



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 21 April 2022

commencing at 5:05 pm

PRESENT: Cr A Doolan (Chairperson), Cr A Iannuzzi, Cr K Brady, Cr D Hogden (videolink), Cr Z Holcombe, Cr C Kopke, Cr J Newton, Cr K Rindfleish and Cr D Todd.

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

Acknowledgement of Country

Cr Todd 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

Nil

Confirmation of Minutes

255/2122 RESOLVED that Council confirm the Minutes of the Ordinary Council meeting held on 17 March 2022.

MOVED: Councillor Newton

SECONDED: Councillor Rindfleish

For – Unanimous

The Mayor called for Disclosure of Interests

Nil

Item 1 Mayoral Minute – Mayors Log of Activity, Kilometres Travelled and Expenses from 10 March 2022 to 8 April 2022

256/2122 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 10 March 2022 to 8 April 2022.
2. Notes the report on the Mayor's credit card expenses between 10 March 2022 and 8 April 2022 and approves the payment of expenses totalling \$381.00.

MOVED: Councillor Doolan

SECONDED: Councillor Todd

For – Unanimous

Item 2 Councillors' Monthly Travel Claims

257/2122 RESOLVED that the Councillors' monthly travel claims report in the amount of \$2,325.96 is noted.

MOVED: Councillor Todd

SECONDED: Councillor Newton

For – Unanimous

Item 3 Delegates Report – Country Mayors Meeting 11 March 2022

258/2122 RESOLVED that Council note the Delegate's Report in relation to the Country Mayors Association meetings held at Sydney on Friday 11 March 2022.

MOVED: Councillor Doolan

SECONDED: Councillor Rindfleish

For – Unanimous

Item 4 Delegate's Report – Mining and Energy Related Councils Meeting 18 March 2022

259/2122 RESOLVED that Council notes the Delegate's Report on the Mining and Energy Related Councils Meeting held Friday 18 March 2022 in Orange.

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Unanimous

Item 5 Minutes of Traffic Advisory Committee Meeting – 24 March 2022

260/2122 RESOLVED that:

1. Minutes of the Traffic Advisory Committee Meeting held on the 24 March 2022 are noted for information.
2. Approval be granted to Mendooran RSL Sub Branch for part closure of Bandulla Street, Mendooran between Pampoo Street and Napier Street on Monday, 25 April 2022 from 9.00am to 12.00pm to conduct the ANZAC Day event subject to compliance with:
 - Council's Road Closure Guidelines
 - Traffic Guidance Scheme
 - Traffic Management Plan
 - TfNSW Special Events Guide
 - TfNSW Road Occupancy Licence
 - TfNSW Regional Special Events concurrence
 - Receipt of current Public Liability Insurance
3. Approval be granted to Hartwood Festival to conduct the Hartwood Campfires and Country Music Festival at 301 Saltwater Road, Tambar Springs from 4-17 April 2022 subject to provision of and compliance with:
 - TfNSW Special Events Guide
 - Risk Management Plan – risk assessment and mitigation

- Traffic Management Plan (TMP) – created and authorised by a qualified person with appropriate TfNSW certification
 - Traffic Guidance Scheme (TGS) – to be prepared and implemented by certified persons
 - Traffic Control organisation to provide Council with copies of plans including TMP and TGS, details of company, traffic qualifications of all staff undertaking the works and relevant insurance details
 - Unauthorised signs must not be placed on Council’s road reserves, which includes Saltwater Road and Black Stump Way
 - Receipt of current Public Liability Insurance
4. Additional parking be implemented in John Street, Coonabarabran at the Little Timor Street Plaza by relocating the:
- Northern ‘No Stopping’ and ‘45° Angle Parking’ sign 5.7m closer to the Little Timor Street Plaza entrance.
 - Southern ‘No Stopping’ and ‘45° Angle Parking’ sign 4.5m closer to the Little Timor Street Plaza entrance.

MOVED: Councillor Kopke

SECONDED: Councillor Holcombe

For – Unanimous

Item 6 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

261/2122 RESOLVED that Council adopt the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

Item 7 Payment of Councillor Superannuation

262/2122 RESOLVED that Council resolves to commence superannuation contributions for councillors starting from the financial year commencing on 1 July 2022.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 8 Returns Under s4.21 of the Model Code of Conduct – Disclosing of Interests of Councillors and Designated Persons

263/2122 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 as at 22 December 2021.
2. Acknowledge that the disclosure of interest forms for councillors are to be placed onto Council’s website.

MOVED: Councillor Newton

SECONDED: Councillor Rindfleish

For – Unanimous

Item 9 Council Resolutions Report

264/2122 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Brady

SECONDED: Councillor Kopke

For – Unanimous

Item 10 Budget Revotes Report

265/2122 RESOLVED that the Budget Revotes Report be noted for information.

MOVED: Councillor Todd

SECONDED: Councillor Newton

For – Unanimous

Item 11 2020/21 External Audited Annual Financial Statements as at 30 June 2021

266/2122 RESOLVED that Council note that no submissions were made in relation to the 2020/21 Audited Annual Financial Statements for the Warrumbungle Shire Council as at 30 June 2021.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Rindfleish

For – Unanimous

Item 12 Investments and Term Deposits – month ending 31 March 2022

267/2122 RESOLVED that Council accept the Investments Report for the month ending 31 March 2022 including a total balance of \$20,053,593.65 being:

- \$1,327,395.89 in at call accounts.
- \$18,000,000.00 in term deposits.
- \$726,197.76 cash at bank.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Kopke

For – Unanimous

Item 13 2022 Casual Plant Hire Contract

268/2122 RESOLVED that:

1. Council note the report on the 2022 Casual Plant Hire Contract.
2. Council offer a price variation clause for Contract No 2022/03 'Casual Plant Hire' as follows:

This clause sets out the procedures for a price variation to take effect.

