



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 12 December 2019

commencing at 5:00pm

PRESENT: Cr D Todd (Chairperson), Cr A Iannuzzi, Cr A-L Capel, Cr F Clancy, Cr A Doolan, Cr W Hill, Cr R Lewis, Cr K Brady and Cr P Shinton

In attendance: General Manager (Roger Bailey), Director Technical Services (Kevin Tighe), Manager Regulatory Services (Ken Stratton), Director Corporate and Community Services (Kim Parker), Manager Warrumbungle Water (Cornelia Wiebels), and Executive Assistant to the General Manager (Erin Player – Minutes).

Acknowledgement of Country

Council acknowledged the Gomeroi people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Gomeroi Nation and extends that respect to other Aboriginal people who are present.

Recording of Meeting

The General Manager announced that the meeting was being audio recorded, and that the recording will be published.

APOLOGIES

Nil

Confirmation of Minutes

216/1920 RESOLVED that Council confirm the resolutions contained in the Minutes of the Ordinary Council meeting held on 21 November 2019.

MOVED: Councillor Doolan

SECONDED: Councillor Hill

For – Unanimous

The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest

Cr Doolan declared a non pecuniary less than significant interest in Item 29 – Developer Contributions – Request for Exemption due to being a Director on the Board of Cooinda. He advised that he would not participate in the discussion and leave the chambers.

217/1920 RESOLVED that Council note the declaration of interest.

MOVED: Councillor Doolan **SECONDED:** Councillor Brady

For – Unanimous

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 1 November 2019 to 30 November 2019

218/1920 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 1 November 2019 to 30 November 2019.

2. Notes the report on the Mayor's credit card expenses between 8 November and 25 November 2019 and approves the payment of expenses totalling \$1,186.11.

MOVED: Councillor Shinton

SECONDED: Councillor Lewis

For – Unanimous

Item 2 Councillors' Monthly Travel Claims – November 2019

219/1920 RESOLVED that the Councillors' monthly travel claims report for November 2019 in the amount of \$2,621.00 is noted.

MOVED: Councillor Clancy

SECONDED: Councillor Capel

For – Unanimous

Item 3 Central West Weeds Committee Meeting at Dubbo – 26 November 2019

220/1920 RESOLVED that Council notes the Delegate's Report in relation to the Central West Weeds Committee meeting held at Dubbo on 26 November 2019.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 4 Hudson Pear Task Force Meeting held 28 November 2019

221/1920 RESOLVED that Council notes the Delegate's Report in relation to the Hudson Pear Task Force Meeting held at the Five Ways and Coonamble Bowling Club on 28 November 2019.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 5 ALGA National Roads Congress in Hahndorf, Adelaide Hills held 18 – 20 November 2019

222/1920 RESOLVED that Council notes the Delegate's Report in relation to the Australian Local Government Association (ALGA) National Roads Congress held in Hahndorf, Adelaide Hills, South Australia on 18 – 20 November 2019.

MOVED: Councillor Hill

SECONDED: Councillor Capel

For – Unanimous

Item 6 Minutes of Coonabarabran Swimming Pool Advisory Committee Meeting – 12 November 2019

223/1920 RESOLVED that Council accepts the Minutes of the Coonabarabran Swimming Pool Advisory Committee Meeting held at Coonabarabran on 12 November 2019.

MOVED: Councillor Clancy

SECONDED: Councillor Doolan

For – Unanimous

Item 7 Minutes of Warrumbungle Aerodromes Advisory Committee Meeting – 14 November 2019

224/1920 RESOLVED that Council accepts the Minutes of the Warrumbungle Aerodromes Advisory Committee meeting held at Coonabarabran on 14 November 2019.

MOVED: Councillor Doolan

SECONDED: Councillor Clancy

For – Unanimous

Item 8 Minutes of Local Emergency Management Committee Meeting – 18 November 2019

225/1920 RESOLVED that Council notes the minutes from the Local Emergency Management Committee held on 18 November 2019 at Coolah.

MOVED: Councillor Hill

SECONDED: Councillor Clancy

For – Unanimous

Item 9 Coonabarabran Emergency Water Supply Project – November 2019 Update

226/1920 RESOLVED that Council notes the November 2019 Update Report on the Coonabarabran Emergency Water Supply Project.

MOVED: Councillor Shinton

SECONDED: Councillor Doolan

For – Unanimous

Item 10 Mendooran Water Quality Incident Review Report Implementation

227/1920 RESOLVED that Council:

1. Receives and notes the quarterly report on the implementation progress of the recommendations within the Mendooran Water Quality Incident Review Report.
2. Receives regular reports at intervals of four (4) months.

