

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL  
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 14<sup>TH</sup>  
AUGUST 2019, COMMENCING AT 9.07 A.M.**

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**PRESENT:** Cr Ahmad Karanouh, Mayor, in the Chair, with Crs Pat Cullen, Bill Fisher, Barbara Deans and Paul Wheelhouse.

Also present were the General Manager, Mr Hein Basson, the Director of Community Services, Ms Robyn Ryan, the Director of Corporate and Urban Services, Mr Bruce Quarmby, the Director of Engineering Services, Mrs Kookie Atkins, the Relieving Manager Environmental Services, Mr John Kite and Mrs Jill Moorhouse.

**1.0 OPENING MEETING**

At this juncture, 9.07 a.m. the Mayor opened the meeting.

**2.0 ACKNOWLEDGEMENT OF ORIGINAL OWNERS OF THE LAND**

The Mayor acknowledged the traditional custodians of this land, the Wailwan people, and paid his respects to elders past and present.

**3.0 COMMUNITY CONSULTATION**

Mrs Anne Kennedy booked a consultation at 9.30 a.m. to discuss issues associated with Item No 12.25 – Request to Waive Impounding Fees.

**4.0 APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE**

**4444 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that leave of absence be approved for Cr Karen Churchill and Cr Robert Thomas.

Note: Cr Cullen informed the Mayor that he would be leaving the meeting prior to 11.00 a.m. to attend the Funeral Service for Cr Churchill's mother.

**5.0 DEPUTATIONS / DELEGATIONS**

Two delegations were booked for the meeting:

11.30 a.m. Mr Andrew Mulligan, General Manager of the Central West Local Land Services.

12.00 noon ARTC and Inland Rail Representatives and Mr John Single.

**6.0 CONFIRMATION OF THE MINUTES**

**4445 RESOLVED** on the motion of Crs Fisher and Wheelhouse that the minutes of the Ordinary Meeting of Coonamble Shire Council held on 10 July 2019 be confirmed as a correct record of the proceedings of the meeting.

**7.0 DISCLOSURES OF INTEREST**

Nil

## **8.0 RESOLUTION BOOK UPDATE**

### **8.1 Resolutions in Progress**

**4446 RESOLVED** on the motion of Crs Fisher and Wheelhouse that the items listed in the Resolution Book Update be received and noted.

#### **i) Bore Baths – Land Purchase (Min No 4074/19.2)**

Note: Cr Wheelhouse referred to the land purchase for the Bore Baths and asked if the transaction with Crown Lands could be expedited – both the Mayor and General Manager said that Council has taken all steps possible at this stage.

Note: The Director Engineering Services informed the meeting that she is waiting on confirmation of requirement from the Water Regulator Authority regarding the bore licence.

Note: In response to a question from Cr Cullen, the Director Engineering Services said it would be an artesian bore and perhaps require a 'holding pond'. Cr Deans asked whether discharge could be piped to the Weir and was informed that discharge to a waterway was not permitted.

#### **ii) Notice of Motion (Min No 4310)**

Note: Cr Wheelhouse requested a report be brought back to Council regarding the cost of installation of a hot water system at the saleyard amenities building and the issues associated with making the facility available to truckdrivers with the Avadata key system used at the truck wash. Council's R/Manager Environmental Services will prepare a report.

### **8.2 Resolutions Completed**

**4447 RESOLVED** on the motion of Crs Wheelhouse and Fisher that the items listed in the Resolution Book Update as completed be noted.

## **9.0 MAYORAL REPORT**

**4448 RESOLVED** on the motion of Crs. Karanouh and Deams that the Mayor's Activity Report be received.

Note: The Mayor provided the meeting with a brief overview of his activities representing Council during the past month, which included the following:

a) Gulargambone Street Party – which was a great success.

b) Local Government Summit at Narrabri – this was an initiative of Local Government NSW to give councils the opportunity to discuss challenges facing local small business now and in the future.

