



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 21 October 2021

commencing at 5:21 pm

PRESENT: Cr A Doolan (Chairperson), Cr A Iannuzzi, Cr K Brady (videolink – left 7.20pm), Cr A-L Capel, Cr W Hill, Cr R Lewis, Cr D Todd and Cr P Shinton (videolink – joined 6.11pm).

In attendance: General Manager (Roger Bailey), Acting Director Technical Services (Gary Murphy), Director Environment and Development (Leeanne Ryan) and Executive Assistant to the General Manager (Erin Player – Minutes).

Acknowledgement of Country

The Mayor acknowledged the Gomeroi people, 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 Mayor announced that the meeting was being streamed live plus audio recorded, and that the audio recording will be published.

APOLOGIES

93/2122 RESOLVED that the apology from Councillor Clancy be accepted and leave of absence be granted.

MOVED: Councillor Capel

SECONDED: Councillor Lewis

For – Unanimous

Confirmation of Minutes

94/2122 RESOLVED that Council confirm the Minutes of the Ordinary Council meeting held on 16 September 2021.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

The Mayor called for Disclosure of Interests

Cr Capel declared a pecuniary interest in Item 20 Development Application (DA) 11/2021 – Feedlot due to being a neighbour and making an objection submission to the Feedlot.

Cr Capel declared a non-pecuniary less than significant interest in Item 24.3 Valley of the Winds Wind Farm due to being a land host in another wind farm project.

Cr Doolan declared a non-pecuniary less than significant interest in Item 16 Small Heritage Grant Program due to being on the Committee for St John Parish.

MOVED: Councillor Capel

SECONDED: Councillor Iannuzzi

For – Unanimous

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 9 September 2021 to 7 October 2021

95/2122 RESOLVED that Council notes the report on the Mayor’s Activity and Log of Kilometres Travelled for the period 9 September 2021 to 7 October 2021.

MOVED: Councillor Doolan

SECONDED: Councillor Capel

For – Unanimous

Item 2 Mayoral Minute – Newell Highway Upgrade, Coonabarabran

96/2122 RESOLVED that:

1. Council Authorise the Mayor, with the assistance of a Working Group, to identify the key issues and opportunities from an optimum Bypass design and what that design might look like, identify appropriate consultant advice, prepare a brief for that advice and subsequently make submissions and representations on behalf of Council in relation to the proposed upgrade of the Newell Highway.
2. The Working Group consist of a small group of interested locals appointed by the Mayor who can assist with facilitating the above actions.

MOVED: Councillor Doolan

SECONDED: Councillor Todd

For – Unanimous

Item 3 Mayoral Minute – Infrastructure Contributions Reform

97/2122 RESOLVED that:

1. Opposes the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 for the reasons outlined in this report.
2. Calls on the NSW Government to withdrawal the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 from the NSW Parliament.
3. Supports the Local Government NSW campaign on Council’s behalf to raise public awareness of the importance of developer contributions to communities

MOVED: Councillor Doolan

SECONDED: Councillor Todd

For – Unanimous

PROCEDURAL MOTION

That Council deal with Item 20 Development Application (DA) 11/2021 – Feedlot at this point of the meeting.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

5.36pm

Cr Capel had previously declared a Pecuniary Interest and left the meeting.

Item 20 Development Application (DA)11/2021 – Feedlot

98/2122 RESOLVED that Item 20 Development Application (DA)11/2021 – Feedlot be deferred to the November Council meeting.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Lewis

For – Unanimous

5.44pm

Cr Capel returned to the meeting.

Item 4 Councillors' Monthly Travel Claims

99/2122 RESOLVED that the Councillors' monthly travel claims report for September 2021 in the amount of \$867.98 is noted.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

Item 5 Council Offices Christmas Closure

100/2122 RESOLVED that Council note the closure of Coonabarabran and Coolah administration offices, including Service NSW, from 1.00pm on Friday 24 December 2021, reopening on Tuesday 4 January 2022.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 6 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons

101/2122 RESOLVED that Council:

1. Acknowledge the tabling of the disclosures received under Section 4.21 of the Model Code of Conduct for Local Councils in NSW for Councillors and Designated Persons for the period 1 July 2020 to 30 June 2021.
2. Acknowledge that the disclosure of interest forms for councillors and designated persons are to be placed onto Council's website.

