

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 JULY 2014 COMMENCING AT
10.03AM PAGE 1**

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Director Development Services (Leeanne Ryan)

In attendance: Manager Administration & Customer Service (Sally Morris) (minutes)

Forum

10.03am

Mr Peter Small - Coonabarabran Residents Against CSG (CRAG) in regards to a door knock survey about support or otherwise of residents for CSG being conducted by CRAG in the Coonabarabran area.

10.06am

Mr Ambrose Doolan – Request for retention of the current MOU between the Coonabarabran Local Aboriginal Lands Council, Warrumbungle Shire Council, Coonabarabran Pony Club and the Coonabarabran Showground Trust on land adjacent to the Coonabarabran Showground.

10.20am

Mrs Rebecca Moxham – In regards to the dispute between the Coonabarabran Horse and Rider Club and North West Equestrian Expo over the ownership and disposal of the horse yards and request for Council involvement.

10.28am

The General Manager provided information to Council regarding a letter from solicitor received by Council as Interim Trustee of the Coonabarabran showground. Matter has been referred for advice.

APOLOGIES:

Nil

10.32am

At this time the Mayor called for Declarations of Interest (to declare pecuniary or non-pecuniary interest) from Councillors and senior staff in any matter listed in the Agenda for consideration at the meeting.

Councillor Gary Andrews declared a pecuniary interest in Item 9.

REPORTS

Item 1 Minutes of Ordinary Council Meeting – 19 June 2014

01/1415 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 19 June 2014 be endorsed with the exception of the resolution relating to Item 2C.

**Coe/Schmidt
The motion was carried**

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Business arising

Item 2c

This matter is to be further discussed in the closed committee meeting at the end of the ordinary Council meeting

Item 2 Minutes of Traffic Advisory Committee Meeting – 26 June 2014

02/1415 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held on 26 June 2014.
2. That request by the Coonabarabran Pony Club to close John Street, between Edwards Street and Dalgarno Street on Friday, 26 September 2014, between 3.00 pm and 3.30 pm for the Annual Horse Parade be approved subject to compliance with Council's Road Closure Procedures.
3. That formal contact be made with bus operator(s) regarding location of school bus stop areas on Golden Highway between 9 km and 13 km west of Dunedoo.
4. That the following actions be undertaken in relation to the Coonabarabran Bunny Bazaar Event:
 - 1) The closure of John Street is extended to include the section between Cassilis Street and Castlereagh Street, and Dalgarno Street between the Police Station on the eastern side of John Street to the Eat It Café on the western side of John Street.
 - 2) The location of market stalls to remain in the section of John Street between Dalgarno Street and Cassilis Street. No stalls to be erected in Dalgarno Street or in John Street north of the roundabout as these roads will be used for emergency access.
 - 3) Traffic priority is given to vehicles travelling on the Detour Route, which means that location of 'Give Way' signs at the following intersections are changed for the duration of the John Street closure:
 - a. Baradine Road and Saleyards Road;
 - b. Namoi Street and Dalgarno Street;
 - c. Namoi Street and Cassilis Street.
 - 4) Recommend to the Chamber of Commerce that an information brochure is made available to vehicles that are directed beyond the Detour Route
5. That concerns about lack of right hand turn capacity at the intersection of the Golden Highway and Vinegaroy Road is formally conveyed to the Hunter Region of RMS.

**Capel/C Sullivan
The motion was carried**

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**Item 3 Minutes of Local Emergency Management Committee Meeting
– 26 May 2014**

03/1415 RESOLVED that Council notes the minutes from the Local Emergency Management Committee held on 26 May 2014 at Coolah.

**Capel/R Sullivan
The motion was carried**

**Item 4 Minutes of Robertson Oval Advisory Committee Meeting – 25 June 2014
04/1415 RESOLVED:**

1. That Council accepts the Minutes of the Robertson Oval Advisory Committee meeting held on 25 June 2014.

2. That Masterplan Option 1 be modified to include a specifically designed mound area that overlooks the football field and the netball courts and that two hardstand netball courts are included in the area between the mound and existing netball courts.

