



# **Minutes**

## **Ordinary Council Meeting**

**held in the Council Chambers**

**John Street, Coonabarabran**

**on Wednesday, 16 November 2022**

**commencing at 5:08 pm**

**PRESENT:** Cr A Doolan (Chairperson), Cr A Iannuzzi (via videolink), Cr K Brady, Cr D Hogden, Cr Z Holcombe, Cr C Kopke, Cr J Newton, Cr K Rindfleish and Cr D Todd.

**In attendance:** General Manager (Roger Bailey), Director Technical Services (Gary Murphy), Director Environment and Development Services (Leeanne Ryan), Director Corporate and Community Services (Lindsay Mason) and Executive Assistant to the General Manager (Erin Player – Minutes).

### **Acknowledgement of Country**

Cr Hogden acknowledged the Gomeroi people, the Traditional Custodians of the Land at which the meeting is held and paid respects to Elders, both past and present, of the Gomeroi Nation and extended that respect to other Aboriginal people who are present.

### **Recording of Meeting**

The Mayor announced that the meeting was being streamed live plus audio recorded, and that the audio recording will be published.

### **APOLOGIES**

Nil

### **Confirmation of Minutes**

**128/2223 RESOLVED** that Council confirm the Minutes of the Ordinary Council meeting held on 20 October 2022 with the following amendment:

### **102/2223 Item 11 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons**

**RESOLVED** that Council:

1. Acknowledge the tabling of the disclosures received under Section 4.21 of the Model Code of Conduct for Local Councils in NSW for Councillors and Designated Persons for the period 1 July 2021 to 30 June 2022.
2. Acknowledge that the disclosure of interest forms for councillors and designated persons are to be placed onto Council's website.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Newton

For – Unanimous

### **The Mayor called for Disclosure of Interests**

Cr Doolan declared a less than significant conflict of interest in Item 29.3 Future Operations at Property 'Red Hill', Coonabarabran due to leasing a property that is adjacent to the land in the report.

### **Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 12 October 2022 to 8 November 2022**

**129/2223 RESOLVED** that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 12 October 2022 to 8 November 2022.
2. Notes the report on the Mayor's credit card expenses between 8 October 2022 and 7 November 2022 and approves the payment of expenses totalling \$675.58.

**MOVED:** Councillor Doolan

**SECONDED:** Councillor Brady

For – Unanimous

**Item 2 Mayoral Minute – Declaration of a Statewide Roads Emergency**

**130/2223 RESOLVED** that Council:

1. Supports LGNSW's declaration of a statewide roads emergency for the current situation.
2. Calls on an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program.
3. Calls for a boost to Road Block Grant funding to compensate for the damage to the regional road network
4. Supports new funding to provide councils with plant, machinery and skilled workers to expedite road repairs.
5. Writes to our local state and federal MPs requesting their support for these important funding requests.

**MOVED:** Councillor Doolan

**SECONDED:** Councillor Newton

For – Unanimous

**Item 3 Councillors' Monthly Travel Claims**

**131/2223 RESOLVED** that the Councillors' monthly travel claims report in the amount of \$89.70 is noted.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 4 Delegate's Report – 2022 National Local Roads and Transport Congress 2 – 3 November 2022**

**132/2223 RESOLVED** that Council notes the Delegate's Report on the National Local Roads and Transport Congress held in Hobart on 2-3 November 2022.

**MOVED:** Councillor Doolan

**SECONDED:** Councillor Todd

For – Unanimous

**Item 5 Robertson Oval Building Project and Minutes of Advisory Committee Meeting – 25 October 2022**

**133/2223 RESOLVED** that Council notes the minutes of the Robertson Oval Advisory Committee meeting held at Dunedoo on 25 October 2022.

**MOVED:** Councillor Hogden

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 6 Minutes of Traffic Advisory Committee Meeting – 27 October 2022**

**134/2223 RESOLVED** that:

1. The minutes of the Traffic Advisory Committee Meeting held on the 27 October 2022 are noted for information.
2. Request by Mendooran and District History Group to close part Bandulla Street, Mendooran between Yalcogran Street and Napier Street on Saturday, 19 November 2022 from 9.00am to 4.00pm be approved subject to compliance with:
  - Traffic Management Plan
  - Traffic Guidance Scheme
  - Risk Assessment
  - Council’s Road Closure Guidelines
  - Road Occupancy Licence
  - TfNSW Special Events Guide
  - Current public liability insurance.
3. Council investigate the purchase of a speed trailer to educate motorists across the Shire which will be a proactive approach by Council on road safety and the reduction of road trauma.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Todd