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c) Steve Orr & Anna Shaw – representatives from the NSW Department of Premier and Cabinet. The Mayor informed the meeting that Steve was formerly employed by the Office of Local Government, however is now the A/Deputy Secretary for Regional NSW. They visited other councils in the region as part of a fact-finding mission to learn how local businesses and communities are coping with the extended drought. Cr Karanouh said Mr Orr and Ms Shaw were taken on a tour of the town and shown sites such as the weir and the area where it is proposed for the bore baths.

**Water Tower Cleaning**

**4449 RESOLVED** on the motion of Crs Karanouh and Cullen that the water tower at the sportsground be cleaned up to the fourth ring within the next three (3) weeks to four (4) weeks, due to damage having been caused to the art work from water leaking from the tower.

**Netball Courts at Sportsground**

Note: Cr Karanouh draw attention to the netball courts at the sportsground, saying he has had complaints that they are uneven. The Director Corporate and Urban Services said topdressing work is rostered and that should alleviate any problems.

**Application for Show Holiday**

Note: The Mayor referred to the process for the proclamation of a holiday for the second day of the Coonamble show. He was informed that Council, with sufficient community support, may apply for the holiday for two consecutive years. The General Manager said the process of seeking support, or otherwise, has commenced and Council will wait on submissions to be received.

**Roadworks within the Shire**

Note: The Mayor conveyed special thanks to the Director Engineering Services and her staff – saying he has received very positive feedback about the roadworks being carried out – mentioning in particular the Tooraweenah Road, Hollywood Lane and Vatua Lane. Cr Karanouh asked the Director to convey Council's thanks and appreciation to staff involved.

**Toilets at Warrena Creek Weir**

Note: There was general discussion regarding the condition of toilets at the Weir, with Councillors agreeing they are not fit to be used. Council noted that an application for funding for solar power is pending under the Stronger Country Communities Grant Funding process. Councillors further debated whether there was a need to have power connected to the

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site as well. The Director Community Services conveyed to the meeting that a comparative estimate is \$65,000 (power) and \$38,000 (solar).

**4450 RESOLVED** on the motion of Crs Karanouh and Cullen that Council contribute \$70,000 as seed funding from its Development Fund to provide new amenities at the Warrena Creek Weir, based on the understanding that further grant funding applications be submitted in this regard.

**Tour de OROC**

**4451 RESOLVED** on the motion of Crs. Karanouh and Cullen that Council provide a \$2,000 sponsorship towards Tour de OROC which will come through Coonamble in October, staying overnight, noting that Council will also be contributing towards dinner expenses to the amount of approximately \$500 for the riders and supporters.

**10.0 CORRESPONDENCE**

Nil this meeting.

**11.0 COMMITTEE REPORTS**

Nil this meeting.

**12.0 REPORTS TO COUNCIL**

**12.1 Development Applications Determined under Delegated Authority**

**4452 RESOLVED** on the motion of Crs Wheelhouse and Fisher that Council notes there were no Development Applications or Complying Development Applications approved under delegated authority since the July meeting.

**12.2 Councillors' Expenses and Facilities Policy 2019/2020**

**4453 RESOLVED** on the motion of Crs. Fisher and Cullen that Council formally adopt the policy for Payment of Expenses and Provision of Facilities to the Mayor and Councillors, which has been on public exhibition for the prescribed 28 day period, noting no submissions or comments were received.

**12.3 Revised Media Policy**

Note: The General Manager presented a draft policy, which is to ensure Council's use of media outlets is effective, informative, timely and appropriate. The policy presented aims to support or reinforce Council's vision and reflect the intent of Council in relation to its Community Strategic Plan, Delivery Program and Operational Plan.

**4454 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that Council adopts the revised Media Policy as attached to the Business Paper.

#### **12.4 Lobbying of Councillors Policy**

Note: The General Manager presented a draft policy to Council, together with an ICAC publication "Lobbying local government councillors – a guide for councillors, constituents and other interested parties".

