



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 17 September 2020

commencing at 5:00pm

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

In attendance: General Manager (Roger Bailey) and Executive Assistant to the General Manager (Erin Player – Minutes).
Also in attendance via videolink were Director Technical Services (Kevin Tighe), Director Environment and Development (Leeanne Ryan), Director Corporate and Community Services (Kim Parker) and Manager Warrumbungle Water (Cornelia Wiebels).

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 streamed live plus audio recorded, and that the audio recording will be published.

APOLOGIES

Nil

Confirmation of Minutes

68/2021 RESOLVED that Council confirm the resolutions contained in the Minutes of the Ordinary Council meeting held on 20 August 2020.

MOVED: Councillor Hill

SECONDED: Councillor Shinton

For – Unanimous

The Mayor called for Disclosure of Interests

Nil

Item 1 Nominations for and Election for the Position of Mayor for the Period 2020 to 2021

69/2021 RESOLVED that Council:

1. Note the report on the nominations for and election for the position of Mayor for the 12-month period to September 2021;
2. Proceed by the Open Voting method for the position of Mayor;
3. Proceed to hold the election for the position of Mayor for the 2020 to 2021 term.

MOVED: Councillor Brady

SECONDED: Councillor Hill

For – Unanimous

Councillor Todd vacated the chair at 5.05pm

The General Manager announced that one nomination had been received for the position of Mayor for the period 17 September 2020 until September 2021:

1. Cr Doolan, nominated by Cr Iannuzzi and Cr Clancy

The General Manager called for further nominations for the position of Mayor. There were no further nominations.

The General Manager declared Councillor Doolan elected unopposed to the position of Mayor for the period 2020 – 2021.

Item 2 Nominations for and Election for the Position of Deputy Mayor for the Period 2020 to 2021

70/2021 RESOLVED that Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines that no fee is to be paid to the Deputy Mayor.

MOVED: Councillor Capel

SECONDED: Councillor Todd

For – Unanimous

The General Manager announced that two nominations had been received for the position of Deputy Mayor for the period 2020 – 2021.

1. Cr Iannuzzi, nominated by Cr Doolan and Cr Clancy
2. Cr Shinton, nominated by Cr Shinton and Cr Brady

The General Manager called for further nominations for the position of Deputy Mayor. There were no further nominations and the election was held.

Councillor Iannuzzi – five (5) votes

- Cr Iannuzzi
- Cr Todd
- Cr Lewis
- Cr Doolan
- Cr Clancy

Councillor Shinton – four (4) votes

- Cr Shinton
- Cr Hill
- Cr Brady
- Cr Capel

The General Manager declared Councillor Iannuzzi elected to the position of Deputy Mayor for the period 2020 – 2021.

**Item 3 Delegations of Authority to the Mayor and Deputy Mayor
71/2021 RESOLVED** that Council:

1. Notes that the Mayor holds the following functions under section 226 of the *Local Government Act 1993*:
 - a) to be the leader of the council and a leader in the local community,
 - b) to advance community cohesion and promote civic awareness,
 - c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
 - d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
 - e) to preside at meetings of the council,
 - f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
 - g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
 - h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
 - i) to promote partnerships between the council and key stakeholders,
 - j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
 - k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
 - l) to carry out the civic and ceremonial functions of the mayoral office,
 - m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
 - n) in consultation with the councillors, to lead performance appraisals of the general manager,
 - o) to exercise any other functions of the council that the council determines.
2. Delegates the following additional functions and delegations to the Mayor:
 - a) to approve leave for the General Manager,
 - b) to respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council,
 - c) approve attendance by elected members at conferences and seminars etc. within NSW and the ACT to a maximum of three (3) days and within budget provisions,

- d) authorise urgent works up to an amount of \$50,000 where budget funds are available and report that approval to the next Council meeting,
 - e) promote the area of Council through representations, functions and personal approaches,
 - f) use of a corporate credit card to a maximum of \$5,000.
3. Delegates the following function and delegation to the Deputy Mayor:

If the mayor is prevented by illness, absence or otherwise from exercising their function then subject to the requirements of the *Local Government Act 1993* the Deputy Mayor be authorised to exercise and perform on behalf of the Council the powers, authorities, duties or functions with Council has delegated to the Mayor.

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

Item 4 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 11 August 2020 to 8 September 2020

72/2021 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 11 August 2020 to 8 September 2020.
2. Notes the report on the Mayor's credit card expenses between 8 August 2020 and 7 September 2020 and approves the refund totalling \$550.00.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

Item 5 Councillors' Monthly Travel Claims – August 2020

73/2021 RESOLVED that the Councillors' monthly travel claims report in the amount of \$519.32 is noted.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 6 Minutes of Local Emergency Management Committee Meeting – 17 August 2020

74/2021 RESOLVED that Council notes the minutes from the Local Emergency Management Committee held on 17 August 2020 at Coonabarabran.