**C Sullivan/Coe
The motion was carried**

**Item 5 Minutes of Warrumbungle Aerodromes Advisory Committee Meeting
– 24 June 2014**

05/1415 RESOLVED:

1. That Council accepts the Minutes of the Warrumbungle Aerodromes Advisory Committee Meeting held on 24 June 2014.

2. That options for relocating the markers on the grass runway at Coonabarabran Aerodrome be investigated in consultation with Mr Colin Taylor and CASA **FURTHER** that investigations are to include assessment of the extent of pavement across the width of the runway.

**Todd/Andrews
The motion was carried**

Item 6 Minutes of Consultative Advisory Committee Meeting – 26 June 2014

06/1415 RESOLVED that Council notes the Minutes from the Consultative Advisory Committee meeting held on 26 June 2014 at Coonabarabran.

**Coe/C Sullivan
The motion was carried**

Item 7 Request for Leave of Absence – Councillor Murray Coe

07/1415 RESOLVED that Council accepts the notification from Councillor Coe and grants a Leave of Absence from the Ordinary August 2014 Council meeting.

**C Sullivan/Capel
The motion was carried**

Item 8 Notice of Foreshadowed Motion – Anti Coal Seam Gas
Received.

10.59am

Cr Andrews declared an interest in the next item to be discussed and left the room.

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Item 9 Solar Panels – Fitment of Solar Panels

08/1415 A motion was moved by Councillor Schmidt seconded by Councillor Capel that Council investigate the fitment of solar panels to every appropriate council building.
The motion was put and carried

11.06am

Councillor Andrews returned to the meeting.

Item 10 Report from Human Resources – July 2014

Received.

Item 11 Brick Bats and Bouquets

Received.

Item 12 Council Resolutions Report July 2014

Received.

Item 13 Coonabarabran Showground Reserve Trust

09/1415 RESOLVED that Council consider this matter in closed committee.

**R Sullivan/Clancy
The motion was carried**

11.40am

10/1415 RESOLVED that standing orders be suspended to break for morning tea.

**Schmidt/Clancy
The motion was carried**

11.57pm

11/1415 RESOLVED that standing orders be resumed.

**Schmidt/Clancy
The motion was carried**

Item 14 Shenhua Watermark Project

12/1415 RESOLVED that Council endorse the actions of the General Manager in addressing the Planning Assessment Commission and to continue to pursue the opportunity to engage with Shenhua regarding compensation for the impact of the development on Warrumbungle Shire **FURTHERMORE** that Council write to Shenhua requesting that Warrumbungle Shire be included in the Voluntary Planning Agreement process for the Watemark Coal development project.

**Capel/R Sullivan
The motion was carried**

Item 15 Council Seal

13/1415 RESOLVED that Council resolve that agreements of five (5) years and under with a value of less than \$149,999 be at the General Managers discretion as to whether a Council seal is applied to the agreement **FURTHERMORE** that the seal be kept by the General Manager in a secure place **FURTHERMORE** that the use of the seal be reported to Council at the next Council meeting.

**Schmidt/Capel
The motion was carried**

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Item 16 Bank Reconciliation for month ending 30 June 2014

14/1415 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 30 June 2014.

**Schmidt/Capel
The motion was carried**

Item 17 Investments and Term Deposits for Month ending 30 June 2014

15/1415 RESOLVED that Council accept the Investments Report for the month ending 30 June 2014.

**Capel/R Sullivan
The motion was carried**

Item 18 Rates Report for Month Ending 30 June 2014

Received.

