

The Modification Application only proposes to transport extracted material from the site instead of finished manufactured products; as such there is likely little or no impact from the Modification when compared to the currently

This is page number 108 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

approved development.

As there is no proposed change to the approved extraction area or extraction limit, it is believed that there will be no additional environmental impacts as the proposed alterations or additions are the same scale when compared to the currently approved development.

The application within the SEE has commented on the previous performance of the extractive industry.

3.3 Environmental Planning and Assessment Act, 1979

Section 96

Under section 96(1A) of the EPAA, a consent authority may modify a development consent if it is satisfied that:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) the proposed modification is of minimal environmental impact; and***
- (b) the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and***
- (c) it has notified the application in accordance with:***
 - (i) the regulations, if the regulations so require, or***
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***

Subsections (1), (2) and (5) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.***
- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.***

A development consent can be modified under Section 96 even though the relevant planning law has been changed between the original grant of development consent and the making of the modification application. Council can modify the consent if it is satisfied that the proposed modification is of minimal environmental impact and that the development as modified is substantially the same development as the development for which the consent was originally granted.

The Court has held that whether a modification has minimal environmental

This is page number 109 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

impact depends on the particular circumstances of the case. Even though “minimal” means “very small” or “negligible”, a proposal that adds an additional level to part of an approved development, comprising additional floor space (even a material amount of additional floor space) is not necessarily incapable of falling within section 96(1A) ([Bechara v Plan Urban Services Pty Ltd](#) [2006] NSWLEC 594; [King v Bathurst Regional Council](#) [2006] NSWLEC 505).

The test of whether the development is substantially the same is essentially one of fact ([Hope v Council of the City of Bathurst](#) [1980] HCA 16; [Fernance Family Holdings Pty Ltd v Newcastle City Council](#) [2000] NSWLEC 190). In [Vacik Pty Ltd v Penrith City Council](#) [1992] NSWLEC 8 Stein J said:

In my opinion “substantially” when used in the section means essentially or materially or having the same essence. The applicant for modification bears the onus of showing that the modified development is substantially the same, see *Seaforth Services Pty Ltd v Byron Shire Council (No 2)* (1991) 72 LGRA 44 and *CSR Ltd (t/as CSR Readymix) v Wingecarribee Shire Council* (unreported, Land and Environment Court, 17 December 1990).

In assessing whether the consent as modified will be substantially the same development one needs to compare the before and after situations.... Stein J emphasised that the development as modified would not necessarily be substantially the same development simply because it was for precisely the same use as that for which consent was originally granted. Development, particularly the extractive industry in question in that case must be assumed to include the way in which the development is to be carried out. On the facts, it was held that the additional and distinct use of waste disposal in relation to the rehabilitation of an existing quarry, included in the proposed modification of the original consent to carry out extractive industry, meant that it was not “substantially the same development”.

The Modification Application was placed on exhibition for a period of 38 days from 2 November to 8 December 2016. The issues raised are summarised later in this report.

Based on my assessment, I am satisfied that the proposed modification would be of minimal environmental impact, and that the development, as modified, would be substantially the same development for which consent was originally granted.

In particular, the following key matters are highlighted:

1. The current extraction limit of 35,000 tonnes is unchanged
2. The current maximum footprint for extraction of material is unchanged at 2x0.6 ha or 1.2 ha
3. The current development consent allows 4 semi-trailer loads of manufactured product to be transported from the site each day. With higher mass vehicles, the number of truck movements will be less or fewer days will be utilised.

This is page number 110 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

In determining an application for modification of a consent under Section 96, the Council must take into consideration such of the matters referred to in section 79C (1) **as are of relevance to the development the subject of the modification application.**

Section 79C

(1) (a) (i) Provision of any Environmental Planning Instrument

- **Regional Environmental Planning Instrument**

There are no regional environmental plans that apply to the land.

- **Local Environmental Plans Instrument**

The original development was assessed and determined under the Yallaroi Local Environmental Plan, 1991(YLEP).The subject land is located in the 1(a) General Rural Zone under the provisions of YLEP.

The Modification Application is subject to the Gwydir Local Environmental Plan 2013 (GLEP).

The subject land is zoned RU1 Primary Production under the provisions of GLEP. The modified development is defined as an 'extractive industry' and is permissible with development consent in the RU1 Primary Production zone.

Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

The definition is identified as permissible use, with development consent, in the RU1 Primary Production Zone.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

This is page number 111 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

(a) to human health, life or property, or

(b) to the biophysical environment.

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

Offensive and hazardous industries are a permissible use with development consent, in the RU1 Primary Production Zone. It should be noted that an extractive industry is not included under the definition of industry.

This definition will be discussed further in SEPP 33 section.

The objectives of the RU1 Primary Production Zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following objectives are considered relevant to the assessment of this application:

To minimise fragmentation and alienation of resource lands

The project site is relatively confined and restricted to the centre of the subject land where agricultural opportunities would otherwise be limited due to the terrain. The modified proposal allows for the continued development of natural resource extraction which can operate cooperatively with existing nearby agricultural uses.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

There are no adjoining zones other than RU1 Primary Production to the project site. The smaller lots immediate to development site are being used as “lifestyle” rural residential blocks. An extractive industry is a permitted use within the zone.