MOVED: Councillor Capel

SECONDED: Councillor Lewis

For – Unanimous

Item 7 Council Resolutions Report

102/2122 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 8 Community Services Expo Coonabarabran

103/2122 RESOLVED that Council note the cancellation of the Community Services EXPO for Coonabarabran to November 2022.

MOVED: Councillor Lewis

SECONDED: Councillor Todd

For – Unanimous

Item 9 Investments and Term Deposits – month ending 30 September 2021

104/2122 RESOLVED that Council accept the Investments Report for the month ending 30 September 2021 including a total balance of \$21,364,26.27 being:

- \$2,616,343.11 in at call accounts.
- \$18,000,000.00 in term deposits.
- \$748,283.16 cash at bank.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 10 Next Round of Regional Roads Transfer and Road Classification Review

105/2122 RESOLVED that Council:

1. Responds to the State Governments invitation to nominate roads for either transfer or reclassification by nominating Black Stump Way subject to the following conditions:
 - a. There is no reduction in income received by Council for roadworks associated with Black Stump Way.
 - 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 continue to be undertaken by Council through a maintenance contract similar to that which exists on the state roads.
2. Support any application by Gilgandra Shire Council to reclassify Tooraweenah Road.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

Item 11 Place Name Proposal for Reserve in Gordon Street

106/2122 RESOLVED that Council supports the proposal to name the Crown Reserve (No R86082) on the corner of Gordon Street and Hill Street in Coonabarabran, as 'Martin Reserve', and seeks community feedback on the proposal through the following mechanisms:

1. Public advertising.
2. Writing to property owners in Gordon Street and Hill Street.
3. Writing to the Coonabarabran Historical Society.

MOVED: Councillor Brady

SECONDED: Councillor Hill

For – Unanimous

Item 12 Truck Tenders

107/2122 RESOLVED that Council authorise the General Manager to accept, and if necessary, negotiate the best fit tender for replacement of four (4) trucks in Council's plant fleet.

MOVED: Councillor Hill

SECONDED: Councillor Todd

For – Unanimous

Item 13 Warkton Bridge – Tender

108/2122 RESOLVED that Item 13 Warkton Bridge be referred to Closed Council for consideration.

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

Item 14 Coolah Water Supply Scheme Upgrade Scoping Study

109/2122 RESOLVED that Council:

1. Notes the information contained in the Coolah Water Supply Scheme Upgrade Scoping Study report.
2. Commits to a further options study under the Safe and Secure Water Program Version 2, once the Department of Planning Industry and Environment commits to funding this.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 15 Outdoor Smoke-Free Areas Policy

110/2122 RESOLVED that Council:

1. Notes the information contained in the Outdoor Smoke-Free Areas Policy report.

2. Rescinds the current Outdoor Smoke-Free Areas Policy.

MOVED: Councillor Lewis

SECONDED: Councillor Capel

For – Unanimous

Item 16 Small Heritage Grant Program

111/2122 RESOLVED that Council grant a total of \$10,999 under the Small Heritage Grants to undertake heritage repairs and restoration works for the following heritage items:

1. Cobbora Station Outbuilding, Dunedoo - \$1,650
2. 27 Cowper Street, Coonabarabran - \$2,390
3. The Bank, 39 John Street, Coonabarabran - \$2,500
4. 48 Cassilis Street, Coonabarabran - \$1,000
5. Cobbora Courthouse, Dunedoo - \$1,000
6. Coolah Creek Station, Coolah - \$1,500
7. St Johns Church, Baradine - \$959

MOVED: Councillor Hill

SECONDED: Councillor Todd

For – Unanimous

Item 17 Warrumbungle Shire Community Heritage Strategy 20221-2024

112/2122 RESOLVED that:

1. Council adopts the draft *Warrumbungle Shire Council Community Heritage Strategy 2021- 2024* for the purposes of public exhibition for a minimum of 28 days.
2. A further report be presented to Council on the draft Strategy after the public exhibition period is completed.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

Item 18 Rural Boundary Clearing Code

113/2122 RESOLVED that Council notes the introduction of the Rural Boundary Clearing Code from 11 September 2021.