MOVED: Councillor Shinton

SECONDED: Councillor Capel

For – Unanimous

Item 7 Minutes of TRRRC 355 Advisory Committee Meeting – 26 August 2020

75/2021 RESOLVED that Council:

1. Accepts the minutes of the Three Rivers Regional Retirement Community S355 Committee meeting held via teleconference 26 August 2020.
2. Develop a strategy to plant the trees in Dunedoo that were propagated for TRRRC.
3. Organise a meeting between the local State and Federal members and TRRRC Committee to discuss moving forward with the project.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 8 National Local Roads and Transport Congress

76/2021 RESOLVED that Council:

1. Note the report in relation to the National Local Roads and Transport Congress; and
2. Appoint the following Councillors to attend Cr Todd; Cr Doolan; and Cr Shinton (alternate).

MOVED: Councillor Doolan

SECONDED: Councillor Clancy

For – Unanimous

Item 9 2020 Local Government NSW Annual Conference Motions

77/2021 RESOLVED that Council:

1. Note the report on the 2020 Local Government NSW Annual Conference Motions;
2. Appoint the Mayor as Council's delegate to participate in the LGNSW Annual Conference; and
3. Other Councillors be permitted to participate in the conference as observers.

MOVED: Councillor Lewis

SECONDED: Councillor Todd

For – Unanimous

Item 10 Code of Conduct

78/2021 RESOLVED that Council adopts the Updated Draft Warrumbungle Shire Council Code of Conduct as outlined in Attachment 3.

MOVED: Councillor Capel

SECONDED: Councillor Brady

For – Unanimous

Item 11 Council Resolutions Report

79/2021 RESOLVED that the Council Resolution Report be noted for information

MOVED: Councillor Clancy

SECONDED: Councillor Hill

For – Unanimous

Item 12 Revotes and High Value Projects Report

80/2021 RESOLVED that the Revote and High Value Projects Report be noted for information.

MOVED: Councillor Todd

SECONDED: Councillor Clancy

For – Unanimous

Item 13 Delivery Program Progress Report – 30 June 2020

81/2021 RESOLVED that Council endorses the Delivery Program Progress Report for the period 1 January 2020 to 30 June 2020.

MOVED: Councillor Capel

SECONDED: Councillor Clancy

For – Unanimous

Item 14 Records Management Review

82/2021 RESOLVED that Council:

1. Notes the information contained in the Records Management Review report.
2. Adopts the draft *Records Management Strategy and Records Management for Councillors Policy*.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Cr Doolan, Cr Shinton, Cr Lewis, Cr Todd, Cr Hill, Cr Brady, Cr Capel and Cr Clancy
Against – Cr Iannuzzi

Item 15 Completion of Annual Financial Statements 2019/20 as at 30 June 2020

83/2021 RESOLVED that:

1. The report on progress of completion of the Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2020 be noted; and
2. Council authorise the signing of the declarations and the submission of draft Annual Financial Statements 2019/20 (GPFS and SPFS) to the auditors for the purpose of external audit.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Cr Doolan, Cr Iannuzzi, Cr Shinton, Cr Todd, Cr Hill Cr Brady, Cr Capel and Cr Clancy

Against – Cr Lewis

PROCEDURAL MOTION

That Council deal with Item 21 at this point of the meeting.

MOVED: Cr Shinton

SECONDED: Cr Todd

For – Unanimous

Item 21 Funding for Binnaway and Mendooran Sewage Schemes

5.52pm

Cr Iannuzzi left the meeting

84/2021 RESOLVED that Council:

1. Notes the information contained in the Funding for Binnaway and Mendooran Sewage Schemes report.
2. Makes appropriate representations seeking that the criteria for the risk scores to be reconsidered that would provide higher risk ratings for the Binnaway and Mendooran sewer schemes.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 16 Investments and Term Deposits – month ending 31 August 2020

85/2021 RESOLVED that Council accept the Investments Report for the month ending 31 July 2020 including a total balance of \$19,324,371.71 being:

- \$2,460,317.83 in at call accounts.
- \$16,000,000 in term deposits.
- \$864,053.88 cash at bank.

MOVED: Councillor Clancy

SECONDED: Councillor Capel

For – Unanimous

Item 17 Lifeguards for School Based Activities

5.57pm

Cr Iannuzzi returned to the meeting.

