



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 27 JULY 2022
COMMENCING AT 7.00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

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

Staff:

Jackie Kruger (General Manager), Mandy Rogers (Group Manager Corporate),
Tom Steele (Group Manager Operations), Andrew Reilly (Group Manager Shire
Activation) and Sarah Graham (Customer Service and Governance Coordinator)

Press: Nil

LEETON SHIRE COUNCIL

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Due to technical difficulties the meeting commenced at 7:10pm.

1. **CIVIC PRAYER** Cr Michael Kidd

2. **ACKNOWLEDGEMENT OF COUNTRY** Cr Tony Reneker

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

Cr Morris apology for lateness. Attended the meeting from 7.21pm

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

22/090

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Thursday 23 June 2022, as circulated, be taken as read and CONFIRMED.

THAT the Minutes of the Extraordinary Council Meeting held on Wednesday 13 July 2022, as circulated, be taken as read and CONFIRMED.

(Moved Cr Kidd, seconded Cr Ciccia)

5. **DISCLOSURES OF INTERESTS**

Nil

6. **MAYORAL MINUTES**

**Item 6.1 ACCOUNTING TREATMENT OF RURAL FIRE SERVICE ('RED FLEET')
ASSETS**

22/091

Resolved

THAT Council:

1. Writes to the local State Member(s) Helen Dalton MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment, to the extent known;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Leeton Shire Council's financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under

- the control of and the property of the RFS; and
- e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of Leeton Shire Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
 3. Writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Leeton Shire Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
 4. Promotes these messages via its digital and social media channels and via its networks.
 5. Re-affirms its complete support of and commitment to local RFS brigades noting that Leeton Shire Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
 6. Affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

(Moved Cr Reneker)

Item 6.2 WITHDRAWAL OF 2019 LEETON CITIZEN OF THE YEAR TITLE

22/092

Resolved

THAT Council revokes the 2019 Leeton Citizen of the Year Title from recipient.

(Moved Cr Reneker)

7. REPORTS TO COUNCIL

CORPORATE MATTERS

Item 7.1 POLICY REVIEW 2022

22/093

Resolved

THAT Council endorses the following draft policies for public exhibition for 28 days, and, if no feedback is received, the policies will be considered adopted after the exhibition period:

- Councillor Expenses and Facilities Policy
- Liquid Trade Waste Policy
- Replacement of Water Meter Policy
- Private Works Policy
- Leeton Shire Biosecurity Weed Management Plan.

(Moved Cr Kidd, seconded Cr Maytom)

Item 7.2 INVESTMENTS REPORT FOR JUNE 2022

22/094

Resolved

THAT Council notes the information contained in the Investments Report for June 2022.

(Moved Cr Kidd, seconded Cr Nardi)

Item 7.3 QUARTERLY CAPITAL WORKS UPDATE REPORT - MAJOR PROJECTS

22/095

Resolved

THAT Council notes for information the Quarterly Capital Works Update Report for the period ending 17 June 2022.

(Moved Cr Smith, seconded Cr Kidd)

Item 7.4 PROPOSED LICENCE OF PART RESERVE 61839 TO THE LEETON JOCKEY CLUB

22/096

Resolved

THAT Council:

1. Endorses in principle a Licence for a period of five (5) years to the Leeton Jockey Club for the current minimum Crown Land rent for the use of part of the reserve together with fees and charges for the preparation and advertising of the Licence in accordance with Council's Fees and Charges.

2. Advertises its intention to enter into the Licence with the Leeton Jockey Club in accordance with the provisions of s.47 of the Local Government Act 1993.
3. Should no submissions be received, Council will enter into the Licence with the Leeton Jockey Club.
4. Authorises the Mayor and General Manager to sign the Licence agreement generally in accordance with the terms contained in this report.

(Moved Cr Kidd, seconded Cr Smith)

OPERATIONAL MATTERS

Item 7.5 TRANSFER OF CROWN ROAD TO COUNCIL - CEMETERY EXPANSION

22/097

Resolved

THAT Council:

1. Approves the transfer to Council of Lot 6540 DP 1198693 from Murrumbidgee Irrigation for the sum of \$1.00.
2. Upon transfer of the lot, approves the creation of an easement for a Murrumbidgee Irrigation pipeline presently contained in Lot 6549 DP 1198693.
3. Approves the transfer to Council of the unconstructed Crown Road traversing Dedication 559-41, Lot 7300.
4. Upon transfer of the road, agrees in principle to the proposal to close the road to enable expansion of the cemetery.
5. Notifies all adjoining owners and notifiable authorities of the proposal to close the road.
6. Invites any interested parties to make public submissions concerning the proposal within the submission period.
7. Provided no objections are received for the closure, classifies the closed road as operational land.
8. Gives 28 days public notice of the classification under section 34 of the Local Government Act 1993.