The Modification proposal is considered to be consistent with the zone objectives.

Clause 5.10 Heritage Conservation

There are no items of environmental heritage located on or near the project site.

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

This is page number 112 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- Matters of National Environmental Significance (NES); and
- The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven (7) matters of national environmental significance being:

1. World Heritage properties
2. National Heritage places
3. RAMSAR wetlands of international significance
4. Nationally listed threatened species and ecological communities
5. Listed migratory species
6. Commonwealth marine areas and
7. Nuclear actions.

The site does not occur in proximity to a World Heritage Property, a National Heritage Place, a Wetland of International Significance, a Commonwealth Marine Area or a Commonwealth Heritage Place which are considered a Matter of National Environmental Significance under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Assessment of Impacts on NES and Other Matters as Described in the EPBC Act.

Matter	Impact	Comment
National Environmental Significance		
World Heritage Properties	None	The site is not a recorded World Heritage Property. None are listed as occurring within 5 km of the site.
National Heritage Places	None	The site is not a recorded National Heritage Place and none are recorded within 5 km of the site
Ramsar Sites	None	The site occurs within the catchment of the Gwydir Wetlands, but is in itself is not a Ramsar site or Wetland of International Significance.
Commonwealth Marine Areas	None	The site is not a Commonwealth Marine Area or located near a Commonwealth Marine Area.

Threatened Ecological Communities	Unknown	There are Threatened Ecological Community 'White Box- Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;' Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland is known within from the locality.
Threatened Species	Unknown	A search of the EPBC Act indicates that there are 19 threatened species that possibly occur in the vicinity of the subject site.
Migratory Species	Unknown	A search of the EPBC Act indicates that there are 8 migratory species that possibly occur in the vicinity of the subject site. However these species are identified because of the presence of likely habitat not actual records.
Other		
Commonwealth Land	None	A search of the EPBC Act indicates that there is no area of Commonwealth Land occurs within proximity to the subject site.
Commonwealth Heritage Places	None	The site is not a Commonwealth Heritage Place and none are recorded within 5km of the site.
Places on the RNE	None	The site is not a Place on the RNE (although two (2) sites are known from the locality).
Marine Species	Unknown	A search of the EPBC Act indicates that there are 13 marine species identified within the locality of the site.
Whales and Cetaceans	None	A search of the EPBC Act indicates that there are no Whales or Cetacean species identified within the locality of the site.
Critical habitats	None	There are no Critical Habitats recorded at the subject site or within 5 km of the site.
Commonwealth Reserves	None	There are no Commonwealth Reserves recorded at the subject site or in the locality.

The table demonstrates that the proposed development may have a significant impact on NES or Other Matters as described under the EPBC Act. Therefore, referral to the Minister for the Environment for approval may be required. It is considered that assessment under the EPBC Act has not been completed.

It is also unclear if the clearing under the existing development consent is exempt under clause 43A as the NSW EPA as issued an EPL for the current extractive industry.

Native Vegetation Act, 2003

The *Native Vegetation Act 2003* regulates the clearing of native vegetation in NSW. Under the Act, the Environment Minister may delegate to Local Land Services his or her role as consent authority in relation to development applications for consent to clear native vegetation (s48(2)). The Minister may also delegate the function of making decisions on property vegetation plans to the LLS under s27 and in practice, the LLS carries out the functions of negotiating and approving property vegetation plans.

The Act does not apply to the clearing of native vegetation any clearing that is, or that is part of, designated development within the meaning of the EPA Act and for which development consent has been granted under that Act. The modification application would not remove that exclusion under the Act. This matter has also been discussed with Senior Land Services Officer (Native Vegetation) NW Local Land Services, Mr. Adam Downey.

Threatened Species Conservation Act 1995

The objects of this Act are as follows:

- a) to conserve biological diversity and promote ecologically sustainable development, and
- b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and
- c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and
- d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and
- e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and
- f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

Approval is required to:

- a) harm any animal that is of, or is part of, a threatened species, population or ecological community
- b) pick any plant that is of, or is part of, a threatened species, population or ecological community
- c) damage critical habitat
- d) damage habitat of a threatened species, population or ecological community

State Environmental Planning Policies

The proposal before Council is subject to the following State Environmental Planning Policies (SEPP):

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

This is page number 115 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- State Environmental Planning Policy No. 55 - Land Contamination; and
- State Environmental Planning Policy No. 44 - Koala Habitat; and
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

The proposed development has been assessed in relation to the objectives and provisions of these SEPPs.

3.3.1.6.1 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

This State Policy has the aim of ensuring that Council has sufficient information to assess whether a proposal represents hazardous or offensive development. Under the SEPP a *potentially offensive industry* means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The proposal has potential to have an adverse impact on the amenity of nearby residents in terms of noise, odour and dust emissions. The original EIS and SEE provides sufficient information to address relevant matters for consideration under Clause 13 of the SEPP.

