



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 10 December 2020

commencing at 5:22pm

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

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

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

178/2021 RESOLVED that Council confirm the resolutions contained in the Minutes of the Ordinary Council meeting held on 19 November 2020.

MOVED: Councillor Todd

SECONDED: Councillor Clancy

For – Unanimous

The Mayor called for Disclosure of Interests

Cr Capel declared a non-pecuniary less than significant interest in Item 9 – ‘Your High Street’ Grant Program due to being a paid member for most of the community groups from Coolah involved in the program.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 6 November 2020 to 2 December 2020

179/2021 RESOLVED that Council:

1. Notes the report on the Mayor’s Activity and Log of Kilometres Travelled for the period 6 November 2020 to 2 December 2020.
2. Notes the report on the Mayor’s credit card expenses between 6 November 2020 to 3 December 2020 and approves the payment of expenses totalling \$367.18.

MOVED: Councillor Doolan

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 2 Councillors' Monthly Travel Claims – November 2020

180/2021 RESOLVED that the Councillors' monthly travel claims report for October 2020 in the amount of \$1,710.18 is noted.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Capel

For – Unanimous

Item 3 Delegates Report – Australian Local Government Association National Roads and Transport Congress

181/2021 RESOLVED that Council notes the delegates report on the Australian Local Government Association National Roads and Transport Congress.

MOVED: Councillor Doolan

SECONDED: Councillor Todd

For – Unanimous

Item 4 Minutes of Country Mayors Meetings – 6 November 2020

182/2021 RESOLVED that Council notes the Delegate's Report in relation to the Country Mayors Association meetings held in Sydney on 6 November 2020.

MOVED: Councillor Doolan

SECONDED: Councillor Lewis

For – Unanimous

LATE ITEM – MAYORAL MINUTE

Item 24 Mayoral Minute – Inquiry into Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote New South Wales

183/2021 RESOLVED that Council endorses the submission to Inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales.

MOVED: Councillor Doolan

SECONDED: Councillor Lewis

For – Unanimous

PROCEDURAL MOTION

That Council deals with Item 14 at this point of the meeting.

MOVED: Councillor Todd

SECONDED: Councillor Capel

Item 14 Presentation of 2019/20 External Audited Annual Financial Statements as at 30 June 2020

5.32pm

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

5.35pm

Cr Iannuzzi left the meeting

184/2021 RESOLVED that Council note the report on completion and presentation of the 2019/20 Audited Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2020.

MOVED: Councillor Capel

SECONDED: Councillor Clancy

For – Unanimous

PROCEDURAL MOTION

That Council deals with Item 18 and 19 at this point of the meeting.

MOVED: Councillor Todd

SECONDED: Councillor Capel

Item 18 Drinking Water Management System Improvement Plan Implementation – November 2020 Update

185/2021 RESOLVED that Council:

1. Notes the report on the Drinking Water Management System Improvement Plan Implementation – November 2020 Update.
2. Submits the report on the Drinking Water Management System Improvement Plan update to the Office of Local Government as part of Council's S.430 reporting.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 19 Use of Restart NSW Project Savings from New Bore Installations South

186/2021 RESOLVED that Council:

1. Notes the information contained in the Use of Restart NSW Project Savings from New Bore Installations South report.
2. Upon Infrastructure New South Wales approval of the extended timeframes for the Coolah and Mendooran projects and revised cost for the Mendooran project, accepts the offered funding, which is then expected to total \$475,756 ex GST.
3. Includes the relevant budget amounts into Financial Year 2020/21 and 2021/22 budgets.

MOVED: Councillor Capel

SECONDED: Councillor Todd

For – Unanimous

PROCEDURAL MOTION

That Council deals with Item 9 at this point of the meeting.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 9 ‘Your High Street’ Grant Program

187/2021 RESOLVED that Council authorises the Mayor and Deputy Mayor, with consultation with councillors, to select a project to be applied for by Council under the Your High Street program.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

PROCEDURAL MOTION

That Council deals with Item 17 at this point of the meeting.

