



Minutes

Ordinary Council Meeting

held in the Council Chambers

Binnia Street, Coolah

on Thursday, 18 May 2023

commencing at 5:23 pm

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

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

Also in attendance were Manager Regulatory Services (Kelly Dewar) and Manager Warrumbungle Water (Thomas Cleary)

Acknowledgement of Country

Cr Todd acknowledged 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 Chairperson announced that the meeting was being streamed live plus audio recorded, and that the audio recording will be published.

APOLOGIES

Nil

Confirmation of Minutes

312/2223 RESOLVED that Council confirm the Minutes of the Ordinary Council meeting held on 20 April 2023.

MOVED: Councillor Todd

SECONDED: Councillor Hogden

For – Unanimous

The Chairperson called for Disclosure of Interests

Cr Holcombe declared an pecuniary interest in Item 18 Warrumbungle Local Environmental Plan 2013 Review due to being Secretary of the Coonabarabran Golf Club, subject to a proposed zoning change.

Director Environment and Development Services declared an pecuniary interest in Item 18 Warrumbungle Local Environmental Plan 2013 Review due to owning a parcel of land subject to a proposed zoning change.

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 12 April 2023 to 10 May 2023

313/2223 RESOLVED that Council notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 12 April 2023 to 10 May 2023.

MOVED: Councillor Doolan

SECONDED: Councillor Kopke

For – Unanimous

Item 2 Mayoral Minute – Damaging Increase in Emergency Services Levy Costs
314/2223 RESOLVED that Council writes to:

1. The Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. The Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. The President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of councils' emergency services contribution.

MOVED: Councillor Doolan

SECONDED: Councillor Brady

For – Unanimous

Item 3 Councillors' Monthly Travel Claims

315/2223 RESOLVED that the Councillors' monthly travel claims report in the amount of \$1,870.44 be noted for information.

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Unanimous

Item 4 Community Consultation Meetings

316/2223 RESOLVED that Council:

1. Endorse the draft Minutes from the 7 Community Consultation Meetings held in March and April 2023 for Round 2 2022/2023.

2. Note that Minutes from the Community Consultation Meetings held in March and April 2023 for Round 2 2022/2023 will now be released to meeting attendees and placed on Council's website.
3. Endorse the meeting dates for Round 1 2023/2024 as:
 - Mendooran Monday 23 October 2023
 - Binnaway Tuesday 24 October 2023
 - Coolah Monday 30 October 2023
 - Coonabarabran Tuesday 31 October 2023
 - Baradine Monday 6 November 2023
 - Dunedoo Tuesday 7 November 2023

MOVED: Councillor Kopke

SECONDED: Councillor Hogden

For – Unanimous

Item 5 Council Resolutions Report

317/2223 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Kopke

SECONDED: Councillor Holcombe

For – Unanimous

Item 6 Revotes and High Value Projects Report

318/2223 RESOLVED that the Revote and High Value Projects Report be noted for information.

MOVED: Councillor Holcombe

SECONDED: Councillor Newton

For – Unanimous

Item 7 Reviewed Policies

319/2223 RESOLVED that Council adopts the reviewed policies for:

1. Public Art;
2. Records Management for Councillors; and
3. Statement of Business Ethics.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 8 Draft Complaint Handling Framework

320/2223 RESOLVED that Council adopts the draft Complaint Handling Framework.

MOVED: Councillor Kopke

SECONDED: Councillor Holcombe

For – Unanimous

Item 9 Investments and Term Deposits – month ending 30 April 2023

321/2223 RESOLVED that Council accept the Investments Report for the month ending 30 April 2023 including a total balance of \$33,038,486.19 being:

- \$1,602,800.31 in at call accounts.
- \$31,000,000.00 in term deposits.
- \$435,685.88 cash at bank.

MOVED: Councillor Todd

SECONDED: Councillor Hogden

For – Unanimous

Item 10 Natural Disaster Response and Recovery Monthly Report for May 2023

322/2223 RESOLVED that Council note the Natural Disaster Response and Recovery Monthly Report for May 2023.

MOVED: Councillor Newton

SECONDED: Councillor Kopke

For – Unanimous

Item 11 2022/23 Draft Crown Reserves Plan of Management

323/2223 RESOLVED that:

1. In accordance with Section 3.23 of the *Crown Land Management Act 2016*, notification be provided to the Minister of Council's categorisation of Reserve 17798.
2. The draft Crown Reserves Plan of Management be referred to the NSW Department of Planning, Industry and Environment – Crown Lands:
 - a. As the landowner, as required by Section 39 of the *Local Government Act 1993*.
 - b. For the Ministerial consent to exhibit the draft Plan of Management as required by Section 3.23(7)(d) of the *Crown Land Management Act 2016*.
3. Following the receipt of the Minister's consent and approval by the Department of Planning, Industry and Environment – Crown Lands as the landowner, the draft Crown Reserves Plan of Management be placed on public exhibition and advertised for a minimum period of 42 days and invite public submissions.
4. A report on the outcome of the exhibition be provided to Council prior to adopting the final document.

