



Minutes

Ordinary Council Meeting

held in the Council Chambers

John Street, Coonabarabran

on Thursday, 20 April 2023

commencing at 5:00 pm

PRESENT: Cr A Doolan (Chairperson), Cr K Brady, Cr D Hogden, Cr Z Holcombe, Cr C Kopke (by videoconference), Cr J Newton, Cr K Rindfleish, Cr D Todd and Cr A Iannuzzi (from 5:02pm).

In attendance: General Manager (Roger Bailey), Director Technical Services (Gary Murphy), Director Environment and Development Services (Leeanne Ryan), Director Corporate and Community Services (Lindsay Mason) and Manager Corporate Services (Jenni Maundrell – Minutes).

Acknowledgement of Country

Cr Holcombe acknowledged 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

285/2223 RESOLVED that Council confirm the Minutes of the Ordinary Council meeting held on 16 March 2023.

MOVED: Councillor Todd

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 9 March 2023 7 April 2023

286/2223 RESOLVED that Council:

1. Notes the report on the Mayor's Activity and Log of Kilometres Travelled for the period 8 March 2023 to 4 April 2023.
2. Notes the report on the Mayor's credit card expenses between 9 March 2023 and 7 April 2023 and approves the payment of expenses totalling \$314.87.

MOVED: Councillor Doolan

SECONDED: Councillor Brady

For – Unanimous

Item 2 Councillors' Monthly Travel Claims

287/2223 RESOLVED that the Councillors' monthly travel claims report in the amount of \$1,306.52 be noted for information.

MOVED: Councillor

SECONDED: Councillor

For – Unanimous

5.02 Cr Iannuzzi entered the meeting

Item 3 Minutes of Warrumbungle Road Network Advisory Group Meeting – 14 March 2023

288/2223 RESOLVED that:

1. Council notes the minutes of the Warrumbungle Road Network Advisory Group meeting held at Coonabarabran on 14 March 2023.
2. Council conducts a trial for consultation with residents on rural roads by:
 - Selecting 2 roads to trial the consultation method.
 - The Chair of the Group will liaise with Council staff in relation to how the process works.

MOVED: Councillor Newton

SECONDED: Councillor Todd

For – Unanimous

Item 4 Minutes of Coonabarabran Sporting Complex Advisory Committee Meeting – 5 April 2023

289/2223 RESOLVED that

1. Council notes the minutes of the Coonabarabran Sporting Complex Advisory Committee meeting held at Coonabarabran on 5 April 2023.
2. The proposed location of the new amenities facility be a minimum of 6m from the existing amenities block and 3m from the boundary to meet the requirements of the National Construction Code and relevant Australian Standards, subject to:
 - a. Costs associated with the relocation and undergrounding of the overhead powerlines, including but not limited to, the physical works, surveying and easements be contributed to by user groups of the grounds, or others;
 - b. The costs noted in 2a) above to be secured by 31 May 2023 to enable the project to meet the funding agreement milestones.
3. Authorise the Deputy Mayor and General Manager to negotiate, and accept, a sufficient level of contributions.
4. Should 2b) not be achieved, the proposed location of the new amenities facility to be located on the corner of the Number 3 Oval, listed as Option 2 on the attached plan.

MOVED: Councillor Newton

SECONDED: Councillor Brady

For – Unanimous

Item 5 Minutes of Audit, Risk and Improvement Committee Meeting – 14 March 2023
290/2223 RESOLVED that Council notes the minutes of the Audit, Risk and Improvement Committee meeting held at Coonabarabran on 14 March 2023.

MOVED: Councillor Rindfleish

SECONDED: Councillor Kopke

For – Unanimous

Item 6 Revotes and High Value Projects Report

291/2223 RESOLVED that the Revote and High Value Projects Report be noted for information.

MOVED: Councillor Todd

SECONDED: Councillor Holcombe

For – Unanimous

Item 7 Council Resolutions Report

292/2223 RESOLVED that the Council Resolution Report be noted for information.