MOVED: Councillor Capel

SECONDED: Councillor Doolan

For – Unanimous

Item 11 Drinking Water Management System

228/1920 RESOLVED that Council:

1. Notes the Drinking Water Management System Report, including the current Improvement Plan, and associated documents.
2. Adopts Councils 2014 Drinking Water Management System together with the recent Critical Control Points contained within the Annual Review Report.

3. Receives regular reports on the progress of implementing the Improvement Plan items at four (4) monthly intervals.
4. Receives annual review reports of its Drinking Water Management System.
5. Progresses towards updating of the current Drinking Water Management System.

MOVED: Councillor Capel

SECONDED: Councillor Clancy

For – Unanimous

Item 12 Drought Communities Programme – Extension

229/1920 RESOLVED that Council:

1. Hold a workshop of Councillors to identify projects to be funded under the Drought Communities Programme – Extension.
2. Authorise the General Manager to make an application for funding based upon the outcomes of the workshop.

MOVED: Councillor Brady

SECONDED: Councillor Doolan

For – Unanimous

Item 13 Council Committees

230/1920 RESOLVED that item 13 – Council Committees lay on the table.

MOVED: Councillor Shinton

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 14 Council Resolutions Report December 2019

231/1920 RESOLVED that the Council Resolution Report for December 2019 be noted for information.

MOVED: Councillor Shinton

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 15 Revotes Report December 2019

232/1920 RESOLVED that the Revote Report for December 2019 be noted for information

MOVED: Councillor Clancy

SECONDED: Councillor Shinton

For – Unanimous

Item 16 Community Consultation Meetings

233/1920 RESOLVED that Council:

1. Note the draft Minutes from the Community Consultation Meetings held in October and November 2019.
2. Note that Minutes from the Community Consultation Meetings held in October and November 2019 will now be released to meeting attendees and placed on Council's website.

MOVED: Councillor Brady

SECONDED: Councillor Clancy

For – Unanimous

Item 17 Draft Community Engagement Strategy 2020-2024

234/1920 RESOLVED that Council:

1. Endorses the draft Community Engagement Policy and Strategy 2020-2024;
2. Places the draft Community Engagement Policy and Community Engagement Strategy 2020-2024 on public exhibition for a minimum of 28 days and invites public submissions for a minimum of 42 days; and
3. Considers the public comments prior to formal adoption of the draft Community Engagement Policy and Community Engagement Strategy 2020-2024.

MOVED: Councillor Capel

SECONDED: Councillor Doolan

For – Unanimous

Item 18 Draft Excessive Water Usage Reduction Allowance for Breakages Policy

5.42pm

Cr Brady left the meeting.

5.43pm

Cr Brady returned to the meeting.

235/1920 RESOLVED that Council adopts the *Excessive Water Usage Reduction Allowances for Breakages Policy*.

MOVED: Councillor Hill

SECONDED: Councillor Doolan

For – Unanimous

Item 19 Macquarie Regional Library Committee and Library Services Delivery

236/1920 RESOLVED that Council:

1. Notes the report on the request to consider cost reductions to Library Services delivered to Warrumbungle Shire Council locations from 1 July 2020 and a proposal to dissolve Macquarie Regional Library Committee.

2. Agrees to the dissolution of the Macquarie Regional Library Committee to be effected as soon as practicable and a new Macquarie Regional Library Agreement signed to be affected.
3. Requests a further report on the Library Services delivered within Warrumbungle Shire Council area, including:
 - i. Examining the ability to join another Regional Library Service that has far more member councils and a likely to lower shared operational costs.
 - ii. Examining the provision of Library Services outside a Regional Library arrangement.
 - iii. Examining alternatives for the delivery of library services to the smaller towns.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Hill

For – Unanimous

Item 20 State Government Funding For NSW Public Libraries
237/1920 RESOLVED that Council:

1. Note the report on the State Government Funding For NSW Public Libraries.
2. Make representation to the local State Member(s), Mr Roy Butler, in relation to the need for a sustainable state funding model for the ongoing provision of public library services that must include CPI indexing.
3. Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.

