

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 21 JUNE 2018 COMMENCING AT  
8.30 AM** **PAGE 1**

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

**In attendance:** General Manager (Roger Bailey), Acting Director Corporate and  
Community Services (Louise Johnson), Acting Director Technical Services  
(Russell Lloyd), Director Development Services (Leeanne Ryan) and  
Executive Assistant to the General Manager – Jenni Maundrell (minutes).

**8.30 am**

**Forum**

Principal of St John's School, Baradine, Ms Annette Cooney addressed Council regarding  
water access from the Council bore located on the northern boundary of the school  
playground.

**The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest**  
Councillor Capel declared a pecuniary interest in Item 29 – Liverpool Range Wind Farm  
Voluntary Planning Agreement – due to being a potential land host.

Councillor Todd declared a non-pecuniary less than significant interest in Item 32.5 –  
Tods Crossing Bridge Project – Tenders – due to his property being located near the site.

**Brady/Capel**

**The motion was put and carried by majority**

**REPORTS**

**Item 1 Mayoral Minute – Mayors Activity and Log of Kilometres Travelled from  
9 May 2018 to 12 June 2018**

**432/1718 RESOLVED** that the Mayoral Minute for period 9 May 2018 to 12 June 2018 be  
noted.

**Capel/Hill**

**The motion was put and carried by majority**

**Item 2 Minutes of Ordinary Council Meeting – 17 May 2018**

**433/1718 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council  
meeting held on 17 May 2018 be endorsed.

**Todd/Hill**

**The motion was put and carried by majority**

**Item 3 Minutes of Traffic Advisory Committee Meeting – 24 May 2018**

**434/1718 RESOLVED:**

1. That Council accept the Minutes of the Traffic Advisory Committee Meeting held at  
Coonabarabran on 24 May 2018.
2. That approval be granted for the Warrumbungle Eventing One Day Event to close  
Reservoir Street, Coonabarabran on Sunday, 22 July 2018 from 9.00am to 3.00pm.
3. That approval be granted for placement of 'No Stopping' signs two metres adjacent  
to both sides of the Coolah Post Office driveway, as per the sign plan presented to  
the committee.

**Capel/Clancy**

**The motion was put and carried by majority**

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**Item 4 Minutes of Local Emergency Management Committee Meeting – 21 May 2018**  
**435/1718 RESOLVED** that Council note the minutes from the Local Emergency Management Committee held on 21 May 2018 at Coolah.

**Doolan/Brady**

**The motion was put and carried by majority**

**Item 5 Minutes of Economic Development and Tourism Advisory Committee Meeting – 28 May 2018**

**436/1718 RESOLVED** that Council note the Minutes of the Economic Development and Tourism Advisory Committee Meeting held at Coonabarabran on 28 May 2018.

**Capel/Todd**

**The motion was put and carried by majority**

**Item 6 Minutes of Three Rivers Regional Retirement Committee S355 Advisory Committee Meeting – 6 June 2018**

**437/1718 RESOLVED** that:

1. Council accept the Minutes of the Three Rivers Regional Retirement Community S355 Advisory Committee Meeting held at Dunedoo on 6 June 2018.
2. The vacant position on the TRRRC S355 Committee be re-advertised in the Dunedoo Diary.

**Hill/Capel**

**The motion was put and carried by majority**

**Item 7 Rescission Motion – Council Meetings Schedule**

**A motion was moved by Councillor Capel and seconded by Councillor Todd** that Council rescind Resolution 356/1718 to amend clause 1.2 of the Code of Meeting Practice to:

*‘1.2 Ordinary meetings of Council be held on the first Thursday of each month. The location of ordinary meetings of Council will alternate between Coonabarabran and Coolah. Ordinary meetings of Council will commence at 6pm. There is to be no meeting of Council in January.’*

**The motion was put and LOST**

**438/1718 A supplementary motion was moved by Councillor Clancy and seconded by Councillor Lewis** that Council be provided with a report on the feasibility of web linking Council meetings to allow councillors the ability to attend Council meetings remotely.