MOVED: Councillor Holcombe

SECONDED: Councillor Newton

For – Unanimous

Item 8 Draft Enterprise Risk Management Policy

293/2223 RESOLVED that Council adopts the draft Enterprise Risk Management Policy.

MOVED: Councillor Holcombe

SECONDED: Councillor Hogden

For – Unanimous

Item 9 Draft Operational Plan 2023/2024

294/2223 RESOLVED that:

That Council:

1. Receive the report on the Draft Operational Plan 2023/2024
2. Endorse the Draft Operational Plan 2023/2024, including the Revenue Policy, to go on public exhibition for at least a period of 28 days commencing Friday 21st April 2023 with the following changes:
 - a) Coolah Preschool painting be removed and replaced with Coolah Tennis Court fencing \$45,000;
 - b) North West Equestrian Expo Annual Donation become \$1,000 monetary grant plus up to \$1,000 in kind for garbage removal;

- c) Baradine Hall painting be changed to \$42,500 with \$7,500 directed to installation of rails in public toilets.
3. Be presented with a further report following the exhibition period including any submissions made on the Draft Operational Plan 2023/2024.
4. That an Extraordinary Council Meeting be held on Tuesday 30 May 2023 to consider the adoption of the Operating Plan for 2023/2024 at 5pm.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

Item 10 Investments and Term Deposits – month ending 31 March 2023

295/2223 RESOLVED that Council accept the Investments Report for the month ending 31 March 2023 including a total balance of \$33,325,422.75 being:

- \$508,486.00 in at call accounts.
- \$32,500,000.00 in term deposits.
- \$316,936.75 cash at bank.

MOVED: Councillor Todd

SECONDED: Councillor Kopke

For – Unanimous

Item 11 Temporary Occupation Licence and Permanent Acquisition of Warrumbungle Shire Council Roads for Inland Rail Project

296/2223 RESOLVED that Council:

1. Execute the Licence to perform works on a public road - Section 138 Roads Act 1993 (NSW) with ARTC, via an Authorised Delegate.
2. Finalise and execute the Deed of Compulsory acquisition by agreement – Section 29 Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with TfNSW via an Authorised Delegate.

MOVED: Councillor Todd

SECONDED: Councillor Newton

For – Unanimous

Item 12 Natural Disaster Response and Recovery Monthly Report for April 2023

297/2223 RESOLVED that Council note the Natural Disaster Response and Recovery Monthly Report for April 2023.

MOVED: Councillor Newton

SECONDED: Councillor Todd

For – Unanimous

Item 13 Review of the Warrumbungle Shire Council Development Control Plan 2015 298/2223 RESOLVED that Council adopt the Warrumbungle Shire Council Development Control Plan 2015 as amended.

MOVED: Councillor Newton

SECONDED: Councillor Rindfleish

For – Unanimous

Item 14 Drinking Water Quality Policy Report

299/2223 RESOLVED that:

1. Council endorses the Draft *Drinking Water Quality Policy* for the purpose of public exhibition for a minimum of 28 days, with submissions invited for a minimum of 42 days.
2. A further report be presented to Council on the Draft *Drinking Water Quality Policy* after the public exhibition period is completed.

MOVED: Councillor Kopke

SECONDED: Councillor Rindfleish

For – Unanimous

Item 15 Adoption of Draft Managing Conflicts of Interest for Council-related Development Policy

300/2223 RESOLVED that Council adopt the Managing Conflicts of Interest for Council-related Development Policy.

MOVED: Councillor Newton

SECONDED: Councillor Holcombe

For – Unanimous

Item 16 Development Applications

301/2223 RESOLVED that Council notes the Applications and Certificates approved during March 2023, under Delegated Authority.

MOVED: Councillor Todd

SECONDED: Councillor Brady

For – Unanimous

Item 17 Reports to be Considered in Closed Council

302/2223 RESOLVED that:

1. Item 17.1 Human Resources Monthly Report

That the Human Resources 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 17.2 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)(e) 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 17.3 Tender for the Replacement of Black Gully Bridge on Leaders Road Binnaway

That the Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway 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, confer a commercial advantage on a competitor of the council or reveal a trade secret.

