



MINUTES

**Ordinary Council Meeting
Wednesday, 10 March 2021**

**MINUTES OF COONAMBLE SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE SHIRE CHAMBER, GULARGAMBONE MEMORIAL HALL
ON WEDNESDAY, 10 MARCH 2021 AT 10.00AM**

PRESENT: Cr Ahmad Karanouh (Mayor), Cr Paul Wheelhouse (Deputy Mayor), Cr Karen Churchill, Cr Pat Cullen, Cr Barbara Deans, Cr Bill Fisher, Cr Robert Thomas

IN ATTENDANCE: Hein Basson (General Manager), Bruce Quarmby (Executive Leader Corporate and Sustainability), Noreen Vu (Executive Leader Environment, Strategic Planning & Community), Pip Goldsmith (Manager Economic Development & Growth), Sarah Banda (Graduate Engineer), Max Vozoff (Acting Manager Water & Sewerage), Marina Colwell (Executive Support Officer)

1 OPENING MEETING

The Mayor opened the meeting at 10.07 am, advising the attendees of the following:

- The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website and a person's image and/or voice may be broadcast;
- Attendance at the meeting is to be taken as consent by a person to their image and /or voice being webcast (time will be allowed by the Chairperson for people to leave the meeting before it starts);
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent;
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending the meetings – all liability will rest with the individual who made the comments;
- The recording will be available on Council's website for a minimum of 12 months and retained as a Council record;
- Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice;
- The meeting must not be recorded by others without the prior written consent of the Council in accordance with the Council's Code of Meeting Practice.

2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional custodians of this land on which we meet today, the Wailwan people and the Gamilaroi people and recognise their continuing connection to land, water and culture. We pay our respects to Elders past, present and emerging.

3 COMMUNITY CONSULTATION

Nil.

4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Mayor Karanouh notes that Cr Wheelhouse will be joining the meeting a little later.

5 DEPUTATION/DELEGATIONS**RESOLUTION 2021/24**

Moved: Cr Karen Churchill

Seconded: Cr Robert Thomas

That the meeting be paused for a short period of time from 10.10 am to allow two (2) members of the Gulargambone community to address the Councillors.

CARRIED

RESOLUTION 2021/25

Moved: Cr Robert Thomas

Seconded: Cr Barbara Deans

That Council resumes the meeting at 10.25 am.

CARRIED

6 CONFIRMATION OF MINUTES**RESOLUTION 2021/26**

Moved: Cr Bill Fisher

Seconded: Cr Paul Wheelhouse

That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Wednesday, 10 February 2021 be confirmed as a correct record of the proceedings of the meeting.

CARRIED

At 10.16 am Cr Wheelhouse joined the meeting.

7 DISCLOSURES OF CONFLICTS OF INTEREST

Cr Karanouh informed the meeting that he has a pecuniary conflict of interest regarding item 14.2 Recovery Action Update – costs associated with the Demolition of Fire damaged Buildings – Corner Aberford Street and Castlereagh Streets,

Coonamble. Cr Karanouh advised the meeting that he will leave the room, not partake in any discussions or voting on the item.

Cr Deans informed the meeting that she has a non-pecuniary conflict of interest regarding the Inland Rail Project. Cr Deans stated that her farming business is involved with grain production and her property is potentially affected by the proposed route of the Inland Rail Project. She indicated that she will remain in the room, contributing to discussions and voting on the item.

8 RESOLUTION BOOK

Nil.

9 MAYORAL MINUTE

MAYORAL MINUTE

RESOLUTION 2021/27

Moved: Cr Ahmad Karanouh

Seconded: Cr Pat Cullen

- 1. That Council notes the contents of this report.**
- 2. That Council joins the Murray Darling Association as a member, based on the potential benefits that could be gained with Council adding its voice against coal seam gas extraction within the region and advocating for adequate flows within the river system feeding the Macquarie Marshes to be maintained.**

CARRIED

MOTION

RESOLUTION 2021/28

Moved: Cr Robert Thomas

Seconded: Cr Paul Wheelhouse

That Council arranges for an information day for community members to be educated on the correct use of the newly installed defibrillators.

CARRIED

10 PRECIS OF CORRESPONDENCE

Nil.

SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL

Nil.

SECTION B - MATTERS FOR INFORMATION ONLY

Nil.

11 COMMITTEE REPORTS

Nil.

12 REPORTS TO COUNCIL**12.1 STATUS REPORT REGARDING COUNCILLOR ENQUIRIES****RESOLUTION 2021/29**

Moved: Cr Pat Cullen

Seconded: Cr Robert Thomas

That Council notes the information in this report.