**The motion was put and carried by majority**

**Item 8 Notice of Motion – Status of Unnamed Watercourse in Coonabarabran**

**439/1718 RESOLVED** that Council be provided with a report on:

1. The status, including ownership and easements (if applicable) of the unnamed watercourse that runs between Charles and John Streets, Coonabarabran then through Neilson Park to the Castlereagh River.
2. The responsibilities for maintaining the watercourse and its banks.

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3. An Action Plan by Council to maintain and improve the watercourse.

**Lewis/Doolan**

**The motion was put and carried by majority**

**Item 9 Councillors' Monthly Travel Claims – May 2018**

**440/1718 RESOLVED** that the Councillors' monthly travel claims for May 2018 in the amount of \$998.08 be received for Council's information.

**Todd/Clancy**

**The motion was put and carried by majority**

**Item 10 Reports from Delegates**

**Item 10.1 Country Mayors Association Meeting in Sydney – 1 June 2018**

**441/1718 RESOLVED** that Council note the Delegate's Report in relation to the Country Mayors' meeting in Sydney on 1 June 2018.

**Hill/Capel**

**The motion was put and carried by majority**

**Item 10.2 Mayors Meeting with Prime Minister in Narromine Regarding the Drought – 4 June 2018**

**442/1718 RESOLVED** that Council note the Delegate's Report in relation to the drought meeting held with the Prime Minister in Trangie on Monday, 4 June 2018.

**Capel/Brady**

**The motion was put and carried by majority**

**Item 11 Correspondence**

**Item 11.1 Circulars / Newsletters**

**443/1718 RESOLVED** that Council's correspondence for period 8 May 2018 to 8 June 2018 be received and noted.

**Todd/Brady**

**The motion was put and carried by majority**

**Item 12 2018 National Local Roads and Transport Congress**

**444/1718 RESOLVED** that Council nominate councillors Todd and Lewis to attend the Australian Local Government Association 2018 National Local Roads and Transport Congress to be held in Alice Springs, Northern Territory from 20-22 November 2018.

**Todd/Lewis**

**The motion was put and carried by majority**

**Item 13 Code of Meeting Practice**

**A motion was moved by Councillor Brady and seconded by Councillor Hill** that Council adopt the draft Code of Meeting Practice that includes the following changes:

- Ordinary meetings of Council be held on the first Thursday of each month.
- Ordinary meetings of Council commencing at 6.00pm.
- Council meetings be audio recorded and posted on Council's website.

**An amendment was moved by Councillor Lewis and seconded by Councillor Capel** that Item 13 be deferred to allow advice on a schedule of external meetings, including Orana Regional Organisation of Councils and Orana Joint Organisation of Councils, to be provided.

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**The amendment was put and carried by majority**

**The amendment became the substantive motion and was put and carried by majority**

**445/1718 RESOLVED** that Item 13 'Code of Meeting Practice' be deferred to allow advice on a schedule of external meetings, including Orana Regional Organisation of Councils and Orana Joint Organisation of Councils, to be provided to Council.

**Lewis/Capel**

**The motion was put and carried by majority**

**Item 14 Three Rivers Regional Retirement Community Status Update Report**

**446/1718 RESOLVED** that Council note the progress of the Three Rivers Regional Retirement Community project.

**Hill/Capel**

**The motion was put and carried by majority**

**Item 15 Council Resolutions Report June 2018**

**447/1718 RESOLVED** that Council's Resolution Report for June 2018 be noted for information.

**Lewis/Todd**

**The motion was put and carried by majority**

**Item 16 Human Resources Monthly Report – June 2018**

**448/1718 RESOLVED** that the Human Resources Monthly Report for June 2018 be noted for information.

**Clancy/Todd**

**The motion was put and carried by majority**

**Item 17 Coonabarabran After School Vacation Care Program**

**449/1718 RESOLVED** that Council note the Coonabarabran After School Vacation Care Program Report for information.

**Clancy/Hill**

**The motion was put and carried by majority**

**Item 18 Operational Plan 2018/19 and Delivery Program 2018/22 to 2021/22**

**450/1718 RESOLVED** that Council:

1. Note the report on the draft Delivery Program 2018/22 and draft Operational Plan 2018/19, including submissions;
2. Receive this supplementary report providing an overview of submissions received in the period 9 June 2018 – 15 June 2018;
3. Endorse and adopt the Delivery Program 2018/22 and Operational Plan 2018/19, including the Revenue Policy, with the following amendments:
  - (a) Water Access Charges
    - Access Charge (all areas): \$459.00
    - Loan Charge – Mendooran Water: \$295.00
  - (b) Companion Animal fees:
    - Desexed animal: \$57