MOVED: Councillor Capel

SECONDED: Councillor Lewis

Item 17 Lewis Lane, Dunedoo

5.50pm

Cr Brady left the meeting

5.52pm

Cr Brady returned to the meeting

5.54pm

Cr Iannuzzi returned to the meeting

MOTION

That Council notes:

1. The report on Lewis Lane, Dunedoo.
2. That Lewis Lane north of Montague Bridge across the Talbragar River is not included in the network of roads maintained by Council.
3. That the owner of Talbragar Park is to be directed to repair the damage done to Lewis Lane between 270 metres and 570 metre north from the Golden Highway.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

The MOTION was WITHDRAWN

188/2021 RESOLVED that:

1. Council notes the report on Lewis Lane, Dunedoo.

2. Lewis Lane north of Montague Bridge across the Talbragar River is included in the network of roads maintained by Council.
3. Council note that the owner of Talbragar Park is to be directed to repair the damage done to Lewis Lane between 270 metres and 570 metre north from the Golden Highway.
4. Council raise concerns with the Department of Primary Industries regarding contour banks that divert water to Lewis Lane.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

Item 5 Minutes of Internal Audit Committee Meeting

189/2021 RESOLVED that Council endorses the minutes of the Internal Audit Committee meeting held on:

1. 10 September 2020.
2. 19 November 2020

MOVED: Councillor Iannuzzi

SECONDED: Councillor Capel

For – Unanimous

Item 6 Minutes of Economic Development and Tourism Meeting

190/2021 RESOLVED that Council notes the minutes of the Economic Development and Tourism Committee meeting held on 23 November 2020.

MOVED: Councillor Capel

SECONDED: Councillor Clancy

For – Unanimous

Item 7 Minutes of Plant Advisory Committee Meeting – 24 November 2020

191/2021 RESOLVED that Council:

1. Accepts the Minutes of the Plant Advisory Committee meeting held at Coonabarabran on 24 November 2020.
2. Purchase one (1) Komatsu PC210LC–11 Tier 4 Excavator with dual locking hydraulic tilting hitch, hydraulic 5 finger grab, vandal guards, front window protection and 60 months / 6,000 hours warranty from Komatsu Pty Ltd at a price of \$269,015.00 (ex GST) and that Council trade in Plant Item No 90 to Komatsu Pty Ltd.
3. Purchase one (1) Hamm 3516HT Smooth Drum Roller from Wirtgen Australia Pty Ltd at a price of \$176,350.00 (ex GST) and that Council trade in Plant Item No 114 to Wirtgen Australia Pty Ltd.

4. Purchase one (1) Ammann ART280 with AP240 Option Multi Tyred Roller from Porter Equipment Australia Pty Ltd at a price of \$177,225.00 (ex GST) and that Council trade in Plant Item No 116 to Porter Equipment Australia Pty Ltd.

MOVED: Councillor Lewis

SECONDED: Councillor Capel

For – Unanimous

Item 8 Newell Highway upgrade at Coonabarabran

192/2021 RESOLVED that Council authorise the Mayor, Deputy Mayor and the Chair of the Economic Development and Tourism Committee (Cr Capel) to make a submission on behalf of Council on the Review of Environmental Factors (REF) for the Newell Highway upgrade at Coonabarabran.

MOVED: Councillor Capel

SECONDED: Councillor Todd

For – Unanimous

Item 9 ‘Your High Street’ Grant Program

This item was dealt with earlier in the meeting

Item 10 Council Resolutions Report

193/2021 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 11 Revotes and High Value Projects Report

194/2021 RESOLVED that the Revote and High Value Projects Report be noted for information.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Hill

For – Unanimous

Item 12 Code of Meeting Practice

195/2021 RESOLVED that Council adopts the reviewed *Code of Meeting Practice*.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 13 Delivery Program Progress Report – 30 September 2020

196/2021 RESOLVED that Council endorses the Delivery Program Progress Report for the period 1 July 2020 to 30 September 2020.

MOVED: Councillor Shinton

SECONDED: Councillor Todd

For – Unanimous

Item 14 Presentation of 2019/20 External Audited Annual Financial Statements as at 30 June 2020

This item was dealt with earlier in the meeting

Item 15 Investments and Term Deposits – month ending 30 November 2020

197/2021 RESOLVED that Council accept the Investments Report for the month ending 30 November 2020 including a total balance of \$22,955,190.52 being:

- \$2,189,182.22 in at call accounts.
- \$20,500,000 in term deposits.
- \$266,008.30 cash at bank.

MOVED: Councillor Shinton

SECONDED: Councillor Capel

For – Unanimous

Item 16 Roads to Recovery Program – Own Source Expenditure

198/2021 RESOLVED that the report on Council's own source expenditure on roadworks in 2019/20 and the breach of conditions of the Roads to Recovery Program is noted by Council.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 17 Lewis Lane, Dunedoo

This item was dealt with earlier in the meeting

Item 18 Drinking Water Management System Improvement Plan Implementation – November 2020 Update

This item was dealt with earlier in the meeting

Item 19 Use of Restart NSW Project Savings from New Bore Installations South

This item was dealt with earlier in the meeting

Item 20 Development Applications

199/2021 RESOLVED that Council notes the Applications and Certificates approved during November 2020, under Delegated Authority.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 21 Notice of Motion – Naming of Billy Kings Bridges

200/2021 RESOLVED that Council name:

1. Number One Billy Kings Bridge after Mrs May McEvoy.
2. Number Two Billy Kings Bridge after Mr Jim McEvoy.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 22 Notice of Motion – Recreational Use of Timor Dam

201/2021 RESOLVED that Council be provided with a report from staff about the potential use of Timor Dam and grounds for recreational activities.

