

COONAMBLE
SHIRE COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 9 August 2023**

**MINUTES OF COONAMBLE SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE SHIRE CHAMBER, COONAMBLE
ON WEDNESDAY, 9 AUGUST 2023 AT 3.30 PM**

PRESENT: Mayor Tim Horan, Cr Karen Churchill, Cr Adam Cohen, Cr Pat Cullen, Cr Barbara Deans, Cr Bill Fisher, Deputy Mayor Ahmad Karanouh, Cr Terence Lees, Cr Brian Sommerville

IN ATTENDANCE: Paul Gallagher (General Manager), Bruce Quarmby (Director), Kerrie Murphy (Director), David Levick (MED&G), Deborah Tatton (Manager Finance & Procurement), Mick Bell (Manager Parks & Urban Services), Marina Colwell (Executive Support Officer).

1 OPENING MEETING,

The Mayor opened the meeting at 3.32 pm, 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

Nil

5 DEPUTATION/DELEGATIONS

Nil

6 CONFIRMATION OF MINUTES**RESOLUTION 2023/182**

Moved: Deputy Mayor Ahmad Karanouh

Seconded: Cr Pat Cullen

That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Wednesday, 12 July 2023 be confirmed as a correct record of the proceedings of the meeting.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**7 DISCLOSURES OF CONFLICTS OF INTEREST**

Cr Barbara Deans declared a non-pecuniary conflict of interest with Item 10.10 Tooraweenah Road Upgrade – Monthly Status Update, as her property and place of residence is on that road. She indicated that she would remain in the room and participate in the discussion on the items.

8 MAYORAL MINUTE**MAYORAL MINUTE****RESOLUTION 2023/183**

Moved: Mayor Tim Horan

Seconded: Cr Terence Lees

That the report be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

SUPPLEMENTARY BUSINESS - MAYORAL MINUTE - SUPPLEMENTARY REPORT - PLAZA THEATRE**RECOMMENDATION**

That Council accepts the following item, 8.1 - Mayoral Minute - Supplementary Report - Plaza Theatre, as Supplementary Business.

RESOLUTION 2023/184

Moved: Deputy Mayor Ahmad Karanouh

Seconded: Cr Pat Cullen

1. That the report be noted and received.
2. That Council congratulate Outback Arts on their commitment to our Shire and their efforts to save and revitalise the Theatre and that Council contribute \$30,000 to Outback Arts to assist them in the purchase. Furthermore, Council enters into a partnership with Outback Arts in the ongoing operations of the Theatre.
3. Funding from Coonamble Activation Fund \$20,000 and \$10,000 from the unallocated Donations Pool.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL**SECTION B - MATTERS FOR INFORMATION ONLY****9 COMMITTEE REPORTS**

Nil

The Mayor welcomed new staff member Lesly Duncan, Manager Planning, Regulatory and Compliance to Coonamble.

10 REPORTS TO COUNCIL

10.1 CORRESPONDENCE

RESOLUTION 2023/185

Moved: Cr Barbara Deans

Seconded: Cr Adam Cohen

That the report be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.2 COUNCIL RESOLUTIONS UPDATE

RESOLUTION 2023/186

Moved: Deputy Mayor Ahmad Karanouh

Seconded: Cr Barbara Deans

That Council notes the contents of Annexure 1 attached to the report on the status of Council resolutions.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.3 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT

RESOLUTION 2023/187

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

1. That Council note the general information of the report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.4 COMMUNITY SERVICES REPORT

RESOLUTION 2023/188

Moved: Cr Barbara Deans

Seconded: Cr Bill Fisher

That the report be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.5 LGNSW 2023 ANNUAL CONFERENCE

RESOLUTION 2023/189

Moved: Deputy Mayor Ahmad Karanouh

Seconded: Cr Adam Cohen

- 1. That Council nominates the positions of Mayor, Deputy Mayor and General Manager to attend the Local Government NSW (LGNSW) Conference that is scheduled to be held on 12 to 14 November 2023 in the Rosehill Gardens Racecourse.**
- 2. That Council, consistent with its current practice, nominates the Mayor as its voting delegate for purposes of electing the LGNSW President and Executive Board Members, as well as for voting on motions discussed at annual conferences.**
- 3. That Council takes advantage of the “early bird” registration fee of \$1,155.00 per person, to be paid by 28 September 2023.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.6 STATUS OF INVESTMENTS - JULY 2023**RESOLUTION 2023/190**

Moved: Cr Pat Cullen

Seconded: Cr Bill Fisher

That Council notes the list of investments from 1 July 2023 to 31 July 2023 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.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**10.7 RATES AND CHARGES COLLECTIONS - JULY 2023****RESOLUTION 2023/191**

Moved: Cr Terence Lees

Seconded: Cr Bill Fisher

That Council notes the information provided in the report.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**10.8 SALEYARDS REPORT- 31 JULY 2023****RESOLUTION 2023/192**

Moved: Cr Barbara Deans

Seconded: Cr Pat Cullen

That the report is received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.9 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT

RESOLUTION 2023/193

Moved: Cr Pat Cullen

Seconded: Deputy Mayor Ahmad Karanouh

That the report be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.10 TOORAWEEAH ROAD UPGRADE - MONTHLY STATUS UPDATE

RESOLUTION 2023/194

Moved: Cr Barbara Deans

Seconded: Cr Brian Sommerville

That the report be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

10.11 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS

RESOLUTION 2023/195

Moved: Cr Barbara Deans

Seconded: Cr Bill Fisher

That the information be received and noted.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

11 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS

Nil

Council breaks for tea at 5.00 pm and will return in Closed Session.
Council resumes the meeting at 5.30 pm in Closed Session.