For – Unanimous

**Item 7 Revotes and High Value Projects Report**

**135/2223 RESOLVED** that the Revote and High Value Projects Report be noted for information.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Hogden

For – Unanimous

**Item 8 Council Resolutions Report**

**136/2223 RESOLVED** that the Council Resolution Report be noted for information.

**MOVED:** Councillor Holcombe

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 9 Macquarie Regional Library Committee and Library Services Delivery**

**137/2223 RESOLVED** that Council:

1. Notes the updated information to resolution 236/1920.
2. Staff continue to examine the ability to join other Regional Library Services.
3. Sign the draft agreement with the Macquarie Regional Library for the period 1 July 2021 to 30 June 2024 in good faith, taking into consideration of the lapse in time.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 10 Aboriginal Lands Council Update Report**

**138/2223 RESOLVED** that Council notes the updated information to resolution 313/2021.

**MOVED:** Councillor Holcombe

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 11 Council's Financial Sustainability Policy Update Report**

**139/2223 RESOLVED** that Council:

1. Notes the updated information to resolution 316/2021.
2. Staff will complete the Long Term Financial Plan in 2023 in conjunction with preparation of 2023/24 budget.

**MOVED:** Councillor Hogden

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 12 2021/22 Annual Report**

**140/2223 RESOLVED** that Council:

1. Endorses the 2021/22 Annual Report.
2. Makes the Annual Report available to the public on Council's website.
3. Submits the Annual Report to the Minister for Local Government.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 13 Investments and Term Deposits – month ending 31 October 2022**

**141/2223 RESOLVED** that Council accept the Investments Report for the month ending 31 October 2022 including a total balance of \$26,248,503.27 being:

- \$510,468.56 in at call accounts.
- \$24,000,000.00 in term deposits.
- \$1,738,034.71 cash at bank.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Newton

For – Unanimous

**Item 14 Update Report on Acquisition of Land for Proposed Rocky Glen RFS Brigade Shed**

**142/2223 RESOLVED** that Council

1. Note the update report on acquisition of land for the proposed Rocky Glen RFS Brigade shed.
2. Classify the land to be acquired for the proposed Rocky Glen RFS Brigade Shed as operational land in accordance with s31(2) of the Local Government Act 1993.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Rindfleish

For – Unanimous

**Item 15 Update Report on Classification and Categorisation of Crown Reserves**

**143/2223 RESOLVED** that:

1. Council Note the update report on Classification and Categorisation of Crown Reserves.
2. In accordance with Section 3.23 of the Crown Land Management Act 2016, notification be provided to the Minister of Council's categorisation of Crown Reserves shown in Item 1 and 2 of Resolution No 410/1920 of 21 May 2020.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Holcombe

For – Unanimous

**Item 16 Update Report on Management of Roadside Vegetation**

**144/2223 RESOLVED** that Council:

1. Note the update report on the development of a Roadside Vegetation Management Plan.
2. Consider the funding to prepare a Roadside Vegetation Management Plan in the 2023-24 budget process.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Todd

For – Unanimous

**Item 17 Update Report on RFS Shed at Coonabarabran Aerodrome**

**145/2223 RESOLVED** that:

1. Council note the update report in relation to the proposed RFS Shed at Coonabarabran Aerodrome.
2. Upon completion of the LEP review and classification of Council land at the aerodrome as operational land, a Development Application be lodged for construction of a new two (2) bay Fire Brigade shed incorporating offices and equipment storage rooms at the Coonabarabran Aerodrome as resolved previously via Resolution 147/2122.

**MOVED:** Councillor Hogden

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 18 Update Report on Road Closure part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway**

**146/2223 RESOLVED** that Council:

1. Notes the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.
2. Continues the part road closure of Castlereagh Avenue, Binnaway updating the licence agreement and submitting a Development Application for the Pump House Camp Ground, Binnaway as resolved previously via Resolution 148/2122.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Newton

For – Unanimous

**Item 19 Update Report on Werribee Road Premier**

**147/2223 RESOLVED** that Council:

1. Apply to the Department of Primary Industries – Lands for consent under section 11 of the Land Acquisition (Just Terms Compensation) Act 1991 to issue a proposed acquisition notice to acquire part of Lot 7304 DP1159006 to establish a roadway, subject to the approval of the Minister for Local Government.
2. Make an application for the compulsory acquisition of part of the land described as Lot 7304 DP1159006 for the purpose of forming an access road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Make an application to the Minister and Governor for approval to acquire the part of the land described as Lot 7304 DP1159006 by compulsory process under section 186 of the Local Government Act 1993.
4. Authorise the General Manager to sign all documents associated with the conveyancing transaction (including a Client Authorisation Form to affect the transaction), if required.