MOVED: Councillor Lewis

SECONDED: Councillor Brady

For – Unanimous

Item 23 Reports to be Considered in Closed Council

202/2021 RESOLVED that:

1. Item 23.1 Organisational Development Monthly Report – November 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 23.2 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 23.3 Regional Tender for Supply of Traffic Control Services

That the Regional Tender for Supply of Traffic Control Services 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.

4. Item 23.4 Regional Tender for Supply and Delivery of Bitumen Emulsion

That the Regional Tender for Supply and Delivery of Bitumen Emulsion 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.

5. Item 23.5 Regional Tender for Supply & Delivery of Line Marking Services

That the Regional Tender for Supply & Delivery of Line Marking Services 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.

6. Item 23.6 Tender for Roadworks on Black Stump Way

That the Tender for Roadworks 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.

7. Item 23.7 Mayoral Minute – Interim Performance Review – General Manager

That the Mayoral Minute – Interim 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 Brady

SECONDED: Councillor Todd

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.

203/2021 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 Brady

For – Unanimous

6.19pm
Closed Council

Item 23.1 Organisational Development Monthly Report – November 2020

204/2021 RESOLVED that the Organisation Development Monthly Report for November 2020 be noted for information.

MOVED: Councillor Capel

SECONDED: Councillor Todd

For – Unanimous

Item 23.2 Three Rivers Regional Retirement Community Information Report

205/2021 RESOLVED that Council endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

MOVED: Councillor Lewis

SECONDED: Councillor Hill

For – Unanimous

Item 23.3 Regional Tender for Supply of Traffic Control Services

206/2021 RESOLVED that:

1. The following suppliers be included on a panel for supply of Traffic Control services for the period 1 January 2021 to 31 December 2022, and
 - Care Traffic Management Pty Ltd
 - Complete Traffic Safety Solutions Pty Ltd
 - Watchout Traffic Control Pty Ltd
 - Dubbo Traffic Control Pty Ltd
 - Lack Group Pty Ltd
 - Midwest Traffic Management (Orange) Pty Ltd
 - Workcontrol Pty Ltd
 - Workforce Road Services Pty Ltd
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2023.

MOVED: Councillor Shinton

SECONDED: Councillor Brady

For – Unanimous

Item 23.4 Regional Tender for Supply and Delivery of Bitumen Emulsion

207/2021 RESOLVED that:

1. Fulton Hogan Industries Pty Ltd be awarded the contract to supply and deliver bitumen emulsion for the period 1 January 2021 to 31 December 2022, and
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2023.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

**Item 23.5 Regional Tender for Supply & Delivery of Line Marking Services
208/2021 RESOLVED that:**

1. The following suppliers be included on a panel for supply of line marking services for the period 1 January 2021 to 31 December 2022, and
 - J&M Road Marking Pty Ltd
 - Whiteline Road Services Pty Ltd
 - Oz Linemarking Pty Ltd
 - Central West Linemarking Pty Ltd
 - ACT Linemarking Pty Ltd
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2023.

MOVED: Councillor Brady

SECONDED: Councillor Capel

For – Unanimous

Item 23.6 Tender for Roadworks on Black Stump Way

209/2021 RESOLVED that Council reject all tenders and authorise the General Manager to negotiate with Tenderers and accept the best fit tender for Council including reducing the length of the project to meet budget.

MOVED: Councillor Shinton

SECONDED: Councillor Hill

For – Unanimous

Item 23.7 Mayoral Minute – Interim Performance Review – General Manager

210/2021 RESOLVED that:

1. Information in the Interim Performance Review – General Manager Report be noted.
2. Council delegate all tasks necessary for the completion of the Performance Review to the Performance Review Panel.
3. All Councillors be provided with an opportunity for input and feedback and that the Mayor be delegated authority to finalise arrangements for the Review Panel to convene.

MOVED: Councillor Shinton

SECONDED: Councillor Todd

For – Unanimous

2111/2021 RESOLVED that Council return to Open Council.

MOVED: Councillor Brady

SECONDED: Councillor Capel

For – Unanimous

6.34pm
Open Council

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

The Mayor wished everyone a happy, peaceful and restful Christmas.

There being no further business the meeting closed at 6.38 pm.

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CHAIRPERSON