4. Item 17.4 Tender for the Castlereagh River Rehabilitation Project

That the Tender for the Castlereagh River Rehabilitation Project 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, confer a commercial advantage on a competitor of the council or reveal a trade secret.

5. Item 17.5 Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran

That the Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran 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, confer a commercial advantage on a competitor of the council or reveal a trade secret.

6. Item 17.6 Mayoral Minute – General Manager Interim Performance Review

That the Mayoral Minute – General Managers Interim Performance Review 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 Newton

SECONDED: Councillor Brady

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.

303/2223 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 Holcombe

SECONDED: Councillor Hogden

For – Unanimous

5.37pm

Closed Council

PROCEDURAL MOTION

That Council deal with Items 17.3 Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway and Item 17.4 Tender for the Castlereagh River Rehabilitation Project at this point of the meeting.

MOVED: Councillor Brady

SECONDED: Councillor Holcombe

For – Unanimous

Item 17.3 Tender for the Replacement of Black Gully Bridge on Leaders Road, Binnaway

304/2223 RESOLVED that Council award the contract for the construction of a new bridge on Leaders Road 4.9 km south from Binnaway to Murray Constructions Pty Ltd for a price of \$747,901.00 (Excl GST).

MOVED: Councillor Newton

SECONDED: Councillor Hogden

For – Unanimous

Item 17.4 Tender for the Castlereagh River Rehabilitation Project

305/2223 RESOLVED that Council:

1. Not accept tenders for the Castlereagh River Rehabilitation Project.
2. Not invite fresh tenders for the reasons stated in the report, namely that splitting the tasks into smaller work packages is not likely to attract more local contractors.
3. Authorise the General Manager to enter into direct negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

MOVED: Councillor Brady

SECONDED: Councillor Newton

For – Cr Doolan, Cr Brady, Cr Hogden, Cr Kopke, Cr Newton, Cr Rindfleish, Cr Todd
Against – Cr Holcombe, Cr Iannuzzi

Item 17.1 Human Resources Monthly Report

306/2223 RESOLVED that the Human Resources Monthly Report for April be noted for information.

MOVED: Councillor Holcombe

SECONDED: Councillor Iannuzzi

For – Unanimous

The Director Technical Services left the meeting and did not return.

Item 17.2 Three Rivers Regional Retirement Community Information Report

307/2223 RESOLVED that Council note the advice and endorse the actions as outlined in the report in relation to the Three Rivers Regional Retirement Community Project.

MOVED: Councillor Newton

SECONDED: Councillor Todd

For – Unanimous

Item 17.5 Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran

308/2223 RESOLVED that Council:

1. Notes the information contained in the Tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran Report.
2. Accepts the tender for the Provision of Sewer Relining Services for Coolah, Dunedoo and Coonabarabran from Interflow Pty Ltd for a total contract value of \$292,651.03 (ex GST).
3. Authorises the General Manager to carry out additional works, if required, within the existing project budget.

MOVED: Councillor Holcombe

SECONDED: Councillor Newton

For – Unanimous

309/2223 RESOLVED that all staff vacate the Chamber for consideration of item 17.6 Mayoral Minute – General Managers Interim Performance Review.

MOVED: Councillor Brady

SECONDED: Councillor Todd

For – Unanimous

6.05pm

All staff left the Chambers.

Item 17.6 Mayoral Minute – General Manager Interim Performance Review

310/2223 RESOLVED That Council notes the information contained in the Mayoral Minute – General Manager Interim Performance Review Report.

MOVED: Councillor Hogden

SECONDED: Councillor Holcombe

For – Unanimous

6.12pm

The staff returned to the Chambers.

311/2223 RESOLVED that Council return to Open Council.

MOVED: Councillor Brady

SECONDED: Councillor Holcombe

For – Unanimous

6.15pm

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 6.15pm.

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CHAIRPERSON