The Service Provider shall not vary the price of a Good or Service except in accordance with this Clause.

*The **prices shall be fixed for the first three (3) months** of the Agreement. Rise and fall is not permitted during this period. **Prices may be adjusted for subsequent 3-month periods** of this Agreement.*

Every three (3) months from the contract start date, Council will vary the price of the Goods or Services in accordance with the Domestic Preliminary Stage of Production - Producers Price Index Australian Bureau of Statistics Catalogue number 6427.0, Table 17, Series Reference number A2333670K www.abs.gov.au/ausstats/abs@.nsf/mf/6427.0 (referred to in this document as CPI).

*Council will apply the following formula: **$P2 = P1 \times (CPI_2 / CPI_1)^{\wedge}$** .*

Where: P2 is the new price that will be applied to the subsequent 6-month period,

P1 is the current price that will be adjusted,

CPI₂ is the most recent CPI quarter published at the time of the variation

CPI₁ is the equivalent CPI quarter 3 months prior to CPI₂

^ Notwithstanding the above, in the event of a negative CPI variation occurring annual adjustments will not apply. In such cases, Prices shall remain unchanged for the next period.

Price Adjustments approved by Council shall apply to all Purchase Order Contracts made after the variation approval date. No Price Adjustments shall be applied retrospectively.

Once the price variation is finalised, the price schedule will be taken to include the varied price and the revised price schedule will take effect.

The provision of Goods or Services under a Purchase Order Contract shall not be withheld or disrupted by formalities or disputes associated with the variation of a price.

Where the Principal extends this Agreement, the process to vary the price of a Good or Service will continue in accordance with this Clause.'

MOVED: Councillor Todd

SECONDED: Councillor Newton

For – Unanimous

**Item 14 Land Owned by Council in Reservoir Street Coonabarabran
269/2122 RESOLVED** that Council:

1. Notes the report on Council owned land in Reservoir Street, Coonabarabran.
2. Develops a detailed business case for the original 30 lot subdivision addressing issues such as but not limited to projected market demand, costs of development,

projected rate of uptake, potential for return on investment, development risks and delivery mechanism.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 15 Stop and Play Project at Neilson Park, Coonabarabran

270/2122 RESOLVED that Council:

1. Notes the Stop and Play Project at Neilson Park Coonabarabran report.
2. Be advised of the costs of the rectification works through the Quarterly Budget Review process.

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Unanimous

Item 16 Floodplain Management Information

271/2122 RESOLVED that the Floodplain Management Information Report be noted for information.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Holcombe

For – Unanimous

Item 17 Warrumbungle Shire Council Community Heritage Strategy 2021-2024

272/2122 RESOLVED that Council adopts the draft *Warrumbungle Shire Council Community Heritage Strategy 2021- 2024*.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 18 Ban on Single Use Plastics in NSW

273/2122 RESOLVED that Council notes the information associated with the *Plastic Reduction and Circular Economy Act 2021* for the banning on single-use plastics in NSW.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Unanimous

Item 19 Development Applications

274/2122 RESOLVED that Council notes the Applications and Certificates approved during March 2022, under Delegated Authority.

MOVED: Councillor Newton

SECONDED: Councillor Todd

For – Unanimous

Item 20 Reports to be Considered in Closed Council

****/2122 RESOLVED** that:

1. Item 20.1 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 20.2 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 20.3 Council Organisation Structure

That the Council Organisation Structure 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).

4. Item 20.4 Mayoral Minute – Interim Performance Review – General Manager

That the Mayoral Minute – Interim Performance Review – General Manager 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 Todd

SECONDED: Councillor Kopke

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.

275/2122 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 Newton

SECONDED: Councillor Todd

For – Unanimous

5.36 pm
Closed Council

Item 20.1 Organisational Development Monthly Report – March 2022

276/2122 RESOLVED that the Organisation Development Monthly Report for April 2022 be noted for information.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

Item 20.2 Supplementary Report – Three Rivers Regional Retirement Community Information

277/2122 RESOLVED that Council:

1. Receive the Three Rivers Regional Retirement Community Information Supplementary Report;
2. Note the advice and endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project; and
3. Give the authority as outlined in the 'Proposal' contained within the report.

MOVED: Councillor Holcombe

SECONDED: Councillor Kopke

For – Unanimous

Item 20.3 Council Organisation Structure

278/2122 RESOLVED that Council:

1. Note the report on Council Organisation Structure and that the report satisfies the requirements of Section 333 of the NSW Local Government Act.
2. Confirm the structure as outlined in Table 6 of the Report.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

6.02pm

279/2122 RESOLVED that senior staff and minute taker leave the Chamber for consideration of the next item.

MOVED: Councillor Todd

SECONDED: Councillor Kope

For – Unanimous

Item 20.4 Mayoral Minute – Interim Performance Review – General Manager

280/2122 RESOLVED that:

1. Council notes the information contained in the Mayoral Minute – Interim Performance Review – General Manager Report.
2. The recommendations in relation to future performance review arrangements be endorsed and referred to the new Council to action.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

6.28pm

The General Manager and minute taker returned to the Chambers.

281/2122 RESOLVED that Council return to Open Council.

MOVED: Councillor Iannuzzi

SECONDED: Councillor Kopke

For – Unanimous

6:29 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 6.31 pm.

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CHAIRPERSON