MOVED: Councillor Newton

SECONDED: Councillor Brady

For – Unanimous

Item 12 Update Report on Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway
324/2223 RESOLVED that Council:

1. Notes the update report on the Road Closure Part Castlereagh Avenue Binnaway for the Pump House Camping Ground Binnaway.
2. Authorises the General Manager to publish the section 38 Road Closure Notice in the Government Gazette.

MOVED: Councillor Todd

SECONDED: Councillor Hogden

For – Unanimous

Item 13 Drinking Water Management System Improvement Plan Implementation – November 2022 Update Report

325/2223 RESOLVED that Council notes the Drinking Water Management System Improvement Plan Implementation – November 2022 Update Report.

MOVED: Councillor Kopke

SECONDED: Councillor Rindfleish

For – Unanimous

Item 14 Mendooran Water Quality Incident Review Report Implementation Progress Update

326/2223 RESOLVED that Council notes the implementation progress of the recommendations within the Mendooran Water Quality Incident Review Report.

MOVED: Councillor Kopke

SECONDED: Councillor Newton

For – Unanimous

Item 15 Contaminated Land Policy

327/2223 RESOLVED that:

1. Council endorses the Draft *Contaminated Land Policy* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the Draft *Contaminated Land Policy* after the public exhibition period is completed.

MOVED: Councillor Brady

SECONDED: Councillor Rindfleish

For – Unanimous

Item 16 Business Use of Footpaths Policy Report

328/2223 RESOLVED that:

1. Council endorses the draft *Business Use of Footpaths Policy* and guidelines for the purposes of public exhibition for a minimum of 28 days.

2. A further report be presented to Council on the Draft *Business Use of Footpaths Policy* and guidelines after the public exhibition period is completed.

MOVED: Councillor Kopke

SECONDED: Councillor Hogden

For – Unanimous

Item 17 Compliance and Enforcement Policy

329/2223 RESOLVED that:

1. Council endorses the Draft *Compliance and Enforcement Policy* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the Draft *Compliance and Enforcement Policy* after the public exhibition period is completed.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

5.37pm

Cr Holcombe and Director Environment and Development Services left the room due to declaring an interest in the next item.

Item 18 Warrumbungle Local Environmental Plan 2013 Review

330/2223 RESOLVED that:

1. Council prepare a Planning Proposal to amend the *Warrumbungle LEP 2013* for purposes outlined in the Issues section of this report (a – k);
2. Council places the Planning Proposal on public exhibition for a minimum of 28 days;
3. Council not accept plan making delegations for the LEP Review Planning Proposal and seek this to be completed by Department of Planning, Industry and Environment; and
4. A report be prepared on submissions received to the exhibition of the Planning Proposal.

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Unanimous

5.52pm

Cr Holcombe and Director Environment and Development Services returned to the meeting.

Item 19 Renewable Energy Benefit Policy Report

331/2223 RESOLVED that Council adopt the *Renewable Energy Benefit Policy* with the inclusion of:

- i. Annual indexing the contribution, and
- ii. That proponents pay 10% of the Planning Agreement quantum within 30 days of the signing of the Planning Agreement.

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Cr Doolan, Cr Kopke, Cr Rindfleish, Cr Newton, Cr Brady, Cr Hogden, and Cr Todd
Against – Cr Iannuzzi and Cr Holcombe

Item 20 Central-West Orana Renewable Energy Zone Report – May 2023

332/2223 RESOLVED that Council:

1. Notes the information in the Central-West Orana Renewable Energy Zone Report – March 2023.
2. Does not over-specify or burden developers with the cost of betterment of infrastructure for its own sake, but rather to ensure the developer funds any necessary improvements to reduce, mitigate and offset in proportion to any negative impacts of the development, which the community could otherwise end up having to bear the cost of itself. Further that this recommendation be read in conjunction with Recommendation 6 below.
3. Continues to advocate for appropriately designed, constructed and operated temporary workers camps to be located in, adjacent to or close to towns in the Warrumbungle Shire.
4. Agrees to appoint a community-based committee, that includes councillors, to provide recommendations to Council on the expenditure of funds for all REZ-related planning agreement funds, excluding those funds identified for roads.
5. Manages planning agreement funds identified for roads through its road maintenance and asset management systems.
6. Seeks for proponents to contribute to and/or provide infrastructure that can remain in place for future community benefit (legacy infrastructure), providing that such infrastructure has ongoing community benefit without being a financial burden on the community/Council.