(Moved Cr Kidd, seconded Cr Maytom)

Item 7.6 TRANSFER OF LAND FROM PUBLIC WORKS ADVISORY AND CROWN LANDS TO COUNCIL - FIVEBOUGH MATURATION PONDS AND WATER TREATMENT PLANT

22/098

Resolved

THAT Council:

1. Approves the transfer to Council of Lot 22 DP 914401, Lot 18/1168885 and Lot 19/914401 from the Minister of Public Works, if approved, for a peppercorn sum.
2. Approves the licence of Lot 1 DP 786496 from Department of Industry Crown Lands for the minimum Crown Land rent for an initial period of 5 years or until such time as the transfer is completed.
3. Approves the acquisition and subsequent transfer of Lot 1 DP 786496 being Reserve 1030008 for Future Public Requirements from Department of Industry Crown Lands, if approved for a peppercorn sum.
4. Upon transfer of the land classifies Lot 22 DP 914401, Lot 1 DP 786496, Lot 18/1168885 and 19/914401 as Operational land gives 28 days public notice of the classification under section 34 of the Local Government Act 1993.
5. Authorises the Mayor and General Manager to execute all documents in relation to the lease and acquisition and transfer of Lot 1 DP786946 and the acquisition and transfer of Lot 22 DP 914401, Lot 18 DP 1168885 and Lot 19 DP 914401 from Public Works Advisory.

(Moved Cr Smith, seconded Cr Kidd)

ACTIVATION MATTERS

Item 7.7 PLANNING PROPOSAL TO AMEND LAND USE TABLE FOR RU 5 ZONE

22/099

Resolved

THAT Council:

1. Prepares and resources a Planning Proposal to amend the land use table associated with the RU 5 - Village zone in the Leeton Local Environmental Plan 2014 (LEP), as follows:
 - a. Allow for boarding houses, dual occupancy housing, multi dwelling housing, secondary dwellings and semi-detached dwellings as development permissible with consent and;
 - b. Change the RU 5 - Village Zone to an "open zone".
2. Requests the NSW Department of Planning and Environment to permit Council to exercise its delegations in relation to this matter.

3. Authorises the Mayor and General Manager to sign necessary documents in relation to this Planning Proposal.
4. Submits the Planning Proposal to the Minister for Planning and Environment for finalisation and notification of the amendment to the *Leeton Local Environmental Plan 2014*, in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

For the Motion

Cr P Kidd
Cr G Weston
Cr K Maytom
Cr M Holt
Cr T Morris
Cr T Ciccia
Cr S Nardi
Cr T Reneker
Cr P Smith

Against the Motion

Nil

Carried Unanimously (9 votes – 0)

(Moved Cr Nardi, seconded Cr Kidd)

**Item 7.8 MINUTES OF THE YANCO TOWN IMPROVEMENT COMMITTEE MEETING
- 4 JULY 2022**

22/100

Resolved

THAT Council receives for information the Minutes of the Yanco Town Improvement Committee meeting held on Monday 4 July 2022.

(Moved Cr Smith, seconded Cr Maytom)

8. NOTICES OF MOTION

**Item 8.1 POTENTIAL MOTIONS FOR SUBMISSION TO THE LOCAL GOVERNMENT
NSW ANNUAL CONFERENCE 2022**

22/101

Resolved

THAT Council:

1. Notes the registration of the Mayor, Deputy Mayor and General Manager for the 2022 LGNSW Annual Conference.
2. Confirms the two voting delegates at the LGNSW Conference to be the Mayor and Deputy Mayor and the substitute voting delegate, should one be required, to be the General Manger.

3. Approves the following proposed Motions for submission to the 2022 LGNSW Business Paper:

PROPOSED MOTION 1: ADDRESSING POORER HEALTH OUTCOMES IN RURAL, REGIONAL AND REMOTE NSW

THAT LGNSW urges the NSW Government to partner with the Federal Government to:

- immediately commence implementation of the health reforms recommended in Upper House Inquiry - Report 57 – “Health Outcomes and Access to Health and Hospital Services in Rural, Regional, and remote NSW”
- focus first on the recommendations aimed at recruiting and retaining doctors and clinicians in rural and remote areas of NSW
- increase the intake of overseas-trained doctors and other medical staff to give immediate relief to rural and remote locations experiences shortages of trained medical personnel
- ensure there is improved health service governance and greater transparency at the local level.