The Guidelines state that “the key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant.”

There are no identified potentially hazardous substances, which depending on the manner in which it is stored on site, may result in the project being classified a ‘potentially hazardous industry’. For example, diesel is defined as a C1 Flammable Liquid under the Australian Dangerous Goods Code. However, SEPP 33 states that diesel is not considered potentially hazardous if “it is stored in a separate bund or within a storage area where it is the only flammable liquid present”.

The proposed development is, therefore, not a ‘potentially hazardous industry’.

The proposal does require an amendment to an existing Environmental Protection Licence (EPL) from the EPA and consequently the proposed development does constitute an offensive development.

The proposed development does not constitute “potentially hazardous development” and as such a preliminary hazard analysis (POHA) is not required.

SEPP 33 does not apply to existing developments unless a new development application (DA) is required for the site, further; there is no change to onsite operations.

This is page number 116 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

State Environmental Planning Policy No. 55 - Land Contamination

This State Policy is required to be considered in the processing and determination of development applications.

The purpose of this policy is to provide a statewide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

In accordance with Clause 7 of SEPP 55, following a search of Council records, the subject land is not identified as being potentially contaminated and is considered to be suitable for the intended use. The requirements of the SEPP are therefore satisfied.

It is considered that assessment under the SEPP has been complied with.

State Environmental Planning Policy No. 44 - Koala Habitat

The purpose of the SEPP is to conserve koala habitat in an attempt to maintain a permanent free-living population and to reverse the current trend of koala population decline.

The aim of SEPP is:

“...to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free living populations over the present range and to reverse the current trend of population decline.

(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and

(b) by encouraging the identification of areas of core koala habitat, and

(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.”

SEPP 44 applies to all local government areas listed in Schedule 1 – Local Government Areas; while koala feed trees are listed in Schedule 2 – Koala Food Tree Species. Circular B35 (Department of Planning 1995b) accompanies SEPP 44 and guides its implementation. The former Barraba, Bingara and Yallaro Shire Councils were listed in the Schedule.

SEPP 44 requires that development applications must consider the presence of ‘potential’ and ‘core’ koala habitat where the land area in question is greater than one hectare. Potential koala habitat is defined as ‘areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component’ (Department of Planning 1995a).

Where potential habitat is identified, the area must be investigated for core koala habitat, defined as ‘an area of land with a resident breeding population of koalas, evidenced by attributes such as breeding females and recent sightings and historical records of a population’ (Department of Planning 1995a).

This is page number 117 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Under the EP&A Act, it is the responsibility of the consent or determining authority to form a view as to whether a proposed development or activity is likely to significantly affect koalas or their habitat. This is achieved by undertaking an Assessment of Significance under Section 5A of the EP&A Act. If the impact is deemed likely to be significant, a species impact statement must be prepared.

In NSW, the koala is listed as a vulnerable species on Schedule 2 of the TSC Act. A vulnerable species is one which is 'likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate'. A survey of koalas in 1986–87 found that the koala had disappeared from 50–75% of its historic range in NSW (Reed *et al.* 1990).

The conservation status of koalas on the western slopes and plains is variable. Clearing and degradation of koala habitat is continuing and/or threats associated with urban and semi-urban development are increasing. Habitat fragmentation is extreme in many parts of this area.

Primary food tree species:

River red gum *E. camaldulensis* Coolabah *E. coolabah*

Secondary food tree species:

Dirty gum <i>E. chloroclada</i>	Blakely's red gum <i>E. blakelyi</i>
Bimble box <i>E. populnea</i>	Apple-topped box <i>E. bridgesiana</i>
Pilliga box <i>E. pilligaensis</i>	Black box <i>E. largiflorens</i>
Fuzzy box <i>E. conica</i>	Mallee red gum <i>E. nandewarica</i>
Western grey box <i>E. macrocarpa</i>	<i>E. vicina</i>
Yellow box <i>E. melliodora</i>	<i>E. volcanica</i>
White box <i>E. albens</i>	Red box <i>E. polyanthemus</i>
Dwyer's red gum <i>E. dwyeri</i>	Orange gum <i>E. prava</i>
Tumbledown gum <i>E. dealbata</i>	

Stringybarks/supplementary species:

E. macrorhyncha Narrow-leaved stringybark *E. sparsifolia*

The modification application does not propose to change the already approved clearing of vegetation under the current development. This State Policy is not relevant to the modification application lodged with Council.

It is considered that assessment under the SEPP has been complied with.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Under this Policy, 'extractive industry' means "the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing,

This is page number 118 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

crushing, sawing or separating, but does not include:

- (a) turf farming, or*
- (b) tunnelling for the purpose of an approved infrastructure development, or*
- (c) cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) the creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site.*

An assessment of the development against the relevant provisions of this Policy follows:

Clause 7(3) allows with development consent extractive industry on land on which agriculture or industry can be carried out. The subject land is zoned General Rural 1(a). Agriculture is permissible without consent within the zone.