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- Animal under 6 months not desexed: \$57
  - Non-desexed animal: \$207
  - Breeder (Recognised) concession: \$57
  - Pensioner concession (desexed animal only): \$24
  - Pound / Shelter animal 50% discount (desexed): \$28.50; and
- (c) Inclusion of the financial model for sale of the Three Rivers Regional Retirement Community units – as per Attachment 1; and
- (d) Inclusion of \$30,000 for a monument to explorer John Oxley to be funded from reductions in the roads resheeting program.
- 4. Post a copy of the Delivery Program 2018/22 and Operational Plan 2018/19 on Council's website within 28 days of the plan being adopted.
- 5. Grant St John's School Baradine access to water at no cost from the sports field bore until a report is brought back to Council. Water shall be provided only in conjunction with Council's operational needs to water nearby Council fields.
- 6. Commend Council staff for working to move the Council budget to a positive financial result.

**Clancy/Lewis**

**The motion was put and carried by majority**

**Item 19 Request for Write-Off of Water Charges – Assessment Number 10036556**

**451/1718 RESOLVED** that Council deny the request to write-off of water usage charges for Assessment Number 10036556 due to financial hardship.

**Hill/Clancy**

**The motion was put and carried by majority**

**9.46 am**

**Cr Brady left the room**

**Item 20 Investments and Term Deposits – Month Ending 31 May 2018**

**452/1718 RESOLVED** that Council note and accept the Investments and Term Deposits Report for the month ending 31 May 2018.

**Hill/Doolan**

**The motion was put and carried by majority**

**9.48 am**

**Cr Brady re-entered the meeting**

**Item 21 Coonabarabran Emergency Water Supply Project – June 2018 Update**

**453/1718 RESOLVED** that Council

1. Note the June 2018 Update Report on the Coonabarabran Emergency Water Supply Project;
2. Accept additional funding of \$742,500 from the NSW Government, and;

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3. Thank Minister Blair and Kevin Humphries MP for their assistance and support on this matter.

**Lewis/Doolan**

**The motion was put and carried by majority**

**Item 22 Drought Management and Water Demand Management Plans**

**454/1718 RESOLVED** that the draft Drought Management Plan and draft Water Management Plan be exhibited for public comment for 28 days and a further report be presented to Council after the exhibition.

**Capel/Brady**

**The motion was put and carried by majority**

**Item 23 Road Rail Interface Agreement**

**455/1718 RESOLVED** that the General Manager be authorised to execute the Road Rail Interface Agreement with John Holland Rail Pty Ltd and Roads and Maritime Services.

**Lewis/Hill**

**The motion was put and carried by majority**

**Item 24 Rural Road Naming Request – Off Warrumbungles Way, 2.6km South of Newell Highway**

**456/1718 RESOLVED** that the road (lane) that intersects with Warrumbungles Way approximately 2.6km south of the Newell Highway be named 'Astronomers Walk', subject to consultation in accordance with guidelines from the Geographical Names Board and no objections being received.

**Clancy/Todd**

**The motion was put and carried by majority**

**Item 25 Water Loss Management Plans of the Lower Macquarie Water Utilities Alliance Councils**

**457/1718 RESOLVED** that Council:

1. Note the acceptance of the regional tender from Detection Services Pty Ltd for Councils across this region for the preparation of Water Loss Management Plans.
2. Note that the Warrumbungle Council's share for its eight treatment plants for this project is \$14,400.