PROPOSED MOTION 2: Increasing the Supply of Affordable Housing in Rural NSW

THAT LGNSW calls on the NSW Government to work collaboratively with other levels of government, key bodies and interest groups to – as a matter of priority provide direct financial, land and infrastructure support for affordable housing in rural NSW growth areas.

PROPOSED MOTION 3: Making ‘Temporary’ Refugees Permanent

THAT LGNSW calls on the NSW Government to work with the Australian Government to expeditiously transition refugees on Temporary Protection Visas or Safe Haven Enterprise Visas to Permanent Protection Visas to safeguard the health and wellbeing of these ‘temporary’ refugees and enable them to continue to contribute to the economic and social fabric of the communities they have chosen to call home.

PROPOSED MOTION 4: Inquiry into Ownership of RFS Assets

THAT LGNSW lobbies the NSW State Parliamentary Accounts Committee, and/or other more relevant Committees, to:

- Conduct an inquiry into who effectively owns and controls Rural Fire Service (RFS) red fleet assets
- Set up a formal (independent of government) appeals process for sectors audited by the NSW Audit Office where there is professional disagreement that results in qualified audit opinions, and
- Amend s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of local councils.

PROPOSED MOTION 5: Increased Funding for Weed Management

THAT LGNSW calls on the NSW and Federal Governments to provide greater levels of funding to local councils to enable better protection of agricultural land and the environment from problem weed incursions.

4. Determines two additional Motions for submission, being Foot and Mouth Biosecurity and Agricultural Training.
5. Affords the Mayor delegated authority to submit any further proposed Motions after consulting with Councillors prior to the deadline for submitting Motions.

(Moved Cr Weston, seconded Cr Maytom)

COUNCILLOR ACTIVITY REPORT

Council notes the Councillor Activity Reports for the period 24 June 2022 to 27 July 2022.

ADDITIONAL/LATE ITEMS

22/102

Resolved

THAT the following item, namely:

9.1 RESCISSION MOTION - WAMOON SEWERAGE SCHEME

is accepted as a late confidential item onto this Agenda for discussion.

(Moved Cr Weston, seconded Cr Smith)

9. CONFIDENTIAL MATTERS

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

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

22/103

Resolved

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

(Moved Cr Maytom, seconded Cr Morris)

Item 9.1 RESCISSION MOTION - WAMOON SEWERAGE SCHEME

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c); and the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Section 10A(2)d).

Council closed its meeting at 8:01pm and the public left the Chambers.

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Item 9.1 RESCISSION MOTION - WAMOON SEWERAGE SCHEME

22/104

Resolved

THAT Council:

1. Rescinds Resolution Number 22/090 which was resolved at the May Ordinary Council meeting.
2. Formally rejects all tenders received for the Wamoon Sewerage Scheme on the basis of having insufficient budget for the tender prices.
3. Does not invite fresh tenders, as all tenders received provided confidence that project outcomes are feasible and can be successfully delivered.
4. Determines to enter into negotiations with H2H Plumbing Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender, being to provide an effective sewerage scheme for the village of

Wamoon.

5. Authorises the General Manager to enter into negotiations with a view to entering a contract for the construction of the Wamoon Sewerage Scheme in accordance with Section 178.3 of the Local Government (General) Regulation 2021, and within the voted budget.

For the Motion

Against the Motion

Cr P Kidd
Cr G Weston
Cr K Maytom
Cr M Holt
Cr T Morris
Cr T Ciccica
Cr S Nardi
Cr T Reneker
Cr P Smith

Nil

Carried Unanimously (9 votes – 0)

(Moved Cr Weston, seconded Cr Kidd)

REVERSION TO OPEN COUNCIL

22/105

Resolved

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8:22pm.

(Moved Cr Smith, seconded Cr Morris)

The Mayor advised that during the Closed Council one resolution was passed. The General Manager read out the resolutions made in Closed Council for Item 9.1.

10. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 8:23pm.

..... signed by
the Chairman of the meeting held on
24 Aug 2022 at which meeting the
signature hereon was subscribed.