Clause 7(4) allows certain ancillary purposes to be carried out on the land with development consent, if extractive industry is being carried out with development consent on that land. The additional uses relevant to the subject application includes:

- the processing of extractive material
- facilities for the processing or transport of extractive material.

Clause 10 & 10A list associated activities that are defined as exempt development.

Clause 11 lists activities that are defined as complying development.

Clause 12 provides the matters for consideration for the assessment of development applications for extractive industries. It is considered that the proposed continued use of the site as a quarry, including blasting, will not have a significant adverse impact on surrounding properties, the majority of which are used for agricultural purposes.

In relation to Clause 13, the property and quarry are not located in the near vicinity of competing extractive industry and are not identified by an environmental planning instrument as being the location of significant resource materials.

Clause 14 requires consideration of the imposition of conditions relating to impacts on water resources, threatened species and biodiversity, and the emission of greenhouse gases. Given the comparatively small scale of the activity, no specific conditions are considered to be warranted.

In accordance with Clause 15 it is considered that the operation of the quarry will be carried out so as to optimise the efficiency of recovery of extractive materials and minimise the creation of waste.

In accordance with Clause 16, the application was referred to the Council's Technical Services Department and RMS as the road authorities. No response was received from RMS. Council's Technical Services department raised no objection to the development on traffic grounds. However, it

This is page number 119 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

confirmed that that the following road upgrade works to Adams Scrub and Yammacoona Estate Road will be needed:

- Widen cattle grids
- Realignment of intersection oot Gwydir Highway
- Assess and remove where necessary, trees adjacent to road formation
- Improve site distances at the intersection of Reserve Creek Road
- Upgrade the intersection at Yammacoona Estate Road
- Upgrade all corners to achieve stopping sight distances
- Widen formation of Adam Scrub Road and Yammacoona Estate Road.

Flora and Fauna

The footprint of the quarry will not change nor extend beyond the original approved 1.2 ha for extraction of the resource.

The proposal to modify the current extractive industry is not considered to have any additional significant impact on threatened species, populations or ecological communities or their habitats in the area surrounding the site given that the applicant clear the area for extraction under the current development consent.

The NSW Office of Environment and Heritage has advised that they have no specific comments to make on the proposed modification at this stage.

Threatened species are protected under the following three Acts which operate in conjunction with each other:

- The *Threatened Species Conservation Act 1995* deals with the listing of species, the declaration of critical habitat, recovery plans, threat abatement plans, licensing, biodiversity certification and bio banking;
- The *National Parks and Wildlife Act 1974* contains additional licensing provisions, and provisions for criminal offences; and
- The *Environmental Planning and Assessment Act 1979* imposes obligations on developers and consent authorities to assess and consider the impacts of proposed development on threatened species during the development assessment process (e.g. by requiring a species impact statement in some circumstances).

Native Vegetation Act 2003

In deciding whether there is likely to be a significant affect on threatened species, populations or ecological communities, the Council must take into account the 7 Part Test set out in Section 5A of the Environmental Planning and Assessment Act, 1979. These seven (7) factors include whether a viable local population of the species is likely to be placed at risk of extinction, whether habitat will be removed or modified, and whether habitat is likely to become fragmented or isolated from other areas.

The 7 Part Test aims to improve the standard of consideration afforded to

This is page number 120 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

threatened species, populations and ecological communities, and their habitats throughout the planning and assessment process and to ensure this consideration is transparent.

The issues created by the modification and the wording of the EPAA in relation to whether a modification can be considered in the same terms as development application is problematic.

Social - Economic Impact

The owner has identified employment opportunities and will engage contractors in the area of transport, drillers, blasting and maintenance services.

In this context, the project would have a positive impact on employment in the area if the development is realised.

The sand would appear an important product, but the projections given in the EIS and the extent of past activity is anecdotal at present.

Section 79C (1) (d) Any submission made in accordance with this Act or the Regulations.

The proposed development was advertised and notified in accordance with the Environmental Planning and Assessment act and Regulation 2000. Adjoining landowners were directly notified along with a NSW State Government Departments.

There are two (2) submissions received by Council in relation to this proposal, the NSW Department Environmental Protection Authority and NSW Office of Environment and Heritage.

Twelve public submissions and one (1) petition have been received by Council with regard to the Modification application. Details regarding issues raised have been addressed in the report.

Issues/Concerns	No.	Comment
Aboriginal heritage not assessed	2	Assessed under the original DA
RMS	1	No response received > 21 days
Increased truck movement and impacts	12	Road currently approved to allow up to B-double (HML) vehicles Access to site to be upgraded Road upgrade works identified
Stock on road	1	Owner responsibility Driver/vehicle operator responsibility