CARRIED

12.2 ROADS OF STRATEGIC IMPORTANCE - TOORAWEEAH ROAD**RESOLUTION 2021/30**

Moved: Cr Barbara Deans

Seconded: Cr Bill Fisher

That Council notes the information in this report.

CARRIED

12.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL**RESOLUTION 2021/31**

Moved: Cr Pat Cullen

Seconded: Cr Paul Wheelhouse

- 1. That Council notes the report.**
- 2. That Council does not lodge a submission with the Local Government Remuneration Tribunal to change its categorisation from the current "Rural" category.**

CARRIED

12.4 2021 WESTERN DIVISION COUNCILS CONFERENCE

RESOLUTION 2021/32

Moved: Cr Barbara Deans

Seconded: Cr Bill Fisher

- 1. That Council notes the information in this report.**
- 2. That Council nominates the Mayor, Cr Barbara Deans (with Cr Pat Cullen as alternate) and the General Manager to attend the Western Division Councils Conference in Broken Hill from 19 to 21 April 2021.**

CARRIED

12.5 WORKPLACE INJURY MANAGEMENT REPORT

RESOLUTION 2021/33

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

That Council notes the contents of the WHS Monthly Report for its information.

CARRIED

12.6 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT

RESOLUTION 2021/34

Moved: Cr Barbara Deans

Seconded: Cr Karen Churchill

That Council notes the contents of this report.

CARRIED

At 11.05 am, Council adjourned for morning tea and resumed the meeting at 11.26 am.

12.7 APPLICATIONS FOR FINANCIAL ASSISTANCE UNDER COUNCIL'S DONATIONS POLICY

Cr Paul Wheelhouse noted that he has an interest as President of the Coonamble Rugby League Football Club, however, indicated that he will remain in the room, partake in the discussions and voting on the item.

RESOLUTION 2021/35

Moved: Cr Barbara Deans

Seconded: Cr Pat Cullen

- 1. That Council notes the report.**
- 2. That Council approves the funding variation submitted by Quambone Resources Committee to re-allocate the \$550 approved under the last round of funding to offset electricity connection fees at Quambone hall and racecourse/sportsground.**
- 3. Council agrees to provide financial assistance in accordance with the recommendations from the Donations Committee as follows:**

i) Gulargambone Tennis Club	\$7,000.00
ii) Coonamble Rugby League Football Club	\$4,000.00
iii) St Barnabas' Anglican Parish of Coonamble	\$4,500.00
iv) Coonamble F.I.T.	\$5,000.00
v) Coonamble Community Radio	\$2,500.00
vi) Coonamble Children's Service	\$9,572.00
- 4. That Council notes that due to there being insufficient funds in the current donations vote to provide half of the amount sought by the Coonamble Children's Services Inc, the shortfall be sourced from the Mayoral Donations allocation.**
- 5. That Council notes the 2020/2021 pre-approved sums of \$2,500.00 for the Rotary Club of Coonamble Inc, which has not been requested or paid, along with the \$5,000.00 annual allocation for the Coonamble Show Society Inc, as the prior contribution from Council was paid and not used in 2020, be re-allocated.**

CARRIED

12.8 REVIEW OF WATER AND SEWER PRICING STRUCTURE

RESOLUTION 2021/36

Moved: Cr Ahmad Karanouh
 Seconded: Cr Barbara Deans

The Mayor requested Councillors to take some time and read through the contents of the report before it is being discussed.

RECOMMENDATION

1. That Council notes the information contained within the body of this report and its annexures.
2. That Council adopts the proposed Water and Sewer staffing structure as outlined in the report of the independent reviewer.
3. That Council includes the proposed funding model, as attached to the report, in its draft Operational Plan and Budget 2021/22 for further consideration at its April 2021 Ordinary Meeting, when the finalised draft Operational Plan and Budget 2021/22 will be deliberated as a whole – with the funding model pertaining to the Coonamble sewerage charges to be amended for the additional revenue to be phased in over a four (4) year period (instead of a three (3) year period), as follows:

	2021/2022 Increase	2022/2023 Increase	2023/2024 Increase	2024/2025 Increase
Coonamble Residential Fee	10%	10%	10%	10%
Coonamble Fee for Flats	10%	10%	5%	5%

The Mayor called for a division:

In Favour: Crs Ahmad Karanouh, Pat Cullen, Barbara Deans and Robert Thomas

Against: Crs Paul Wheelhouse, Karen Churchill and Bill Fisher

CARRIED 4/3

Cr Wheelhouse and Cr Churchill requested for their votes to be recorded as against the motion.

CARRIED

12.9 RATES AND CHARGES COLLECTIONS - FEBRUARY 2021

RESOLUTION 2021/37

Moved: Cr Robert Thomas
Seconded: Cr Paul Wheelhouse

That Council notes the information provided in the report.