**Clancy/Capel**

**The motion was put and carried by majority**

**Item 26 2017/18 Technical Services Works Program – Road Operations, Urban Services and Water Services for Period Ending 31 May 2018**

**458/1718 RESOLVED** that the 2017/18 Works Program status report for the period ending 31 May 2018 be noted.

**Brady/Capel**

**The motion was put and carried by majority**

**Item 27 Bush Fire Recovery Assistance – Sir Ivan Fire**

**459/1718 RESOLVED:**

1. That Council extends the waiver of Development Application, Construction Certificate, Inspection and Section 94A fees for those residents who meet the following criteria:



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- (a) Have lost their principle place of residence and they meet the LEP requirements that allow construction of a dwelling on that property.
  - (b) Insurance held does not cover the payment of approval related fees.
  - (c) The property has been confirmed by Council to have been destroyed by the February 2017 Sir Ivan fire.
2. That Council extends the waiver of tipping fees to receive Asbestos Containing Material generated by the Sire Ivan Fire to 30 June 2019.

**Capel/Clancy**

**The motion was put and carried by majority**

**Item 28 Commencement of the Crown Land Management Act 2016**

**460/1718 RESOLVED** that the report on the Commencement of the *Crown Land Management Act 2016* be received and noted and that Council note that the Act will commence on 1 July 2018.

**Todd/Clancy**

**The motion was put and carried by majority**

**10.05 am**

**Cr Capel left the room**

**Item 29 Liverpool Range Wind Farm Voluntary Planning Agreement**

**461/1718 RESOLVED:**

1. That:
  - i. Council endorse the draft Voluntary Planning Agreement (VPA) between Epuron Pty Ltd, Upper Hunter Shire Council and Warrumbungle Shire Council for the recently approved Liverpool Range Wind Farm.
  - ii. Once endorsed by each Council listed above, public notice of the proposed VPA shall be given with a copy of the document made available for inspection by the public for a period of not less than 28 days to allow for feedback.
  - iii. After the completion of the public notice period, if there are no substantive matters raised, the proposed VPA shall be put to a meeting of each Council and after resolutions are made the agreement shall be executed by all the parties.
  - iv. Warrumbungle Shire Council delegates authority to the General Manager to sign and execute the VPA.
  - v. Upon all parties executing the VPA, a copy of the agreement shall be provided to the Minister, via the Department of Planning & Environment, within 14 days after the agreement has been entered into.
  - vi. Council, having entered into the VPA, shall, for the duration of the agreement place the VPA on a planning agreement register and record in

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the register a short description of the agreement (including any amendment) that applies to the area of Council, including the date the agreement was entered into, the names of the parties and the land to which it applies.

2. That Council, having entered into the VPA shall, for the duration of the agreement include in its annual report particulars of compliance with and the effect of the planning agreement during the year to which the report relates.

**Brady/Hill**

**The motion was put and carried by majority**

**Councillors Iannuzzi, Clancy, and Hill recorded their votes against the motion**

**10.07 am**

**Cr Capel re-entered the meeting**

**Item 30 Development Applications for May 2018**

**462/1718 RESOLVED** that Council note the Applications and Certificates approved during May 2018, under Delegated Authority.

**Brady/Capel**

**The motion was put and carried by majority**

**Item 31 Questions for the Next Meeting**

**463/1718 RESOLVED** that the Questions for the Next Meeting Report for June 2018 be noted for information.

**Todd/Capel**

**The motion was put and carried by majority**

**10.14am**

**464/1718 RESOLVED** that standing orders be suspended to break for morning tea.

**Brady/Capel**

**The motion was put and carried by majority**

**Break**

**10.32 am**

**Presentation – NSW National Parks and Wildlife Service**

Presentation by Mr Robert Smith, Director Northern Inland of NSW National Parks and Wildlife Services (NPWS) and Mr John Whittall, NPWS regarding the following:

- NPWS are restructuring and reducing the number of regions.
- As a result of the restructure the Coolah Tops National Park is being included in the same region as the Warrumbungle National Park and will be managed out of the Baradine/Coonabarabran offices, hence the same promotion message can be delivered.