This is page number 121 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

School bus route	7	Condition limiting truck movements
Dust/air quality	8	Assessed under the original DA
Noise	6	Assessed under the original DA
Standard of road/damage	8	Assessed under the original DA, new assessment done work covered by current conditions
Flora /fauna	9	Assessed under the original DA except newer biodiversity legislation, Council to consider
Hours of operation	4	Assessed under the original DA. The issue has been further considered to address bus route concerns and existing hours of operation maintained
Water	5	Assessed under the original DA
Royalties	1	Assessed under the original DA
Current consent (valid)	4	Subject of a report to Council and determined by Council as a current valid consent.
Future new private road	6	To be determined if a Development Application lodged for a larger quarry.
Alternate road e.g. south	1	To be determined if a Development Application lodged for a larger quarry.
Lack of consultation	1	In accordance with EPAA & Council's policy. <u>Note:</u> minimum 14 days, 38 days provided.
JRPP	1	Modification is not deemed new development. Determining body was Council.
Land values	3	Assessed under the original DA
Lifestyle changes/amenity	2	Assessed under the original DA
Closeness of neighbours	1	Assessed under the original DA

This is page number 122 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

New DA (not a modification)/Designated	3	Meets criteria under Section 96(1A)
Environmental legislation not considered Native Veg Act, Threatened Species Conserv. Act, Env Protection Biodiversity Conserv. Act	2	This has been assessed as the modification has no further impacts to what was assessed and approved under the original application. There is considered to be no additional impact.
Lack of detailed information	1	Minimum needed for assessment, but short in some areas
Not operating according to current consent conditions	1	Issues being investigated, not planning consideration
BSAL high value agricultural land	1	The land does not fall under this category

Section 79C (1) (e) The public interest

Federal, State and Local Government Interests and Community Interests.

There are no submissions received by Council directly relating to this proposal.

Submissions made by the public, state agencies and other groups/organisations have been assessed and addressed within this report. The approval of the Modification of the existing development under Section 96 (1A) of the EPAA will not be contrary to the public interest, subject to implementation of the existing and recommended modified condition of consent.

CONCLUSION

The application has been assessed along with the various submissions on the final proposed modification; it is considered that the application submitted to Council by Bill Clift to modify Condition 11 for Development Consent 32/87 for the Extractive Industry at Lots 5, 6 & 7, DP 264346 Yammacoona Estate Road, Parish of Adams satisfactorily address:

- the relevant matters for consideration Section 79(C) of the *Environmental Planning and Assessment Act, 1979*, and
- the *Gwydir Local Environmental Plan, 2013*, and
- satisfied that the proposed modification would not significantly alter the impacts of the approved development, and
- proposed changes to the consent conditions would improve the ongoing environmental performance and regulation of the quarry, and
- the proposal is generally in the public interest, and

This is page number 123 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- the proposal would also provide socio-economic benefits to the locality and the region.

The amended condition to be:

11. The operation of the sand quarry shall be operated in accordance:

1. with the EIS and documentation associated with DA 32/87; modification application and SEE amending those parts of the consent.
2. SEE and information supplied with the Modification Application 22/2016
3. The Existing Conditions of Consent and amended conditions of Consent
4. A maximum extraction limit of 35,000 tonnes annually
5. A maximum extraction area of 1.2 ha
6. The transportation of a maximum of 35,000 tonnes of from the site annually
7. Haulage vehicles shall not travel along Yammacoona Estate Rd and Adams Scrub Rd during school bus travel times (7.15am to 8.15am and 3.30pm – 4.30pm)

FURTHER that Condition 6 shall not be modified in regard to the hours and days of operation.

FURTHER that Condition 9 be altered to read 'that the block making plant and associated buildings, plant and equipment is not included in this consent

FURTHER that the applicant is advised of Council's decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

Based on this assessment, it is considered that the merits of the proposal warrant approval subject to conditions.

OFFICER RECOMMENDATION

THAT Council:

- Receive; consider the findings and recommendations of this report in relation to the proposal to modify Condition 11 for Development Consent 32/87 for the Extractive Industry at Lots 5, 6 & 7, DP 264346 Yammacoona Estate Road, Parish of Adams
- determine that the development, as modified, would relate to substantially the same development to which consent was originally granted;
- approve the proposed modification under section 96(1A) of the

This is page number 124 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Environmental Planning and Assessment Act 1979;

- subject to the Conditions of Consent, as follows

The amended condition to be:

11. The operation of the sand quarry shall be operated in accordance:
 1. with the EIS and documentation associated with DA 32/87; modification application and SEE amending those parts of the consent.
 2. SEE and information supplied with the Modification Application 22/2016
 3. The Existing Conditions of Consent and amended conditions of Consent
 4. A maximum extraction limit of 35,000 tonnes annually
 5. A maximum extraction area of 1.2 ha
 6. The transportation of a maximum of 35,000 tonnes of from the site annually
 7. Haulage vehicles shall not travel along Yammacoona Estate Rd and Adams Scrub Rd during school bus travel times (7.15am to 8.15am and 3.30pm – 4.30pm)

FURTHER that Condition 6 shall not be modified in regard to the hours and days of operation.