**MOVED:** Councillor Brady

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 20 Little Timor Street Plaza**

**148/2223 RESOLVED** that Council defer the Little Timor Street Plaza Report to the December Council Meeting.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 21 Warrumbungle Road Network Advisory Group – Nominations**

**149/2223 RESOLVED** that Council endorse the following nominees to be appointed to the Warrumbungle Roads Network Advisory Group:

- Ms Debra Bell
- Mr Elliot Shannon
- Mr Greg Piper
- Mr Mark Prugger
- Mr Stewart Rodgers
- Mr Mal Unicomb (Local State Member of Parliament representative).

**MOVED:** Councillor Newton

**SECONDED:** Councillor Hogden

For – Unanimous

**Item 22 Procurement of Contractor Services – Natural Disaster Response and Recovery**

**150/2223 RESOLVED** that:

1. Due to the impact of multiple 'Declared Natural Disasters', Council recognises the ongoing urgent need to repair and make safe road networks across the Shire;
2. Council notes the applications for joint State and Federal DRFA funding for works arising due to the impact of Declared Natural Disaster Events have been made;
3. Works associated with AGRN987 (November 2021), AGRN1030 (August 2022) and AGRN1034 (September 2022 onwards) are for the purpose of response to, or recovery from, 'Declared Natural Disasters';
4. Council notes the Office of Local Government Circular No 22-17 dated 10 June 2022 provides that the Local Government (General) Regulation 2021 has been amended to prescribe a tendering threshold of \$500,000 for contracts entered into by councils for the purpose of responding to, or recovering from, a Declared Natural Disaster within 12 months of the declaration of the natural disaster;
5. To assist in the recovery process Council endorses the engagement of contractors for the restoration of public assets;



6. Council determines that due to the unprecedented demand for the services of relevant consultants and contractors following recent rain and flood events throughout the State is an extenuating circumstance under s55(3)(i) of the LGA;
7. Council delegates authority to the General Manager (or his delegate) to execute the contracts that exceed \$250,000 referred items 4, 5 and 6 above, in consultation with the Mayor. Such works are to be carried out within the approved and funded Declared Natural Disasters AGRN987, AGRN1030 and AGRN1034.
8. Council receive monthly progress reports on the Disaster Recovery process.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Holcombe

For – Unanimous

**Item 23 Installation of Manufactured of Relocatable Dwelling or Building Policy 151/2223 RESOLVED** that Council:

1. Notes the information contained in the Installation of Manufactured of Relocatable Dwelling or Building Policy report.
2. Rescinds the current *Installation of Manufactured of Relocatable Dwelling or Building Policy*.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 24 Planning Proposal for Reclassification of Land 152/2223 RESOLVED** that Council:

1. Notes the information contained in the Planning Proposal for Reclassification of Land report.
2. Adopts the *Planning Proposal – Reclassification of Land 2022* to reclassify 18 sites of Council owned land from Community to Operational.
3. Delegates to the General Manager to make any necessary minor changes required to the *Planning Proposal – Reclassification of Land 2022* before submitting it to the Department of Planning and Environment.
4. Forwards the *Planning Proposal – Reclassification of Land 2022* to the Department of Planning and Environment seeking the necessary amendments to *Warrumbungle Local Environmental Plan 2013* be made to reclassify Council owned land at 18 sites from Community to Operational.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Newton

For – Unanimous

**Item 25 Planning Amendments for Agritourism Nominations**

**153/2223 RESOLVED** that Council:

1. Notes the report on Planning Amendments for Agritourism Nominations.
2. Includes the optional clause for farm stay accommodation in Schedule 1 of the *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021* under Clause 5.23.
3. Allows for Agritourism within the RU1 Primary Production zone only of the *Warrumbungle Local Environmental Plan 2013*.
4. Includes the numerical standards in the *Warrumbungle Development Control Plan 2015* for gross floor areas, maximum number of guests and maximum number of moveable dwellings allowed onsite.
5. Informs the Department of Planning and Environment of the above inclusions.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Newton

For – Unanimous

**Item 26 Development Applications**

**154/2223 RESOLVED** that Council notes the Applications and Certificates approved during, October 2022 under Delegated Authority.

