



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 19 November 2020

commencing at 5:16pm

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

In attendance: General Manager (Roger Bailey), Director Technical Services (Kevin Tighe), Director Environment and Development (Leeanne Ryan), Director Corporate and Community Services (Kim Parker) and Executive Assistant to the General Manager (Erin Player – Minutes).

Acknowledgement of Country

Council acknowledged the Gomeri 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 Gomeri 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

143/2021 RESOLVED that the apology from Cr F Clancy be accepted and a leave of absence granted.

MOVED: Councillor Brady

SECONDED: Councillor Todd

For – Unanimous

Confirmation of Minutes

144/2021 RESOLVED that Council confirm the resolutions contained in the Minutes of the Ordinary Council meeting held on 15 October 2020.

MOVED: Councillor Shinton

SECONDED: Councillor Todd

For – Unanimous

The Mayor called for Disclosure of Interests

Cr Doolan declared a non-pecuniary interest in Item 22 – Developer Contributions – Request for Exemption due to being on the Board of Coinda.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

PROCEDURAL MOTION

That Council deal with Item 13 and Item 27 at this point of the meeting.

MOVED: Councillor Lewis

SECONDED: Councillor Todd

5.19pm

Luke Malone from Prosperity Advisers Group (Auditor) addressed the meeting in relation to Council's Financial Statements.

Item 13 Completion of Annual Financial Statements as at 30 June 2020

145/2021 RESOLVED that:

1. The report on amendments of Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2020 be noted; and
2. Council authorise the signing of the Statement subject to processing of feedback from audit as follows:-

The General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Statements:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

The Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared business activities for the year, and
- Accord with Council's accounting and other records.
- Present overhead reallocation charges to the businesses as fair and reasonable.

3. Council authorise the lodgement of the Audited financial statements to the Office of Local Government on their finalisation.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

Item 27 Notice of Motion – Investigation into Lewis Lane Closure

146/2021 RESOLVED that Council be provided with a report from staff concerning the closure of the bridge located along Lewis Lane across the Talbragar River. That this report also deal with:

- Where the funds from the wooden bridge replacement fund in the last Council have been transferred to
- The legality of the diversion of water from the properties Fairfield and Talbragar Park
- Why the northern end of Lewis Lane has not been resheeted with gravel
- Who authorised the staff to dig out the approaches to Lewis Lane bridge.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 8 October 2020 to 7 November 2020

147/2021 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 8 October 2020 to 7 November 2020.
2. Notes the report on the Mayor's credit card expenses between 8 October 2020 to 7 November 2020 and approves the payment of expenses totalling \$474.03.

MOVED: Councillor Shinton

SECONDED: Councillor Lewis

For – Unanimous

Item 2 Councillors' Monthly Travel Claims – October 2020

148/2021 RESOLVED that the Councillors' monthly travel claims report in the amount of \$896.84 is noted.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Shinton

For – Unanimous

Item 3 Minutes of Traffic Advisory Committee Meeting – 22 October 2020

149/2021 RESOLVED that:

1. Council accepts the minutes of the Traffic Advisory Committee meeting held at Coonabarabran on the 22 October 2020.
2. Consent be granted to the Dunedoo & District Development Group to close the western end of the Heavy Vehicle Parking Bay in Bolaro Street, Dunedoo on Thursday 26 November 2020 from 9.30am to 11.00am for the Silo Art Opening event subject to:
 - Installation of a VMS Board at the eastern end of the Heavy Vehicle Parking Bay

- Compliance with Council's Road Closure Guidelines
- Transport for NSW Western Region concurrence
- Receipt of current Public Liability Insurance.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 4 Minutes of Economic Development and Tourism Meeting

150/2021 RESOLVED that Council notes the minutes of the Economic Development and Tourism Committee meeting held on 22 October 2020.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Capel

For – Unanimous

Item 5 Minutes of Coonabarabran Town Beautification Advisory Committee Meeting – 7 October 2020

151/2021 RESOLVED that:

1. Council accepts the minutes of the Coonabarabran Town Beautification Advisory Committee meeting held at Coonabarabran on the 7 October 2020.
2. Signs are installed along with media messages about illegal dumping around the outskirts of Coonabarabran.
3. The John Street central planting project consist of Japanese Box for the central hedges and Lavender for the outer edges.