FURTHER that Condition 9 be altered to read 'that the block making plant and associated buildings, plant and equipment is not included in this consent

FURTHER that the applicant is advised of Council's decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

ATTACHMENTS

AT- Relevant Attachments

**COUNCIL RESOLUTION:
MINUTE 407/16**

THAT Council:

- **Receive, consider the findings and recommendations of this report in relation to the proposal to modify Conditions 6, 9 and 11 for Development Consent 32/87 for the Extractive Industry at Lots 5, 6 & 7, DP 264346 Yammacoona Estate Road,**

This is page number 125 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Parish of Adams

- determine that the development, as modified, would relate to substantially the same development to which consent was originally granted;
- approve the proposed modification under section 96(1A) of the *Environmental Planning and Assessment Act 1979*;
- subject to the Conditions of Consent, as follows

The amended condition to be:

- 11. The operation of the sand quarry shall be operated in accordance:**
- 1. with the EIS and documentation associated with DA 32/87; modification application and SEE amending those parts of the consent.**
 - 2. SEE and information supplied with the Modification Application 22/2016**
 - 3. The Existing Conditions of Consent and amended conditions of Consent**
 - 4. A maximum extraction limit of 35,000 tonnes annually**
 - 5. A maximum extraction area of 1.2 ha**
 - 6. The transportation of a maximum of 35,000 tonnes of sand from the site annually**
 - 7. Haulage vehicles shall not travel along Yammacoona Estate Rd and Adams Scrub Rd during school bus travel times (7.15am to 8.15am and 3.30pm – 4.30pm)**

FURTHER that Condition 6 shall not be modified in regard to the hours and days of operation.

FURTHER that Condition 9 be altered to read ‘that the block making plant and associated buildings, plant and equipment is not included in this consent

FURTHER that the applicant is advised of Council’s decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.

(Moved Cr Smith, seconded Cr Young)

Upon being put to the meeting, the motion was declared carried.

For the Motion were Crs Dixon, Egan, J Coulton, Moore, Smith, Galvin, D Coulton and Young Total (8).

Cr Dick declared a pecuniary interest and left the meeting and did not vote or participate in the debate.

This is page number 126 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Item 15 Correspondence from the Office of Local Government

FILE REFERENCE

DELIVERY PROGRAM

GOAL: 5. Organisational Management

OUTCOME: 5.1 CORPORATE MANAGEMENT

STRATEGY: 5.1.1 Financial management and accountability systems -
CFO - internal

AUTHOR General Manager

DATE 7 December 2016

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report outlines a response to the Office of Local Government's attached correspondence advising the Council of the OLG's Notice of Intention to issue a Performance Improvement Order following the OLG's assessment of Gwydir Shire's reassessment proposal regarding the *Fit for the Future* process.

TABLED ITEMS Nil

BACKGROUND

The Council resolved in June 2016 to submit its reassessment proposal for consideration by the OLG. The original target date for a determination was during September 2016 but the response was received at 4.52 pm on 6th December 2016 with 18 days to respond.

COMMENT

Unfortunately there are definite errors of fact in the attached correspondence, which need to be corrected.

The documentation makes the statement that the Minister (OLG) has formed the view that Gwydir Shire Council has failed to follow the principles of sound financial management. These principles are outlined in Section 8B (1) of the *Local Government Act*.

8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.

This is page number 254 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

I think this is a harsh and unreasonable assessment as will be outlined in this report.

The assessment from the OLG's correspondence is followed by clarifying comments.

Key results from the reassessment of Gwydir Shire Council are as follows:

Fit for the Future Reassessment – NOT FIT

- It should be noted that Council was found to be 'Not fit' for Scale & Capacity criteria by IPART.
- Council does not meet the sustainability criteria overall, as a result of the operating performance ratio results being optimistic.

Obviously the 'scale and capacity' has lost all its relevance in recent time and is only placed in this assessment as an additional justification by the OLG. It was, however, a criterion that the Council was not required to address due to its irrelevance in this Council's assessment.

Despite the 2016 operating result being in deficit by \$7M, this is mitigated by a couple of 'accounting' entries: \$3.3m asset disposals in relation to renewals; and; Fair Value Decrements \$5.4m. Adjusting for these entries the operating result would be in profit in 2016: this is supported by the positive Operating Performance Ratio (+2.57% Consolidated, +2.06% General Fund), which allows for these entries. The Operating Performance Ratio was better than our 'optimistic' forecast of +0.4% Consolidated, -1.2% General Fund for 2016.

This is page number 255 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

- The identified assumptions and strategies do not appear sound in order for Council to achieve the desired results given historical performances.

The actual audited results for the 2015/16 are proof that the remedial actions underway and continuing are addressing this issue.

It would appear that the most recent audited financial statements have not been fully considered.

Other than the operating result, which was affected by the one off accounting entries above, our results were better than forecast.

- Council's 'minor modifications' required in its LTFP submitted for the reassessment process to meet the benchmarks, appear not to have been adopted by Council.

The revised Long Term Financial Plan was adopted by the Council at its 30th June 2016 Meeting – see attached extract.

- Council met the criteria for infrastructure and service management and efficiency in the original IPART assessment, and was not required to be reassessed against those benchmarks.

No further response required.