MOVED: Councillor Brady

SECONDED: Councillor Hogden

For – Cr Doolan, Cr Holcombe, Cr Brady, Cr Hogden and Cr Rindfleish
Against – Cr Iannuzzi, Cr Kopke, Cr Newton and Cr Todd

Item 21 Inland Rail Update Report – May 2023

333/2223 RESOLVED that Council notes the information in the Inland Rail Update Report – May 2023.

MOVED: Councillor Todd

SECONDED: Councillor Newton

For – Unanimous

Item 22 Development Applications

334/2223 RESOLVED that Council notes the Applications and Certificates approved during April 2023, under Delegated Authority.

MOVED: Councillor Brady

SECONDED: Councillor Kopke

For – Unanimous

Item 23 Notice of Motion – To build a performance-based budgeting system that can measure performance of council spending programs and projects

335/2223 RESOLVED that Council engage a consultant to scope a report regarding building a performance-based budgeting system that can measure performance of Council spending programs and projects.

MOVED: Councillor Rindfleish

SECONDED: Councillor Kopke

For – Unanimous

Item 24 Notice of Motion – Council allocate an appropriate person to manage the roads natural disaster relief grant funding packages and has this as their primary role

336/2223 RESOLVED that Council allocate an appropriate person to manage the roads natural disaster relief grant funding packages and has this as their primary role

MOVED: Councillor Rindfleish

SECONDED: Councillor Newton

For – Unanimous

Item 25 Reports to be Considered in Closed Council

337/2223 RESOLVED that:

1. Item 25.1 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 25.2 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)(e) 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 25.3 Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report

That the Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding 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 commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

MOVED: Councillor Kopke

SECONDED: Councillor Brady

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.

338/2223 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 Newton

SECONDED: Councillor Kopke

For – Unanimous

**6.25pm
Closed Council**

PROCEDURAL MOTION

That Council deal with Item 25.3 Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report at this point of the meeting.

MOVED: Councillor Hogden

SECONDED: Councillor Newton

For – Unanimous

Item 25.3 Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report 339/2223 RESOLVED that Council:

1. Notes the information contained in the Dunedoo and Coolah Sewage Treatment Plant Upgrades Funding Report
2. Delegates authority to the General Manager to execute and sign the two funding deeds received from the Department of Planning and Environment valued at a \$2,290,000 and \$1,700,000 respectively for Coolah Sewerage Treatment Plant and Dunedoo Sewerage Treatment Plant.
3. Concludes the Early Tender Involvement process and notifies each contractor in writing that the selective tendering process will be terminated.
4. Seeks formal endorsement from the EPA and Department of Planning and Environment to reduce the scope of the Dunedoo STP upgrades by removing UV disinfection from the process and augmenting the existing maturation pond for sewerage disinfection.
5. Seeks formal endorsement from the EPA and Department of Planning and Environment to undertake minor upgrades only to Coonabarabran STP to ensure it continues to meet environmental licencing requirements.
6. Adjusts the project budgets to \$5,500,000 and \$350,000 respectively for the Dunedoo Sewerage Treatment Plant and Coonabarabran Sewerage Treatment Plant.
7. Proceeds with upgrades to the Dunedoo Sewerage Treatment Plant through tendering separately for design and construction phases (these being Civil Works, Chemical Dosing, Electrical, Minor Works, Remediation, Building Works) for the project.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 25.1 Human Resources Monthly Report

340/2223 RESOLVED that the Human Resources Monthly Report be noted for information (noting the amended dates).

MOVED: Councillor Rindfleish

SECONDED: Councillor Todd

For – Unanimous

Item 25.2 Three Rivers Regional Retirement Community Information Report

341/2223 RESOLVED that Council:

1. Note the advice and endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

2. Authorise the Mayor and General Manager to negotiate with various parties for the further use of Lot 10 DP1239415, Sullivan Street, Dunedoo.

MOVED: Councillor Hogden

SECONDED: Councillor Newton

For – Unanimous

342/2223 RESOLVED that Council return to Open Council.

MOVED: Councillor Kopke

SECONDED: Councillor Brady

For – Unanimous

6.43pm
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 6.45pm.

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CHAIRPERSON