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

Item 19 Draft Warrumbungle Section 7.12 Contributions Plan

114/2122 RESOLVED that Council adopt the draft *Warrumbungle Section 7.12 Contributions Plan*, pursuant to the *Environmental Planning and Assessment Act 1979* as amended.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

Item 20 Development Application (DA)11/2021 – Feedlot

This item was dealt with earlier in the meeting.

Item 21 Inland Rail Update Report – October 2021

6.11pm

Cr Shinton entered the meeting.

115/2122 RESOLVED that Council notes the information in the Inland Rail Update Report.

MOVED: Councillor Todd

SECONDED: Councillor Hill

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

Against – Cr Iannuzzi

Item 22 Development Applications

116/2122 RESOLVED that Council notes the Applications and Certificates approved during September 2021, under Delegated Authority.

MOVED: Councillor Hill

SECONDED: Councillor Capel

For – Unanimous

Item 23 Notice of Motion – Vacant Building Blocks

117/2122 RESOLVED that Council contact owners of vacant residential blocks in each town and village of the Warrumbungle Shire to encourage them to place their properties on the market for sale.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Unanimous

Item 24 Reports to be Considered in Closed Council

118/2122 RESOLVED that:

1. Item 24.1 Organisational Development Monthly Report

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 24.2 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 24.3 Valley of the Winds Wind Farm

That the Valley of the Winds Wind Farm 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 information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

4. Item 13 Warkton Bridge – Tender

That the Warkton Bridge – Tender 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 information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

MOVED: Councillor Capel

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.

119/2122 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 Iannuzzi

SECONDED: Councillor Capel

For – Unanimous

6.22 pm

Closed Council

Item 24.1 Organisational Development Monthly Report

120/2122 RESOLVED that the Organisation Development Monthly Report be noted for information.

MOVED: Councillor Capel

SECONDED: Councillor Hill

For – Unanimous

**Item 24.2 Three Rivers Regional Retirement Community Information Report
PROCEDURAL MOTION**

That Council receive the Supplementary Report on Three Rivers Regional Retirement Community Information Report.

MOVED: Councillor Todd

SECONDED: Councillor Hill

For – Unanimous

121/2122 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. Rescinds its previous decision (min68/1920) and considers its position for the future of the development that is consistent with the findings of the Supreme Court of NSW (including the rectification and remediation of the units) once a decision is made.
3. Authorise the delegation as outlined under the sub heading of 'Authority' within the report.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Todd

For – Unanimous

**Item 13 Warkton Bridge – Tender
PROCEDURAL MOTION**

That Council receive the Supplementary Report on Warkton Bridge – Tender Evaluation

MOVED: Councillor Todd

SECONDED: Councillor Capel

For – Unanimous

122/2122 RESOLVED that:

1. Council rejects all tenders for the Warkton Bridge project on the basis of insufficient funding and resolves to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender. The council is satisfied that having undertaken a joint tender process there would be little benefit gained in inviting fresh tenders. Subject to securing additional funding, the Council believes that through negotiation a positive outcome can be achieved.
2. The General Manager is authorised, to seek additional funding from TfNSW to facilitate the ability to award a contract for the replacement of Warkton Bridge.
3. The General Manager is authorised to accept a tender for the replacement of Warkton Bridge subject to Council's commitment to the project capped at the R2R contribution of \$180,000.

MOVED: Councillor Lewis

SECONDED: Councillor Iannuzzi

For – Unanimous

7.35pm

Cr Capel had previously declared a Pecuniary Interest and left the meeting and did not return.

Item 24.3 Valley of the Winds Wind Farm

123/2122 RESOLVED that Council:

1. Notes the information contained in the Valley of the Winds Wind Farm report.
2. Enters discussions with UPCVAC Renewables Australia on the draft Voluntary Planning Agreement for Valley of the Winds Wind Farm.
3. Delegates authority to the General Manager and Mayor to conduct negotiations with UPCVAC Renewables Australia.

MOVED: Councillor Todd

SECONDED: Councillor Lewis

For – Cr Doolan, Cr Todd, Cr Lewis and Cr Hill

Against – Cr Iannuzzi

124/2122 RESOLVED that Council return to Open Council.

MOVED: Councillor Hill

SECONDED: Councillor Iannuzzi

7.42 pm

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 7.45 pm.

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CHAIRPERSON