86/2021 RESOLVED that Council:

1. Not provide Lifeguards for school-based activities in the 2020/21 season and future seasons.

2. Not charge schools and/or the students for school-based activities at the pools.
3. Enters into an agreement with the schools for use of the pools.
4. Enters into further discussions with schools on the use of the pools for school-based activities.

MOVED: Councillor Hill

SECONDED: Councillor Todd

For – Cr Doolan, Cr Iannuzzi, Cr Shinton, Cr Lewis, Cr Todd, Cr Hill, Cr Capel and Cr Clancy

Against – Cr Brady

Item 18 Streetlight Upgrade to LED Technology

87/2021 RESOLVED that:

1. Council approve the bulk replacement of Councils 751 streetlights to LED technology with funding by Essential Energy. The only cost payable to Essential Energy is \$6,500 for residual capital and project contingency. With estimated NSW Government credits for energy savings of \$45,000 the net upfront gain to Council is \$38,500 plus ongoing annual savings in energy and maintenance of \$35,500.
2. Agreement with Essential Energy for bulk replacement of streetlights is subject to concurrence by Siding Spring Observatory.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 19 Tender for Maintenance Grading of Unsealed Public Roads

88/2021 RESOLVED that item 19 Tender for Maintenance Grading of Unsealed Public Roads report 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 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 Todd

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 20 Regional Roads Transfer and Reclassification

89/2021 RESOLVED that Council:

1. Responds to the State Government's invitation to nominate roads for either transfer or reclassification by nominating the following two roads for transfer to State Government Management; Black Stump Way and Forest Road subject to the following conditions:
 - a. There is no reduction in income received by Council for roadworks associated with either Black Stump Way or Forest Road.

- b. Binnia Street between Booyamurra Street and Cunningham Street is declassified as a Regional Road and replaced by the alternate truck route which incorporates Cunningham Street and Booyamurra Street.
 - c. That roadworks on Black Stump Way and Forest Road continue to be undertaken by Council through a maintenance contract similar to that which exists on the State Roads.
2. Responds to the State Government's invitation to nominate roads for either transfer or reclassification by nominating Tooraweenah Road for reclassification from Local Road to Regional Road.

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

Item 21 Funding for Binnaway and Mendooran Sewage Schemes – dealt with earlier.

Item 22 Building and Development Certifiers Act 2018

90/2021 RESOLVED that Council notes the information in the Building and Development Certifiers Act 2018 report.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 23 Coonabarabran Industrial Land – September 2020 Update

91/2021 RESOLVED that Council:

1. Notes the information contained in the Industrial Land Subdivision report.
2. Receives an updated report should the Department and Premier and Cabinet return with advice on future funding opportunities.

MOVED: Councillor Brady

SECONDED: Councillor Clancy

For – Unanimous

Item 24 Development Applications

92/2021 RESOLVED that Council notes the Applications approved during August 2020, under Delegated Authority.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 25 Notice of Motion – Quarry and cost of imported road base

93/2021 RESOLVED that:

1. A report be brought back to Council on the progress being made on the acquisition of the crown road to enable the expansion of the quarry, enabling us to become self sufficient in the provision of road base.
2. Council make representations to our local member and report back.

MOVED: Councillor Lewis

SECONDED: Councillor Capel

For – Unanimous

Business of Great Urgency

94/2021 RESOLVED that a report to be presented to the next Council meeting relating to the submissions received on the Coonabarabran boxing gym licence.

MOVED: Councillor Lewis

SECONDED: Councillor Capel

For – Unanimous

The Mayor declared business relating to the submissions received on the Coonabarabran boxing gym licence as business of great urgency.

Item 26 Reports to be Considered in Closed Council

Item 26.1 Organisational Development Monthly Report – August 2020

95/2021 RESOLVED that the Organisational Development 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).

MOVED: Councillor Capel

SECONDED: Councillor Shinton

For – Unanimous

Item 26.2 Three Rivers Regional Retirement Community Information Report

96/2021 RESOLVED 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.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Hill

For – Unanimous

Item 26.3 Used Oil Collection – Netwaste Tender Process

97/2021 RESOLVED that the Used Oil Collection – Netwaste Tender Process report 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 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 Capel

SECONDED: Councillor Brady

For – Unanimous

Item 26.4 Tender for Construction of a Rural Fire Service Brigade Station at Weetaliba

98/2021 RESOLVED that the Tender for Construction of a Rural Fire Service Brigade Station at Weetaliba report 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 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 Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 26.5 Tender for the Supply and Delivery of Bitumen Sealing Aggregate