MOVED: Councillor Capel

SECONDED: Councillor Shinton

For – Unanimous

Item 21 Investments and Term Deposits – month ending 30 November 2019
238/1920 RESOLVED that Council note and accept the Investments and Term Deposits Report for the month ending 30 November 2019 including a total balance of \$16,087,094.36 being:

- \$2,483,936.60 in at call accounts
- \$13,000,000.00 in term deposits
- \$603,157.76 cash at bank

MOVED: Councillor Hill

SECONDED: Councillor Lewis

For – Unanimous

Item 22 Road Closure and Opening on Morrisseys Road

239/1920 RESOLVED that Council:

1. Rescind Resolution 416/1819 of 16 May 2019.
2. Authorise the General Manager to negotiate with the landowner for the purchase of a portion of Lot 1 DP531365 (identified as proposed Lot 1 on the draft Plan of Subdivision attached to the Report to Council).
3. Authorise the purchase of a portion of Lot 1 DP531365 (identified as proposed Lot 1 on the attached draft Plan of Subdivision) on terms negotiated by the General Manager.
4. Authorise the General Manager to sign all documents associated with the conveyancing transaction (including a Client Authorisation Form to effect the transaction).
5. Pay the landowners' legal and other costs associated with the transfer.
6. Close the unconstructed public road adjoining Lot 22 DP 805612, Lot 23 DP 805612 and Lot 1 DP 531365 in accordance with Part 4 Division 3 of the Roads Act 1993.
7. Advertise the proposed road closure stating that the land will vest in Council and delegate authority to the General Manager to consider any submissions and make decision on the proposal under s38D Roads Act.
8. Upon vesting in Council the land comprising the old public road is classified as operational land.
9. Transfer land comprising former public road to adjoining landowners and delegate authority to the General Manager to negotiate and execute any document associated with the transfer.
10. Authorise the affixing of the Council seal to any documentation so requiring it for the items above.

MOVED: Councillor Lewis

SECONDED: Councillor Clancy

For – Unanimous

Item 23 Proposal to Name and Gazette a Private Road in Homeleigh Drive Estate

240/1920 RESOLVED that the private road that extends north from Homeleigh Drive be named Shawns Creek Road and a notification provided to property owners along the road.

MOVED: Councillor Shinton

SECONDED: Councillor Lewis

For – Unanimous

Item 24 Naming of a Road in a New Subdivision at Mendooran

241/1920 RESOLVED that the road extending north from Castlereagh Highway to the subdivision of Lot 68, DP720303, Mendooran be named 'Bilamura Road' subject to:

1. Advertising the proposed road name in accordance with the Roads Regulation.
2. The new road be classified as a 'Local Access' road.

MOVED: Councillor Hill

SECONDED: Councillor Shinton

For – Unanimous

Item 25 Road Classification and Maintenance Targets

242/1920 RESOLVED that:

1. Council roads are classified in accordance with the following hierarchy; Arterial (Regional), Primary Collector, Local Collector and Local Access as shown in Attachment 1 and Attachment 2.
2. That road maintenance targets shown in Table 2 are included in development of the 2020/21 Delivery Program.

MOVED: Councillor Doolan

SECONDED: Councillor Shinton

For – Unanimous

Item 26 Design Drawings for Coonabarabran Bypass

243/1920 RESOLVED that:

1. A submission is made in response to matters relating to the Coonabarabran Bypass, in particular the geometric design layout of the bypass proposed by Transport for NSW, based on the following; that Council does not support intersection treatments proposed for Purlewaugh Road and the Oxley Highway and that a traffic study is undertaken before designs for these treatments are finalised.
2. Council form an advisory working group consisting of Councillor Doolan and Councillor Shinton and that they be authorised to second 2 - 3 community members to the group to assist.

MOVED: Councillor Brady

SECONDED: Councillor Hill

For – Unanimous

Item 27 Proposed Realignment of Hakoni Road at Merrygoen for Rail Line Project

244/1920 RESOLVED that:

1. In principle support be provided by Council to a proposal by Australian Rail Track Corporation to close a section of Hakoni Road and open a new section subject to conditions on design and construction and that there is no cost to Council.
2. Council write to property owners on Hakoni Road regarding consultation on the proposal by Australian Rail Track Corporation.

MOVED: Councillor Lewis

SECONDED: Councillor Shinton

For – Unanimous

Item 28 Inland Rail Update Report, November 2019

245/1920 RESOLVED that Council delegate the Mayor authority to nominate persons to the working group to provide information to the consultants engaged to undertake the Inland Rail Interface Fast-track Project investigations at Baradine.

MOVED: Councillor Capel

SECONDED: Councillor Clancy

For – Unanimous

Item 29 Developer Contributions – Request for Exemption

6.23pm

Cr Doolan left the meeting.