**11.11 am**

**465/1718 RESOLVED** that standing orders be resumed.

**Brady/Capel**

**The motion was put and carried by majority**



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**Item 32 Reports to be Considered in Closed Council**

**Item 32.1 Three Rivers Regional Retirement Community Information Report – June 2018**

**466/1718 RESOLVED** that the Three Rivers Regional Retirement Community Information Report – June 2018 be referred to Closed Council pursuant to section 10A(2)(c) and (g) of the *Local Government Act 1993*, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**Lewis/Brady**

**The motion was put and carried by majority**

**Item 32.2 Request for Stay of Interest on Overdue Water Charges**

**467/1718 RESOLVED** that the Request for Stay of Interest on Overdue Water Charges report be referred to Closed Council pursuant to section 10A(2)(b) of the *Local Government Act 1993*, on the grounds that the matter and information is the personal hardship of any resident or ratepayer.

**Brady/Lewis**

**The motion was put and carried by majority**

**Item 32.3 Service NSW – Agency Agreement**

**468/1718 RESOLVED** that the Service NSW – Agency Agreement report be referred to Closed Council pursuant to section 10A(2)(c) and (d)(i), (ii) and (iii) of the *Local Government Act 1993*, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

**Hill/Capel**

**The motion was put and carried by majority**

**Item 32.4 Tenders for Backup Water Supply Bores at Binnaway, Coolah and Mendooran Project**

**469/1718 RESOLVED** that the Tenders for Backup Water Supply Bores at Binnaway, Coolah and Mendooran Project report be referred to Closed Council pursuant to section 10A(2)(c) and (d)(i) of the *Local Government Act 1993*, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**Capel/Hill**

**The motion was put and carried by majority**

**Item 32.5 Todds Crossing Bridge Project – Tenders**

**470/1718 RESOLVED** that the Todds Crossing Bridge Project – Tenders report be referred to Closed Council pursuant to section 10A(2)(c) and (d)(i) of the *Local Government Act 1993*, on the grounds that the matter and information is information that would, if disclosed,

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confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**Todd/Brady**

**The motion was put and carried by majority**

The General Manager offered the opportunity to members of the public to make representation as to whether any matters outlined should not be considered in Closed Council.

There was no response from the public.

**11.12 am**

**471/1718 RESOLVED** that:

- (a) Council go into Closed Council to consider business relating to confidential information
- (b) pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, 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
- (c) 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*.

**Brady/Todd**

**The motion was put and carried by majority**

**Item 32.1 Three Rivers Regional Retirement Community Information Report – June 2018**

**472/1718 RESOLVED** that Council delegates to the Council General Manager the authority, if required, to terminate the contract with Boulus Constructions Pty Ltd for the Three Rivers Regional Retirement Community Contract, and deal with any disputes that exist now or arise thereafter.

**Lewis/Hill**

**The motion was put and carried by majority**

**Item 32.2 Request for Stay of Interest on Overdue Water Charges**

**473/1718 RESOLVED** that Council deny the request for a stay of interest for arrears on water charges and contact the owner for a resolution to this matter.

**Capel/Todd**

**The motion was put and carried by majority**

**Item 32.3 Service NSW – Agency Agreement**

**474/1718 RESOLVED** that Council authorise the General Manager to sign the three (3) year Agency Agreements with the State Government for Service NSW agencies at Council's Coolah and Coonabarabran offices.

**Iannuzzi/Brady**

**The motion was put and carried by majority**

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**Item 32.4 Tenders for Backup Water Supply Bores at Binnaway, Coolah and  
Mendooran Project**

**475/1718 RESOLVED** that Council accept the tender from Aqua West Pty Ltd for the supply and installation of pumps and ancillary equipment for backup water supply bores at Binnaway, Coolah and Mendooran in the amount of \$146,850.00 (incl GST).

**Clancy/Todd**

**The motion was put and carried by majority**

**Item 32.5 Todds Crossing Bridge Project – Tenders**

**476/1718 RESOLVED** that Council:

1. Accept the amended tender from Bridging Australia for the design and construction of a bridge on Baradine Goorianawa Road over Teridgerie Creek (known as Todds Crossing) in the sum of \$395,000 (incl GST).
2. Allocate a further \$40,000 to the Todds Crossing Bridge Project.

**Clancy/Capel**

**The motion was put and carried by majority**

**11.50 am**

**477/1718 RESOLVED** that Council re-enter Open Council.

**Todd/Brady**

**The motion was put and carried by majority**

**Members of the public returned to the Chamber.**

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

There being no further business the meeting closed at 11.53 am.

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**CHAIRPERSON**