MOVED: Councillor Brady

SECONDED: Councillor Todd

For – Unanimous

Item 6 Minutes of Coonabarabran Swimming Pool Advisory Committee Meeting – 13 October 2020

152/2021 RESOLVED that Council notes the minutes of the Coonabarabran Swimming Pool Advisory Committee meeting held at Coonabarabran on the 13 October 2020.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 7 Robertson Oval Building Project and Minutes of Advisory Committee Meeting – 14 October 2020

153/2021 RESOLVED that:

1. Council notes the minutes of the Robertson Oval Advisory Committee meeting held at Dunedoo on the 14 October 2020.

2. The grant agreement executed between Council and the Australian Government for the Robertson Oval Amenities Building project valued at \$1,409,550 is endorsed by Council.

MOVED: Councillor Hill

SECONDED: Councillor Capel

For – Unanimous

Item 8 Council Resolutions Report

154/2021 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 9 Revotes and High Value Projects Report

155/2021 RESOLVED that the Revote and High Value Projects Report be noted for information

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

Item 10 Records Management Strategy, Policy and Procedure

156/2021 RESOLVED that Council adopts the Records Management Strategy and the Records Management for Councillor's Policy.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 11 2019/20 Annual Report

157/2021 RESOLVED that Council:

1. Endorses the 2019/20 Annual Report, with the inclusion of minor adjustments to the 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 Lewis

SECONDED: Councillor Shinton

For – Unanimous

Item 12 Quarterly Budget Review Statement for the 1st Quarter Ending 30th September 2020

158/2021 RESOLVED that Council:

1. Accept the first quarter Quarterly Budget Review Statement for the 2020/21 financial year, as presented;
2. Approve the variations as described in Table 1a; and
3. Note and accept the information provided on the status of the rates and annual charges for the period ending 30th September 2020.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 13 Completion of Annual Financial Statements as at 30 June 2020

Dealt with earlier in the meeting

Item 14 Investments and Term Deposits – month ending 31 October 2020

159/2021 RESOLVED that Council accept the Investments Report for the month ending 31 October 2020 including a total balance of \$18,704,002.20 being:

- \$1,139,138.16 in at call accounts.
- \$17,000,000.00 in term deposits.
- \$564,864.04 cash at bank.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

Item 15 Silo Road Baradine

160/2021 RESOLVED that Council:

1. Not proceed any further with acquisition of the following Crown Land Parcels:
 - Part Lot 7306, DP1146075
 - Part Lot 29, DP750246
 - Part Lot 7005, DP1002065
 - Part Lot 7006, DP1002065
 - Part Lot 7017, DP1051677
2. Include Silo Road, which connects Walker Street in the north to Ashby Road in the south, on Council's Road Register.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 16 Acquisition of Crown Road Adjoining Former Warrumbungle Quarry

161/2021 RESOLVED that in relation to acquisition of Crown Road that adjoins the Boral Quarry and Council's Property 'Red Hill':

1. Council make an application to the Minister and the Governor for approval to compulsorily acquire land described as Lot 1, DP 1259353 by compulsory process under sections 186(1) and of the Local Government Act 1993 for the purpose of expansion of and prolonging the commercial viability of the Coonabarabran Quarry in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. That the land is to be classified as operational land under the Local Government Act.
3. Authority be granted to the General Manager to sign all necessary documentation associated with the compulsory acquisition and to pay any compensation as determined in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
4. Authority be granted to affix the Common Seal of the Council to any documentation required to effect the compulsory acquisition.
5. That Council staff provide a report on future directions in relation to the Quarry and proposed future operations at Red Hill.

MOVED: Councillor Lewis

SECONDED: Councillor Brady

For – Unanimous

Item 17 Coonabarabran Truck Wash Bay

162/2021 RESOLVED that Council take no action on requests to operate the truck wash facility in Coonabarabran either on an open commercial basis or on a private voluntary managed operational basis.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

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

Item 18 Acquisition of Land for Proposed Rocky Glen RFS Brigade Shed

163/2021 RESOLVED that:

1. Council accept the donation of land measuring approximately 30m x 44m from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.
2. That a budget allocation of \$12,000 is considered at the next quarterly budget review to acquire land from the owner of Lot 20, DP757085 for the purpose of constructing a shed for the Rocky Glen RFS Brigade.

MOVED: Councillor Shinton

SECONDED: Councillor Todd

For – Unanimous

Item 19 Occupation of the Mezzanine Level of the Coonabarabran Sport and Recreation Building

164/2021 RESOLVED that Council:

1. Proceed with entering into a licence agreement with the Coonabarabran Amateur Boxing Association for occupation of the mezzanine level of the Coonabarabran Sport and Recreation Building as per the following:
 - a. The period of the licence agreement is two (2) years renewable for a further two (2) years upon application to Council.
 - b. The annual rental fee is \$2,400.
 - c. Daily use fee in accordance with Council's fees and charges will apply if after 28 days after the licence agreement document has not been returned by the Association.