12 CONFIDENTIAL MATTERS

RESOLUTION 2023/196

Moved: Cr Terence Lees

Seconded: Cr Barbara Deans

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:

12.1 Land for Housing Development

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

12.2 TEN30713DI - Tender for the delivery of the Coonamble Youth Empowerment Program

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

12.3 Flood Damage - Road Repair Tender - TEN230329DJ

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

12.4 Flood Damage - Road Repair Tender - TEN230531DJ

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

12.5 TEN230628DJ - Tender for the Installation of a Concrete Footpath Along Limerick Street, Coonamble

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

12.6 Alternative Sites for the Coonamble Artesian Bathing Experience

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.

CARRIED

12.1 LAND FOR HOUSING DEVELOPMENT

RESOLUTION 2023/197

Moved: Deputy Mayor Ahmad Karanouh

Seconded: Cr Bill Fisher

- 1. That Council authorise the General Manager and Mayor to exchange contracts for the purchase of the parcel of land at the negotiated purchase price of \$425k.**
- 2. In order to fund the purchase of the land and further investigation and design costs , that as part of the preparation of the June 2023 Budget Review a \$500,000 transfer to Council's Development Fund Reserve be included for Council's consideration and adoption.**
- 3. That Council note that the General Manager and Mayor met with the Minister for Housing on 2 August 2023 to discuss obtaining a partnership with Landcom with a further report being presented to council on the outcome of the meeting.**
- 4. That Council authorise 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, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Cr Karen Churchill

Cr Churchill requests her vote be recorded against the resolution.

CARRIED 8/1

RESOLUTION 2023/198

Moved: Cr Karen Churchill

Seconded: Cr Adam Cohen

That a further report be bought to the September meeting on other available land for purchase for housing development.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0**12.2 TEN230713DL - TENDER FOR THE DELIVERY OF THE COONAMBLE YOUTH EMPOWERMENT PROGRAM****RESOLUTION 2023/199**

Moved: Cr Barbara Deans

Seconded: Cr Terence Lees

That Council accept the submission of Edraak Consulting Pty Ltd for the delivery of the Coonamble Youth Empowerment Project.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.3 FLOOD DAMAGE - ROAD REPAIR TENDER - TEN230329DJ**RESOLUTION 2023/200**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

- 1. That the information be noted.**
- 2. That Council reject all tenders for TEN230329DJ and carry out the requirements of the proposed contract itself which will provide a more economical outcome.**
- 3. Council advise the tenders of Councils decision.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.4 FLOOD DAMAGE - ROAD REPAIR TENDER - TEN230531DJ**RESOLUTION 2023/201**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

- 1. That the information be noted.**
- 2. That Council reject all tenders for TEN230531DJ and carry out the requirements of the proposed contract itself which will provide a more economical outcome.**
- 3. Council advise the tenders of Councils decision.**

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.5 SUPPLEMENTARY BUSINESS - TEN230628DJ - TENDER FOR THE INSTALLATION OF A CONCRETE FOOTPATH ALONG LIMERICK STREET, COONAMBLE

RESOLUTION 2023/202

Moved: Cr Brian Sommerville

Seconded: Cr Terence Lees

That Council accept the submission of Wheelhouse Concrete and Construction Pty Ltd for the installation of the concrete footpath as scoped in Tender TEN230628DJ. At the GST exclusive price of \$310, 000.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

12.6 SUPPLEMENTARY BUSINESS - ALTERNATIVE SITES FOR THE COONAMBLE ARTESIAN BATHING EXPERIENCE

RESOLUTION 2023/203

Moved: Cr Terence Lees

Seconded: Cr Brian Sommerville

1. That Council authorise the General Manager to negotiate the purchase of the identified parcel of land for the purpose of constructing the Coonamble Artesian Bathing Experience, at the price agreed by Council and the property owner.
2. That Council resolve that the land be classified as operational land in accordance with section 31 (2) of the *Local Government Act 1993*.
3. That Council authorise the General Manager to affix the Common Seal of the Council to any documentation required to give effect to this resolution.
4. That Council continue to pursue the acquisition of the Crown Land neighbouring the Coonamble Jockey Club for future community use.

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

Against: Cr Karen Churchill

Cr Churchill requests her vote be recorded against the resolution.

CARRIED 8/1

RESOLUTION 2023/204

Moved: Mayor Tim Horan

Seconded: Deputy Mayor Ahmad Karanouh

That a further report be bought back to council on the viability of developing other sporting fields in Coonamble.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian Sommerville

Against: Nil

CARRIED 9/0

RESOLUTION 2023/205

Moved: Cr Bill Fisher

Seconded: Cr Terence Lees

That Council moves out of Closed Council into Open Council.

In Favour: Crs Tim Horan, Karen Churchill, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Ahmad Karanouh, Terence Lees and Brian

	Sommerville	
<u>Against:</u>	Nil	
		CARRIED 9/0 Carried

13 CONCLUSION OF THE MEETING

The Meeting closed at 6.25pm.

The minutes of this meeting were confirmed at the Council held on 13 September 2023.

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CHAIRPERSON