Item 19 Request for Hardship Rate Relief - Assessment No 10057594

16/1415 RESOLVED that Council deny the request for hardship as the owner currently has no rates outstanding and will be eligible for a pensioner concession as at November 2014 however offer to enter into an arrangement with the ratepayer to delay the repayment of 2014-2015 rates and charges; until the pensioner concession is applied.

**R Sullivan/Coe
The motion was carried**

Item 20 Application to Connect Service Water to Lot 41 DP754971, Merrygoen Washbrook

17/1415 RESOLVED to approve the application to install a service water connection to Lot 41 DP754971 (Option 1), the approval being subject to an agreement between Council and the property owners.

This agreement should:

- State the acceptance by the owners that the level of service at their property will be different to the level of service for the village of Merrygoen with regard to water pressure,
- Request the installation of a storage tank of appropriate capacity by the owners and
- State that for the purpose of fire fighting the installation of an appropriate pump and pipe-work to the house is recommended.

**Andrews/Capel
The motion was carried**

Item 21 Road Naming

18/1415 RESOLVED that Council call for submissions regarding the proposal that the road commencing at the Oxley Highway and terminating at the boundary of Lot 225 DP 753378 be named "Hynds Road".

**Clancy/C Sullivan
The motion was carried**

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Item 22 Request to purchase bitumen emulsion from Council

19/1415 RESOLVED that Council not establish a business of selling bitumen emulsion .To assist the applicant for a trial period of 12 months, that coincides with the current supply contract, they be advised each time Council is expecting a delivery of bitumen emulsion at the Coonabarabran depot to enable the applicant to purchase emulsion directly from Council's supplier.

**Clancy/R Sullivan
The motion was carried**

**Item 23 2014/15 Technical Services Works Program
– Road Operations, Urban Services & Water Services**

Received

Item 24 Companion Animal Fees

20/1415 RESOLVED that Council adopt the new companion animal registration fees as at 1 July 2014 as follows:

Desexed animal: \$51 (from \$49)

Non-desexed animal: \$188 (from \$182)

Breeder concession: \$51 (from \$49)

Pensioner concession (desexed animal only) \$20 (from \$19)

**Capel/Schmidt
The motion was carried**

Item 25 Contaminated Lands Register

21/1415 RESOLVED that Council engage in community consultation to identify contaminated or potentially contaminated land sites within the Warrumbungle Shire LGA.

**Capel/Schmidt
The motion was carried**

Item 26 Lot 1&2 DP84788 made available for Grazing Licence

22/1415 RESOLVED that Council approve Lot 1 and 2 DP847880 be included in the portfolio of lands available for grazing licence and that it be advertised for expressions of interest from the general public for a short term licence of twelve months, **FURTHERMORE** Council gives authority to the General Manager to negotiate the Licence as a matter of business.

**Clancy/Schmidt
The motion was carried**

Item 27 LEP Amendment – Erection of dwellings in RU1 Zone

23/1415 RESOLVED that Council support the preparation of a Planning Proposal to address the issue of 'lost dwelling entitlement' under the current LEP Zone RU1, including any other amendments necessary, which would be determined at a later date.

**Schmidt/Capel
The motion was carried**

Item 28 Heritage Report

Received.

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Councillor Coe foreshadowed a motion that public institutions be given priority and that private property be excluded from future consideration of applications. **FURTHERMORE** that a policy be developed by the Director Development Services regarding this matter based on a rolling approval and eligibility rotation of applicants.

Item 29 Development Applications

24/1415 RESOLVED that Council note the Applications Approved, during June 2014, under Delegated Authority.

C Sullivan/Schmidt
The motion was carried

1.06pm

25/1415 RESOLVED that standing orders be suspended to break for lunch.

Capel/C Sullivan
The motion was carried

1.55pm

26/1415 RESOLVED that standing orders be resumed.

C Sullivan/Todd
The motion was carried

1.55 pm

27/1415 RESOLVED that:

- (a) that Council go into closed committee to consider business relating to a commercial in confidence matter and a personnel matter
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, 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)(a) and (c)
- (c) that 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.