Sustainability – Does not satisfy

- Council reports it will meet the OPR benchmark from 2016-17 and will be 1.8% in 2025-26. These results appear to be optimistic as actual results for the past three years have been -29.24% in 2014-15, -56% in 2013-14 and -42% in 2012-13. The strategies outlined in Councils proposal are not convincing and do not align with the forecast results.

Past performance should not be unduly used as an indication of future performance in times of significant change.

Council has undertaken a number of initiatives to improve performance including:

Workforce reduction through redundancies;
Outsourcing medical centre operations;
Review of road depreciation in conjunction with road revaluations; and;
A special rate variation sought and achieved.

These strategies are now paying off and as mentioned above, we are already achieving above these 'optimistic' targets. Perhaps the actual results should speak for themselves – from our 2016 financial statements:

This is page number 256 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

Note 13b. Statement of performance measurement – indicators (by fund)

	Water	Sewer	General ⁵
\$ '000	2016	2016	2016

Local government industry indicators – by fund

1. Operating performance ratio

Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions less operating expenses

Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions

-1.91% 26.11% 2.06%

prior period: -1.45% 32.16% -29.24%

	Amounts	Indicator	Prior periods
\$ '000	2016	2016	2015 2014

Local government industry indicators – consolidated

1. Operating performance ratio

Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions less operating expenses

Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions

710

27,589

2.57%

-25.89%

-41.75%

- Council has submitted a number of variations of its LTFP making it difficult to conclude which is the one adopted by Council. It appears Council adopted a LTFP in February 2016 as part of the SRV application process, which reported deficit results of \$37K in 2022 to \$152K in 2026. The LTFP included in the adopted Budget documents for 2016/17 report deficits of \$781K in 2018 to \$2.7M in 2026. Council has submitted a further revised LTFP with its reassessment, which does not appear to have been formally adopted by Council.

This is a partially true statement but simply displays the Council's continuing re-assessment of the situation and its constant desire for improvement. All the various LTFP have been endorsed by the elected Council contrary to the statement above. The LTFP is meant to be a robust, dynamic document that addresses the changing circumstances that are encountered.

- Council is forecasting a 39% reduction in depreciation.

In 2016 the Council achieved a reduction in depreciation of \$5m against 2015 actuals – a 45% reduction. This is largely attributed to road revaluation and reassessment of depreciation methodologies. Our forecast therefore could be considered conservative.

The Council is also expecting significant reductions in Building Asset Depreciation for similar reasons, and again the Council has been relatively conservative in its estimates as the true value will not be known until the exercise is actually undertaken.

This is page number 257 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

If a similar percentage reduction in depreciation had have been applicable in the prior 8 financial years the operating result may well have been on the positive side.

- Council does not identify savings from working with the Joint Organisation or resource sharing within its proposal.

There is a degree of fair comment in this statement because it is basically early days. The enabling legislation has not been passed into law as yet.

Gwydir Shire is working co-operatively with Moree Plains Shire Council, to the benefit of both Councils, in the area of Records and IT. Likewise this Council has already gained some advantage through its membership of the Namoi Water Alliance.

Gwydir Shire Council is also the lead agency Council within the Namoi Joint Organisation to progress a Namoi wide procurement system. Some savings have already accrued through plant purchases under the joint agreement that the Namoi JO has negotiated with LG Procurement but the dividends received to date are being held collectively by the JO to further pursue the joint procurement initiative.

The ongoing savings are expected to be significant over time but are extremely difficult to quantify and the Council remains conservative in its future predictions regarding its LTFFP.

- Council states that it will continue to review services and service standards to improve service levels within its available funding mix.

This is an ongoing commitment within the organisation.

As a component of this process, Gwydir Shire has joined the Local Government Professionals and Price Waterhouse Coopers' Local Government Insights program to gather base benchmarking data to assist the Council in its review of service levels. In addition, the Council is also on the UTS Performance Monitoring (PM) Stakeholder group to, once again, gather relevant benchmarking data.

The next significant area for evaluation is roads and associated infrastructure. The Council recently completed its Public Infrastructure Asset Plan and will shortly be going back to the community to establish the level of service delivery acceptable to the community. This area represents the largest area of the Council's expenditure and the area where the most significant savings can be implemented. This process is currently restricted due to the self-funded commitment required under the current Roads to Recovery program.

- Council forecasts a ratio of 61% for OSR excluding FAGs by 2026 which meets the benchmark.

This is page number 258 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

No comment required.

- If Council is unable to achieve the required \$872K in reserves as identified in its strategies to use for capital work, it is not apparent how they will achieve the results forecast for infrastructure renewal.
- Council's forecast results do not appear to allow these reserves to be established.

This issue did not form part of Gwydir's reassessment submission so it is difficult to comment.

However the Council is in the process of establishing a range of additional specific reserves that will be built up over time. The reserves that the Council is intending to finance are:

Housing;
Buildings;
Carry over works in progress; and
Asset renewal.

The Council is now using LG Solutions LTFP (industry standard) and has commenced initial work on its next round of planning – these should provide more consistent and perhaps clearer results.