246/1920 RESOLVED that Council remove the levy as per Condition 13 of the Notice of Determination for the approval of DA 55/2019 requiring payment of \$6,500 based on the *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*.

MOVED: Councillor Lewis

SECONDED: Councillor Shinton

For – Unanimous

6.30pm

Cr Doolan returned to the meeting.

Item 30 Dunedoo/Mendooran Aged Hostel Ltd Request for Reimbursement

247/1920 RESOLVED that Council does not reimburse Dunedoo/Mendooran Aged Hostel Ltd for the contribution of \$250,000 towards the Three Rivers Regional Retirement Committee project.

MOVED: Councillor Hill

SECONDED: Councillor Lewis

For – Unanimous

Item 31 Local Strategic Planning Statement Report

248/1920 RESOLVED that Council:

1. Endorse the draft *Warrumbungle Shire Local Strategic Planning Statement*;
2. Places the draft *Warrumbungle Shire Local Strategic Planning Statement* on public exhibition for a minimum of 28 days in accordance with section 3.9(1) and Schedule 1 of the *Environmental Planning and Assessment Act 1979*; and
3. Considers the public comments prior to formal adoption of the draft *Warrumbungle Shire Local Strategic Planning Statement*.

MOVED: Councillor Shinton

SECONDED: Councillor Lewis

For – Unanimous

Item 32 Development Applications

249/1920 RESOLVED that Council notes the Applications and Certificates approved during November 2019, under Delegated Authority.

MOVED: Councillor Capel

SECONDED: Councillor Brady

For – Unanimous

Item 33 Notice of Motion – Recording of Council meetings

250/1920 RESOLVED that Council seek to amend the Code of Meeting Practice to record all Ordinary Council meetings in their entirety. The recordings of the parts of the meeting that are held in closed council are only to be made available to councillors and those present in the closed council.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Lewis

For – Unanimous

Item 34 Reports to be Considered in Closed Council

Item 34.1 Mayoral Minute – Updated Performance Review – General Manager

251/1920 RESOLVED that the Mayoral Minute – Updated Performance Review – General Manager be referred to Closed Council pursuant to section 10A(2)(a) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with personnel matters concerning particular individuals (other than councillors).

MOVED: Councillor Doolan

SECONDED: Councillor Shinton

For – Unanimous

Item 34.2 Tender for the Provision of Bitumen Sealing Services

252/1920 RESOLVED that the Tender for the Provision of Bitumen Sealing Services be referred to Closed Council pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

The General Manager offered the opportunity to members of the public to make representation as to whether any part of the aforementioned items should not be considered in Closed Council.

There was no response from the public.

6.48pm

253/1920 RESOLVED that Council suspend standing orders.

MOVED: Councillor Brady

SECONDED: Councillor Capel

6.59PM

254/1920 RESOLVED that the meeting be resumed.

MOVED: Councillor Brady

SECONDED: Councillor Capel

255/1920 RESOLVED that:

1. Council go into Closed Council to consider business relating to confidential information.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993* (NSW), the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) as outlined above.
3. The correspondence and reports 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* (NSW).

MOVED: Councillor Doolan

SECONDED: Councillor Brady

For – Unanimous

7.00pm

Closed Council

Item 34.1 Mayoral Minute – Updated Performance Review – General Manager

256/1920 RESOLVED that:

1. Council delegate all tasks necessary for the completion of the Performance Review to the Performance Review Panel.
2. All Councillors be provided with an opportunity for input and feedback and that the Mayor be delegated authority to finalise all arrangements for the Review Panel to convene.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Lewis

7.01pm

Cr Clancy returned to the meeting

For – Unanimous

Item 34.2 Tender for the Provision of Bitumen Sealing Services

257/1920 RESOLVED that:

1. The following Contractors are panel listed in no particular order for the supply of bitumen sealing services to Warrumbungle Shire Council for the period 1 January 2020 to 30 June 2022:
 - All Pavement Solutions
 - BMR Quarries Pty Ltd t/a Roadwork Industries
 - Fulton Hogan Industries
 - NSW Spray Seal Pty Ltd
 - Colas NSW Pty Ltd

2. A 12 month extension to the contract to 30 June 2023 is permitted subject to satisfactory supplier performance.

MOVED: Councillor Brady

SECONDED: Councillor Capel

For – Unanimous

258/1920 RESOLVED that Council return to Open Council.

MOVED: Councillor Capel

SECONDED: Councillor Brady

7.03pm
Open Council

The resolutions of Closed Council were announced to the meeting by the General Manager.

There being no further business the meeting closed at 7.05pm.

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CHAIRPERSON