2. Provide a response to those who made a submission, following finalisation of the licence agreement with the Coonabarabran Amateur Boxing Association.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 20 Annual Code of Conduct Complaints Statistics

165/2021 RESOLVED that the annual Code of Conduct Complaints Statistics report for the period 1st September 2019 to 31st August 2020 as shown in Attachment 1.0 is noted as information.

MOVED: Councillor Shinton

SECONDED: Councillor Brady

For – Unanimous

Item 21 Performance Audit on Support for Regional Town Water Infrastructure

6.20pm

Cr Brady left the meeting.

166/2021 RESOLVED that Council notes the information in the Performance Audit on Support for Regional Town Water Infrastructure report.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

6.21pm

Mayor Doolan vacated the chair and left the room. Cr Iannuzzi assumed the chair

Item 22 Developer Contributions – Request for Exemption

6.21pm

Cr Brady returned to the meeting.

167/2021 RESOLVED that Council not impose Condition 13 of the Notice of Determination for the approval of DA09/2020, requiring payment of \$65,000 based on the *Warrumbungle Shire Council Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009*.

MOVED: Councillor Lewis

SECONDED: Councillor Shinton

For – Unanimous

6.27pm

Mayor Doolan resumed the chair

Item 23 Review of Warrumbungle Waste – Commercial Recycling Service

168/2021 RESOLVED that:

1. Council notes the information in the Review of Warrumbungle Waste – Commercial Recycling Service Report.
2. Council ceases to provide the commercial recycling collection service utilising woolpacks.
3. From 1 July 2021, businesses be provided with a service that is inclusive of one 240l general waste bin collected weekly and one 240l yellow lidded recycling bin collected fortnightly.
4. Additional recycling bins collected fortnightly be provided on the basis of \$110 per service per year.
5. In December 2021 Council conduct a survey of commercial users to determine the success of the scheme.
6. Council conduct discussions with local service providers about providing a collection service.

MOVED: Councillor Capel

SECONDED: Councillor Todd

For – Cr Doolan, Cr Capel, Cr Shinton, Cr Hill and Cr Todd

Against – Cr Iannuzzi, Cr Lewis and Cr Brady

Item 24 Terms Of Reference – Economic Tourism and Development Committee

169/2021 RESOLVED that Council adopt the revised Terms of Reference for Economic Development and Tourism Committee with a quorum of five members.

MOVED: Councillor Hill

SECONDED: Councillor Brady

For – Unanimous

Item 25 Inland Rail Update Report – November 2020

170/2021 RESOLVED that Council notes the information in the Inland Rail Update Report.

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

Item 26 Development Applications

171/2021 RESOLVED that Council notes the Applications and Certificates approved during October 2020, under Delegated Authority.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 27 Notice of Motion – Investigation into Lewis Lane Closure

Dealt with earlier in the meeting

Item 28 Reports to be Considered in Closed Council

172/2021 RESOLVED that:

1. Item 28.1 Organisational Development Monthly Report – October 2020

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).

2. Item 28.2 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 28.3 Tender – Concrete Culvert & Pipe Extension on Black Stump Way

That the Tender for Concrete Culvert and Pipe Extension on Black Stump Way 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 Capel

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.

173/2021 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 Brady

SECONDED: Councillor Todd

For – Unanimous

6.40pm
Closed Council

Item 28.1 Organisational Development Monthly Report – October 2020

174/2021 RESOLVED that the Organisation Development Monthly Report for October 2020 be noted for information.

MOVED: Councillor Brady

SECONDED: Councillor Capel

For – Unanimous

Item 28.2 Three Rivers Regional Retirement Community Information Report

175/2021 RESOLVED that Council endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

MOVED: Councillor Hill

SECONDED: Councillor Shinton

For – Unanimous

Item 28.3 Tender – Concrete Culvert & Pipe Extension on Black Stump Way

176/2021 RESOLVED that Council accept the tender for concrete culvert and extension works on Black Stump Way between 6.5km and 10.8km north of Coolah from Apex Mining and Civil Construction Pty Ltd for a price of \$356,200 (incl GST).

MOVED: Councillor Todd

SECONDED: Councillor Shinton

For – Unanimous

177/2021 RESOLVED that Council return to Open Council.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Hill

For – Unanimous

6.49pm
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 6.52pm.

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CHAIRPERSON