Infrastructure and service management – Satisfied

- Council did not meet the IBR ratio in the original IPART assessment, but was deemed to meet the criteria overall. Council did not submit any additional information in relation to this criterion. The ratio forecast in the IPART assessment was 7%, which is slightly higher than the benchmark. Council's proposed strategies will not see a significant improvement in the ratio for a number of years.

As the Council was considered fit on this section, the Council did not deem it necessary to complete this as part of our submission.

Again the Council has improved better than forecast and our 2016 actual results speak for themselves. With the additional Roads to Recovery funding in 2017 and a fair value review of buildings as well as building depreciation methodologies, the Council expects further improvements.

The Council's recent work in evaluating its road network and the current backlog indicates that the Council should completely eliminate the backlog of road works required around 2026 or before.

Special Schedule 7 – Report on Infrastructure Assets (continued)
for the year ended 30 June 2016

\$ '000	Amounts	Indicator	Prior periods	
	2016	2016	2015	2014
2. Infrastructure backlog ratio				
Estimated cost to bring assets to a satisfactory standard	12,257	3.05%	5.01%	21.83%
Carrying value of infrastructure assets	401,696			

CONCLUSION

This report outlines some of the areas where the information contained in the OLG's correspondence requires adjustment.

If the OLG continue with issuing the proposed Notice, the information outlined above should be incorporated into the final Notice.

The elected Councillors maintain an overall assessment of the Council's plan and projected estimated financial outcomes. As an example, every monthly meeting has before it the finance report (see attached report to the October Meeting) to allow for the robust evaluation of the Council's financial position expected under the principals of sound financial management.

In addition to the Council level scrutiny, the Council's staff use the *Interplan* software to develop and track progress across a range of projects. An example is attached simply to outline the planning undertaken to achieve the desired outcome.

Given the additional time taken by the OLG to assess *Council's Fit for the Future* reassessment submission it is disappointing and disturbing that any factual errors have been made in the OLG's assessment. Many of these issues could have been discussed and resolved over the telephone.

Finally the Council will be using NSW Treasury Corporation (Local Government Services) to conduct a review of the Council's financial position early in the New Year. The Council is in the process of finalising the scope of work.

OFFICER RECOMMENDATION

THAT the report and its attachments be submitted to the Office of Local Government as the Council's response to the Intention Notice.

FURTHER that the Council seek a meeting with the Minister for Local Government through the local State Member for Northern Tablelands, Mr Adam Marshall MP, prior to any final determination by the Minister regarding the Intention Notice.

This is page number 260 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

ATTACHMENTS

- AT-** OLG Correspondence
- AT-** Council Meeting Extract 30th June 2016
- AT-** October Meeting Finance Report
- AT-** Interplan Example

**COUNCIL RESOLUTION:
MINUTE 408/16**

THAT the report and its attachments be submitted to the Office of Local Government as the Council's response to the Intention Notice.

FURTHER that the Council seek a meeting with the Minister for Local Government through the local State Member for Northern Tablelands, Mr Adam Marshall MP, prior to any final determination by the Minister regarding the Intention Notice.

(Moved Cr Egan, seconded Cr D Coulton)

Cr John Coulton

**Deed of Agreement between Gwydir Shire Council and the
Warialda Community Preschool**

The following Deed was tabled for the Council's information:

Gwydir Shire Council (Council) is the appointed corporate manager of the Warialda Kindergarten (R89462) Reserve Trust (Reserve Trust). As the corporate manager, Council will:

1. Repair and maintain the facility known as the Warialda Preschool Inc. located at 39 Queen Street Warialda (this does not include cleaning the facility and yard maintenance).
2. Insure the facility and provide the Preschool with the relevant Certificate of Currency annually.

Further, in recognition of the community work undertaken by the Warialda Community Preschool staff and committee (Preschool), the Council will supply the following direct and in-kind support:

3. The use of the premises rent-free.
4. The provision of water and sewage services at no cost (including all connection and usage fees and charges).
5. Collaboration with the Preschool in planning a progressive and positive future for the Preschool, in particular the need for more children services and expansion of the facility.

In return, the Preschool will agree to:

6. Look after the abovementioned premises.
7. Be responsible for outgoings including electricity, telephone connection costs, internet connection costs and all applicable tenant insurance.
8. Accept the premises in its present state.

It is intended by the Council and the Preschool that the arrangement outlined in this Deed will continue whilst ever the Preschool maintains its current level of valuable service to this community's residents, and in particular families.

EXECUTED AS A DEED

On behalf of the Council

The Common Seal of The Council of

the Shire of Gwydir was hereunto affixed

on the 12th day of December, 2016.

.....

General Manager

.....

Mayor

This is page number 392 of the minutes of the Ordinary Meeting held on Monday 12 December 2016

Chairman

On behalf of the Preschool

.....

Director

Warialda Preschool Inc.

**COUNCIL RESOLUTION:
MINUTE 409/16**

**THAT the Council's Seal be affixed to the Deed of
Agreement between Gwydir Shire Council and the Warialda
Community Preschool.**

(Moved Cr Galvin, seconded Cr Dixon)

Meeting closed 6.27 pm