CARRIED

12.10 STATUS OF INVESTMENTS - FEBRUARY 2021

RESOLUTION 2021/38

Moved: Cr Paul Wheelhouse
Seconded: Cr Robert Thomas

That Council notes the list of investments as at 26 February 2021 and that these investments comply with section 625(2) of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy.

CARRIED

12.11 URBAN SERVICES - WORKS IN PROGRESS

RESOLUTION 2021/39

Moved: Cr Paul Wheelhouse
Seconded: Cr Barbara Deans

That Council notes the information in this report.

CARRIED

12.12 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT**RESOLUTION 2021/40**

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

1. That Council notes this report.
2. That Council authorises the free disposal of Mouse-off, Black Wheat, or any off-label pesticide for rodents at the Coonamble Waste Landfill.
3. That Council authorises the Executive Leader Environment, Strategic Planning and Community to represent Council on the Western Regional Planning Panel.
4. That Council advertises for expression of interest from community members who would be interested in representing the Coonamble Local Government Area on the Western Regional Planning Panel.

CARRIED**12.13 COMMUNITY SERVICE PROGRESS REPORT****RESOLUTION 2021/41**

Moved: Cr Bill Fisher

Seconded: Cr Karen Churchill

- 1) That Council notes the information contained in this report.
- 2) That Council authorises Councillor Karen Churchill in being the Champion to the Youth Council and represent Council in the Youth Council's establishment for the remainder of the current election term.

CARRIED**12.14 SALEYARDS REPORT****RESOLUTION 2021/42**

Moved: Cr Robert Thomas

Seconded: Cr Pat Cullen

That Council notes the information provided in this report.**CARRIED**

12.15 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS**RESOLUTION 2021/43**

Moved: Cr Paul Wheelhouse

Seconded: Cr Robert Thomas

- 1. That Council re-allocates \$400,000 of the Local Roads and Community Infrastructure funding to the following alternate sites to ensure the funds can be expended within the allotted time frame (by the end of June 2021):**
 - Quobathoo Road;
 - Box Ridge Road;
 - Billaroi Road; and
 - Carinda Road.
- 2. That Council requests the Executive Leader Infrastructure to, in the April 2021 Infrastructure Progress Report, address Council's intent to make an amount of \$400,000 available to be expended on roads which have suffered flood damage to repair them to a better standard than only to the condition that they were in before the flood event – in order to effect quality, longer-lasting repairs to particular roads sections which have been known to be problematic over time.**
- 3. That Council notes the rest of the information in this report.**

CARRIED

12.16 MT MAGOMETON QUARRY - REMAINING RESOURCE**RESOLUTION 2021/44**

Moved: Cr Ahmad Karanouh

Seconded: Cr Bill Fisher

- 1. That Council notes this report.**
- 2. That the following matters be further investigated, and a report be prepared for Council's further consideration when the necessary information and facts have been gathered:**
 - 2.1. Developing and implementing the best possible "lean and mean" business model, addressing the following points:**
 - 2.1.1. Determining the optimum staffing numbers, whilst still meeting Local Government (State) Award 2020 and Work Health and Safety requirements;**
 - 2.1.2. Whether the current fixed crusher (bringing whole of life asset and operator costs into the equation) versus hiring in mobile crushers at competitive rates is the best short, medium and longer-term option;**
 - 2.1.3. Investigating proper planning and stockpiling management to ensure on the one hand adequate supplies of different product at all times, and on the other hand not sitting with "dead stock" (which relates to dead capital not working for Council);**
 - 2.1.4. Identification of potential additional business opportunities to increase profits, whilst not unhealthily eating away at the projected lifespan of the facility;**
 - 2.1.5. Analysing Council's fees and charges to ensure that it is not overcharging itself, but that Council is competitive with other similar businesses within the region (which will potentially provide for more money onto road jobs but decrease profits). However, in this regard, Council needs to be sure that it complies with the National Competition Policy principles.**
 - 2.2. Pursuing the necessity to set and pay a set percentage of annual profits into the Quarry Reserve fund to ensure that capital expenditure would be able to be incurred when major maintenance and/or renewal of plant and equipment is required.**
 - 2.3. Pursuing the necessity of determining the rehabilitation costs of the quarry site in accordance with the applicable industry standards and expectations, and for an annual amount to be set and paid into the Quarry Rehabilitation Reserve fund from the quarry profits – to ensure that Council is financially able to undertake the necessary rehabilitation works when operations cease.**
 - 2.4. As part of Council's strategic planning, pursuing the identification of**

suitable land with adequate hard rock resources for the development of another quarry, and for such land to be purchased and the necessary planning and approval processes to be followed well in advance of the current quarry reaching the end of its predicted lifespan.