C Sullivan/Clancy
The motion was carried

28/1415 RESOLVED that the order of consideration of items in closed committee be as follows:

Item 1C - IT Replacement of Server and Data Storage Environment

Item 3C - Item 13 Coonabarabran Showground - Sale of Yards

Item 4C - Minutes of Ordinary council meeting 19 June 2014 being business arising - Item 2C Code of Conduct Investigation Report

Item 2C - Mayoral Minute – General Manager Annual Performance Review Report

R Sullivan/Capel
The motion was carried

Councillors Shinton and Andrews declared a non pecuniary interest in the item 3C to be considered.

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Item 3C - Item 13 Coonabarabran Showground - Sale of Yards

Discussion regarding the ownership and sale/transfer of yards and Councils role or otherwise; and jurisdiction over matter as Interim Trustee of Coonabarabran Showground.

Councillor Clancy left the meeting

Councillor Clancy re-joined the meeting with information as to the ownership of the yards.

Item 4C – Minutes of Ordinary council meeting 19 June 2014 being business arising - Item 2C Code of Conduct Investigation Report

Referred to the NSW Office of Local Government (OLG).

2.57pm

Councillor Todd left the meeting.

3.13pm

Consideration of Item 2C

Item 2C Mayoral Minute – General Manager Annual Performance Review Report

The General Manager and senior staff left the room during consideration of Item 2C

3.18pm

29/1415 RESOLVED that Council move out of closed Committee and into open Council.

C Sullivan/Capel

The motion was carried

3.19pm

The General Manager and senior staff returned to the meeting.

The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the General Manager.

Item 1C IT – Replacement of Server and Data Storage Environment

30/1415 RESOLVED that Council accepts the Dell Compellent SC4020 Solution to replace the WSC Server and Data Storage Hardware through negotiated lease and/or rental contracts for a three (3) year period.

Schmidt/C Sullivan

The motion was carried

Item 3C - Item 13 Coonabarabran Showground - Sale of Yards

31/1415 RESOLVED that:

- Council does not believe Horse and Rider Club own the yards,
- Council ask Horse and Rider Club to suspend the sale of the yards,
- Council seek a resolution as to ownership of the yards,
- As Interim Trustee of the Coonabarabran Showground, Council lock the shed where the yards are currently stored and;
- Should the sale be effected, as a stakeholder Council ask the Horse and Rider Club to distribute equally the sale proceeds of the yards between interested parties

R Sullivan/Coe

The motion was carried

Gary Andrews and Peter Shinton recorded their vote against the motion

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32/1415 RESOLVED that if the yards are sold Council ask the Horse and Rider Club that funds be held in trust until a resolution of the disbursement of the funds is made.

R Sullivan/Coe

The motion was carried

Gary Andrews and Peter Shinton recorded their vote against the motion

A spill was called with Councillors R Sullivan, C Sullivan, Coe, Clancy, Todd, Capel and Schmidt in favour of the motion and Councillors Andrews and Shinton against the motion.

Item 4C – Minutes of Ordinary council meeting 19 June 2014 being business arising - Item 2C Code of Conduct Investigation Report
Referred to the Office of Local Government

Item 2C Mayoral Minute – General Manager Annual Performance Review Report

33/1415 RESOLVED that Council accept and endorse;

1. The summary report provided by Mark Anderson Manager, Local Government Management Solutions
2. The increase of 5% of the General Manager's Total Remuneration Package based on the General Manager's positive performance during this review period. The increase is to take effect from 2 May 2014 being the 12 month anniversary of the General Manager's contract **FURTHERMORE** the General Manager be provided with three (3 days) paid special leave between Christmas and New Year as agreed by the review committee.

Schmidt/Coe

The motion was carried

The General Manager thanked Councillors for the positive outcome of his performance review.

There being no further business the meeting closed at 3.25pm.

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CHAIRMAN