**MOVED:** Councillor Brady

**SECONDED:** Councillor Hogden

For – Unanimous

**Item 27 Notice of Motion – Drum Muster Collection Point**

**155/2223 RESOLVED** that the Sporting and Social Clubs in the Warrumbungle Shires be granted permission to manage a Drum Muster Collection Point at the Waste Management Sites which do not currently already have the facilities.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Newton

For – Unanimous

**Item 28 Notice of Motion – Asset Management Plans**

**156/2223 RESOLVED** that Council:

1. Review/update all asset management plans and develop an asset management strategy that is practical and useful, and therefore more likely to be used by Warrumbungle Shire to improve asset management performance.
2. Develop a asset management and maintenance priorities report that can be considered in the near future.

**MOVED:** Councillor Rindfleish

**SECONDED:** Councillor Todd

For – Unanimous

**Item 29 Reports to be Considered in Closed Council  
157/2223 RESOLVED** that:

**1. Item 29.1 Human Resources Monthly Report**

That the Human Resources Monthly Report 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).

**2. Item 29.2 Three Rivers Regional Retirement Community Information Report**

That the Three Rivers Regional Retirement Community Information Report be referred to Closed Council pursuant to section 10A(2)(g) of the *Local Government Act 1993* (NSW) on the grounds that the matter deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**3. Item 29.3 Future Operations at Property 'Red Hill', Coonabarabran**

That the Future Operations at Property 'Red Hill' Report be referred to Closed Council pursuant to section 10A(2)(c) 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).

**4. Item 29.4 Regional Tender for Supply & Delivery of Hardware (Industrial Supplies)**

That the Regional Tender for Supply & Delivery of Hardware Report be referred to Closed Council pursuant to section 10A(2)(c) 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).

**MOVED:** Councillor Hogden

**SECONDED:** Councillor Kopke

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.

**158/2223 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 Kopke

**SECONDED:** Councillor Rindfleish

For – Unanimous

**6.12 pm**  
**Closed Council**

**Item 29.1 Human Resources Monthly Report – October 2022**

**159/2223 RESOLVED** that the Human Resources Monthly Report for October 2022 be noted for information.

**MOVED:** Councillor Newton

**SECONDED:** Councillor Kopke

For – Unanimous

**Item 29.2 Three Rivers Regional Retirement Community Information Report**

**160/2223 RESOLVED** that Council note the advice and endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

**MOVED:** Councillor Kopke

**SECONDED:** Councillor Hogden

For – Unanimous

**Item 29.3 Future Operations at Property ‘Red Hill’, Coonabarabran**

**6.28pm**

**Cr Iannuzzi left the meeting and did not return.**

**161/2223 RESOLVED** that:

1. Council determine that the property ‘Red Hill’, 8934 Newell Highway, Coonabarabran – Lot 102, DP1201959 and Lot 1, DP1259353 are surplus to requirements and be offered for sale;
2. Council in the first instance formally approach Boral and offer them the opportunity to purchase Lot 102, DP1201959 and/or Lot 1, DP1259353;
3. Should Boral decline the offer or make an offer less than valuation, that Council market Lot 102, DP1201959 and/or Lot 1, DP1259353 on the open market.
4. Council authorise the General Manager to negotiate and accept satisfactory offer(s) in accordance with the valuation report.

**MOVED:** Councillor Todd

**SECONDED:** Councillor Brady

For – Unanimous

**Item 29.4 Regional Tender for Supply & Delivery of Hardware (Industrial Supplies)  
162/2223 RESOLVED** that:

1. Council accept the tender from J Blackwood & Son Pty Limited t/a Blackwoods for 'Supply and Delivery of Hardware (Industrial Supplies)' for the period 1 January 2023 to 31 December 2024.
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2025.

**MOVED:** Councillor Brady

**SECONDED:** Councillor Newton

For – Unanimous

**163/2223 RESOLVED** that Council return to Open Council.

**MOVED:** Councillor Brady

**SECONDED:** Councillor Newton

For – Unanimous

**6.40 pm  
Open Council**

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

There being no further business the meeting closed at 6.43 pm.

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**CHAIRPERSON**