CARRIED

13 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS

13.1 NOTICE OF MOTION - EMPLOYMENT OF TEMPORARY STAFF

RESOLUTION 2021/45

Moved: Cr Karen Churchill

Seconded: Cr Pat Cullen

That Council puts on two (2) temporary staff for three (3) months to catch-up the backlog of mowing and tidying of streets in Coonamble or alternatively engage with a contractor to perform the work.

CARRIED

14 CONFIDENTIAL MATTERS

RESOLUTION 2021/46

Moved: Cr Paul Wheelhouse

Seconded: Cr Bill Fisher

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

14.1 Council-owned Property - Munnell Street Gulargambone

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it 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.

14.2 Recovery Action Update - Costs associated with the Demolition of Fire damaged Buildings - Corner Aberford and Castlereagh Streets, Coonamble

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production

in legal proceedings on the ground of legal professional privilege.

CARRIED

14.1 COUNCIL-OWNED PROPERTY - MUNNELL STREET GULARGAMBONE

RESOLUTION 2021/47

Moved: Cr Karen Churchill

Seconded: Cr Bill Fisher

- 1. That Council notes the information contained within this report.**
- 2. That Council rejects the initial expression of interest received for the vacant block of land located at 22-24 Munnell Street Gulargambone, and table a counter offer of \$10,000 (GST exclusive), based on the condition that no further work or expense be undertaken or incurred by Council in relation to this land.**
- 3. That Council, following negotiation with the interested parties, disposes of Lot 32 DP51636 Munnell Street Gulargambone by private treaty should the counter offer mentioned in paragraph two (2) above be accepted.**

CARRIED

At 12.49 pm the Mayor left the room, not partaking in any discussions or voting on the item.

The Deputy Mayor assumed the role of Chair.

14.2 RECOVERY ACTION UPDATE - COSTS ASSOCIATED WITH THE DEMOLITION OF FIRE DAMAGED BUILDINGS - CORNER ABERFORD AND CASTLEREAGH STREETS, COONAMBLE

Mr David Simons from SR Law, Council's debt recovery agency, provided Council with an overview of the situation regarding the costs associated with the demolition of the fire damaged buildings on the corner of Castlereagh and Aberford Streets. He explained the individual situations of the four (4) property owners involved with the distribution of the demolition and clean-up costs pertaining to these fire damaged buildings. He also allowed for and answered questions from Councillors and senior staff, further explaining the legal situations pertaining to the four (4) individual property owners and reiterating the validity of the legal advice provided to Council in writing.

RESOLUTION 2021/48

Moved: Cr Bill Fisher

Seconded: Cr Pat Cullen

- 1. That Council notes the information in this report.**
- 2. That Council instructs the Executive Leader of Corporate and Sustainability to arrange for the four (4) Council invoices, previously raised in accordance with Council's calculations for the distribution of**

demolition and clean-up costs to be credited.

3. That Council instructs the Executive Leader of Corporate and Sustainability to arrange for the four (4) Council invoices, relating to the distribution of demolition and clean-up costs to be raised and reissued in accordance with the calculations provided by the quantity surveyor engaged by Council, and as are detailed in the body of the report and its annexures.
4. That Council, following the adjustments to the accounts being made, refunds Raynbut PTY LTD the amount of \$8,398.13 (GST Inclusive) due to the overpayment of the account that has occurred.
5. That Council, following the adjustments to the accounts being made, writes off the amount of \$6,237.39 from the account of Mr Karanouh and Ms Rangiawha, because a formal agreement had been reached for settlement of the account prior to the adjusted distribution amounts being determined, and acknowledging that all the terms of this formal agreement have been satisfied and the amount due paid in full.
6. That Council instructs the General Manager to contact the respective landowners on which the Central Business District fire cost remains outstanding with a view to entering into an arrangement for the settlement of these accounts.
7. That, should no response be received from the respective landowners mentioned in paragraph six (6) above within a period of 21 days from the date of formal contact being made, Council staff follow the debt recovery procedures as outlined in Council's adopted Debt Recovery Policy.

CARRIED

Cr Churchill requested for her vote to be recorded as against the motion.

The Deputy Mayor Vacated the Chair and Mayor resumed this position.

RESOLUTION 2021/49

Moved: Cr Paul Wheelhouse

Seconded: Cr Bill Fisher

That Council moves out of Closed Council into Open Council.

CARRIED

RESOLUTION 2021/50

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

That Council adopts in Open Council the resolutions passed in Closed Session, i.e. Resolution 2021/47 and Resolution 2021/48.

CARRIED

15 CONCLUSION OF THE MEETING

The Meeting closed at 1.45pm.

The minutes of this meeting were confirmed at the Council held on 14 April 2021.

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CHAIRPERSON