

COONAMBLE
SHIRE COUNCIL

MINUTES

**Extraordinary Council Meeting
Tuesday, 6 August 2024**

**MINUTES OF COONAMBLE SHIRE COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE SHIRE CHAMBER, COONAMBLE
ON TUESDAY, 6 AUGUST 2024 AT 11:00 AM**

PRESENT: Mayor Tim Horan, Deputy Mayor Adam Cohen, Deputy Mayor Bill Fisher, Cr Pat Cullen, Cr Terence Lees, Cr Brian Sommerville

IN ATTENDANCE: Paul Gallagher (General Manager), Bruce Quarmby (Director Corporate Services), Kerrie Murphy (Director Infrastructure), Barry Broe (Director Community, Planning, Development & Environment), Jennifer Maundrell (Executive Manager Corporate Governance), Marina Colwell (Executive Support Officer).

1 OPENING MEETING

The Mayor opened the meeting at 11.00am, 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

APOLOGY

RESOLUTION 2024/179

Moved: Deputy Mayor Bill Fisher

Seconded: Cr Pat Cullen

That the apology from Cr Barbara Deans be noted and approved, and the email received in support of the resolutions contained in the Business Paper.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

SUSPENSION OF STANDING ORDERS

RESOLUTION 2024/180

Moved: Deputy Mayor Bill Fisher

Seconded: Deputy Mayor Adam Cohen

A motion was moved that Council suspend standing orders. To allow for community discussion.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

RESUMPTION OF STANDING ORDERS

RESOLUTION 2024/181

Moved: Cr Pat Cullen

Seconded: Cr Brian Sommerville

A motion was moved that Council resume standing orders.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

5 DEPUTATION/DELEGATIONS

Nil

6 DISCLOSURES OF CONFLICTS OF INTEREST

Nil

7 CONFIDENTIAL MATTERS**RESOLUTION 2024/182**

Moved: Deputy Mayor Adam Cohen

Seconded: Deputy Mayor 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:

7.1 Sons Of The Soil (SOTS) Commercial Offer

This matter is considered to be confidential under Section 10A(2) - c, d(i) and d(ii) 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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

7.2 Offer of land for the construction of new housing Yarran Street

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.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees And Brian Sommerville

CARRIED 6/0

Cr Brian Sommerville declared a Non-pecuniary interest in item 7.1 Sons Of The Soil (SOTS) Commercial Offer, as he owns a business in the main street.

MOTION**RESOLUTION 2024/183**

Moved: Cr Brian Sommerville

Seconded: Cr Pat Cullen

That the Mayor receive the rescission motion for resolution 2024/176 signed by

Crs Fisher, Cullen and Sommerville.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

The Mayor declared the rescission motion a matter of great urgency.

MOTION**RESOLUTION 2024/184**

Moved: Cr Brian Sommerville

Seconded: Cr Pat Cullen

That Council rescind resolution 2024/176 being:

- 1. Reject all tenders at this stage.**
- 2. Authorise the General Manager to negotiate with the preferred tenderer, Integrated Construction Equipment, with the aim of allowing sufficient time for the next council to consider the best option for the development of the site.**

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

MOTION**RESOLUTION 2024/185**

Moved: Cr Terence Lees

Seconded: Deputy Mayor Adam Cohen

That Council reject all tenders at this stage.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

7.1 SONS OF THE SOIL (SOTS) COMMERCIAL OFFER**RESOLUTION 2024/186**

Moved: Deputy Mayor Bill Fisher

Seconded: Cr Pat Cullen

- 1. That Council receives and notes the information in this report.**
- 2. That Council notes the offer from the developer is a ‘time-limited’ offer.**
- 3. That Council resolves to dispose of the property known as Sons of the Soil for the agreed purchase price, contained in the confidential report by the way of sale to Contract Control Services after receiving a response to Councils call for an expression of interest for the purchase of the site, for the purpose of developing the site, and in line with Councils CBD revitalization strategy.**
- 4. That Council resolves to agree to the condition of sale and prepare contracts which includes either a Development Agreement or conditions within the standard terms of a contract for sale as follows:**
 - a. That as much as possible of the existing building is retained as part of the development particularly the front façade.**
 - b. That a Supermarket forms part of the development and that local businesses are given first opportunity or right of refusal to take up tenancy of the supermarket and or other retail premises.**
 - c. That Council provide an onsite parking area for the development.**
 - d. That Council endorse the proposal to develop accommodation.**
 - e. That Council note the nine (9) month development time frame as offered by the developer but allow 18 months to two (2) years for development completion.**
- 5. Resolves to delegate to the General Manager or his delegate the power to facilitate further negotiation as necessary to give effect to the sale.**
- 6. That authority be granted to the General Manager to affix the Common Seal of the Council to any documentation required to give effect to this resolution.**
- 7. Council advise the Office of Local Government (OLG) of the decision of Council.**

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

7.2 OFFER OF LAND FOR THE CONSTRUCTION OF NEW HOUSING YARREN STREET

RESOLUTION 2024/187

Moved: Deputy Mayor Bill Fisher

Seconded: Cr Pat Cullen

That;

- 1. Council receives and notes the information on the housing development proposed by Simmons Global for the Simmons Modular Housing Project.**
- 2. Council resolves to subdivide the land encompassed across Lot 85 and 87 DP 3693 as per the proposed subdivision plan to create 19 new parcels of land with Council constructing roads, water and sewer infrastructure to the value of approximately \$750,000 with the funding source to be identified in the September budget review, for the purpose of the land development.**
- 3. Council resolves to dispose of the land encompassed across Lot 85 and 87 DP 3693 Yarran and Reid Street as per the proposed subdivision plan and supply land and civil works as proposed within the confidential report to Simmons Global for the construction of nine residential dwellings for the Simmons Modular Housing Project.**
- 4. That Council resolves to prepare contracts for exchange of the land which includes either a Development Agreement or conditions within the standard terms of a contract for the housing.**
- 5. Council resolves to authorise the General Manager to negotiate the supply of housing and or land for Councils ownership as settlement for the Simmons Modular Housing Project.**
- 6. Council notes that the development will be on project exhibition for a period up to 3 months after completion such that the State and Federal Governments can visit the site and inspect the property's and project delivery model.**
- 7. Council resolves to delegate to the General Manager or his delegate the power to do any further negotiation as necessary to give effect to the land development.**
- 8. Council resolve to grant authority to the General Manager to affix the Common Seal of the Council to any documentation required to give effect to this resolution.**

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

RESOLUTION 2024/188

Moved: Deputy Mayor Adam Cohen

Seconded: Cr Pat Cullen

That Council moves out of Closed Council into Open Council.

In Favour: Crs Tim Horan, Adam Cohen, Bill Fisher, Pat Cullen, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 6/0

8 CONCLUSION OF THE MEETING

The Meeting closed at 1.36pm.

The minutes of this meeting were confirmed at the Council held on 14 August 2024.

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CHAIRPERSON