99/2021 RESOLVED that the Supply and Deliver Bitumen Sealing Aggregates report 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 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 Capel

SECONDED: Councillor Brady

For – Unanimous

Item 26.6 Mayoral Minute – Annual Performance Review – General Manager

100/2021 RESOLVED that the Mayoral Minute – Annual 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 Todd

SECONDED: Councillor Hill

For – Unanimous

101/2021 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 Capel

SECONDED: Councillor Todd

For – Unanimous

6.59pm
Closed Council

Item 19 Tender for Maintenance Grading of Unsealed Public Roads

PROCEDURAL MOTION

That Council receive the Supplementary Report on a Tender for Maintenance Grading of Unsealed Public Roads

MOVED: Councillor Shinton

SECONDED: Councillor Todd

For – Unanimous

102/2021 RESOLVED that the schedule of rates tender from McEvoy's Earthmoving & Haulage for maintenance grading of unsealed public roads be accepted.

MOVED: Councillor Clancy

SECONDED: Councillor Shinton

For – Unanimous

Item 26.1 Organisational Development Monthly Report – August 2020

103/2021 RESOLVED that the Organisation Development Monthly Report for August 2020 be noted for information.

MOVED: Councillor Hill

SECONDED: Councillor Capel

For – Unanimous

Item 26.2 Three Rivers Regional Retirement Community Information Report

PROCEDURAL MOTION

That Council receive the supplementary report on the Three Rivers Regional Community.

MOVED: Councillor Capel

SECONDED: Councillor Lewis

For – Unanimous

104/2021 RESOLVED that Council:

1. Endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

2. Acknowledge the fee proposal for legal expenses from Vincent Young as attached to this report and include in the first quarter QBRS for 20/21 FY.
3. Authorise the making of an offer of compromise as outlined in point 7 of the legal advice.
4. Write to the Hon. Mark Coulton seeking Commonwealth funding granted under the Stronger Regions Fund for the Three Rivers Regional Retirement Community to be transferred to an alternative funding stream that provides for an extended time to complete works.
5. Approach the relevant government for project management funding to allow NSW Public Works Advisory to project manage the remainder of the project.

MOVED: Councillor Hill

SECONDED: Councillor Shinton

For – Unanimous

Item 26.3 Used Oil Collection – Netwaste Tender Process

105/2021 RESOLVED:

1. Council accept the Netwaste contract for collection and disposal of waste oil at no cost to Warrumbungle Shire Council.
2. To accept the tender submitted by Cleanaway dated 28th July 2020 for the initial two (2) year term.
3. That the resolution regarding this tender remains confidential to the Council and NetWaste until all Councils have confirmed their acceptance or otherwise and an acceptance notice and all tenderers have been informed of the outcome.

MOVED: Councillor Lewis

SECONDED: Councillor Shinton

For – Unanimous

Item 26.4 Tender for Construction of a Rural Fire Service Brigade Station at Weetaliba

PROCEDURAL MOTION

That Council receive the Supplementary Report on a tender for the construction of a Rural Fire Service Brigade Station at Weetaliba.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

106/2021 RESOLVED that Council award the contract for the construction of a Rural Fire Service Brigade Station at Weetaliba to Warrumbungle Steel Buildings for a price of \$227,743.00 (incl GST).

MOVED: Councillor Shinton

SECONDED: Councillor Capel

For – Unanimous

Item 26.5 Tender for the Supply and Delivery of Bitumen Sealing Aggregates

107/2021 RESOLVED that Council accept the tender prices received from the following companies for supply and delivery of bitumen sealing aggregates for the period ending 30 June 2021 in order of preference as follows:

1. Holcim Australia
2. Boral Resources (Country)
3. Regional Quarries Australia.

MOVED: Councillor Todd

SECONDED: Councillor Clancy

For – Unanimous

7.32pm

PROCEDURAL MOTION

Council staff leave the Chamber for consideration of the next item 26.4 Mayoral Minute – General Manager’s Annual Performance Review.

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

All staff left the meeting.

Item 26.6 Mayoral Minute – General Manager’s Annual Performance Review

108/2021 RESOLVED that Council note the information on the General Manager’s Annual Performance Review.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

7.34pm

The General Manager and EA to the General Manager returned to the Chambers. The Directors did not return after the closed session and the meeting ended without them connecting back in via videoconferencing.

109/2021 RESOLVED that Council return to Open Council.

MOVED: Councillor Lewis

SECONDED: Councillor Capel

For – Unanimous

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

There being no further business the meeting closed at 7.40pm.

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CHAIRPERSON