Mr Basson said the policy is intended to protect the integrity of decision-making whilst recognising a councillor's legitimate interest in representing his/her community. He pointed out that appropriate lobbying is considered normal by ICAC, however public perception should not undermine confidence in impartial decision making.

**4455 RESOLVED** on the motion of Crs. Deans and Wheelhouse that Council adopts the Lobbying of Councillors Policy as attached to the Business Paper as Appendix A and further, that Council notes the contents of the ICAC publication, 'Lobbying local government councillors – a guide for councillors, constituents and other interested parties'.

#### **12.5 Pre-Meeting Briefing Sessions Policy**

**4456 RESOLVED** on the motion of Crs Deans and Wheelhouse that Item 12.5 *Pre-meeting Briefing Sessions Policy* be received and dealt with.

Note: The General Manager reported that the purpose of this Policy is to provide clear guidelines regarding pre meeting briefing sessions, which are a non-mandatory provision in the Model Code of Meeting Practice.

Mr Basson informed the meeting that the intention of these sessions is to provide the best possible information to Councillors regarding business to be transacted at the meeting, immediately prior to that meeting.

**4457 RESOLVED** on the motion of Crs. Cullen and Fisher:

- 1) That Council adopts the "Pre-Meeting Briefing Sessions Policy" attached to the report as Policy of Council.
- 2) That Council resolves for all future Council Meetings to start at 10.00 a.m. in order for pre-meeting briefing sessions to commence at 9.00 a.m., allowing for an hour of information-sharing before the formal Council Meeting starts.

#### **12.6 Council Meetings – Code of Meeting Practice – Community Consultation Policy**

**4458 RESOLVED** on the motion of Crs Cullen and Deans that Item 12.6 *Council Meetings – Code of Meeting Practice – Community Consultation Policy* be received and dealt with.

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Note: This policy document and accompanying application form were presented by the General Manager in order for Council to adopt a Community Consultation Policy separate from the newly adopted Model Code of Meeting Practice to make it easier for community members to navigate the new procedure when wanting to address Council.

Mr Basson pointed out that the Community Consultation Policy supports and reinforces the already adopted Code of Meeting Practice and provides for a best practice document to communicate with members of the community who wish to address Council on items included in the business paper.

**4459 RESOLVED** on the motion of Crs.Wheelhouse and Deans that Council adopts the Community Consultation Session Policy attached to the report and further, that Council notes the application form that needs to be completed by members of the public wishing to address Council as part of the Community Consultation Session provided for in Council's Code of Meeting Practice.

**12.7 Donations Policy**

**4460 RESOLVED** on the motion of Crs Deans and Wheelhouse that Item 12.7 *Donations Policy* be received and dealt with.

Note: The General Manager suggested to Council at the July Meeting that he would prepare a Donations policy for implementation to provide structure for Council to consider applications for donations in the future.

Note: Council provides \$70,000/annum in its Donations Vote and the presented policy document provides for a more structured approach to allocating funds to community organisations, ensuring they are being expended in a considered manner.

**4461 RESOLVED** on the motion of Crs.Fisher and Wheelhouse:

- 1) That Council adopts the Donations Policy and Forms attached as Appendix B to the Business Paper and that applications for donations be invited from interested community groups for Council to consider at its October 2019 Ordinary Meeting.
- 2) That Council implements a Donations Committee consisting of the Mayor, Deputy Mayor and Director of Corporate and Urban Services, with the identified task of evaluating all donation applications received and providing Council with its recommendations for the distribution of Council's annual donations provision in its Operational Plan and Budget.

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- 3) That Council, pursuant to the provisions of Section 377 of the *Local Government Act 1993* and in line with Council's adopted Donations Policy, delegates the authority to the Mayor to make smaller donations up to \$250.00 per year to worthy community organisations – conditional upon the total amount of Mayoral Donations not exceeding \$5,000.00 in any financial year, and deducted from the total donations provision in Council's Operational Plan and Budget.

**12.8 Council Services Satisfaction Survey**

Note: The General Manager referred to Council's Operational Plan which made provision for a survey to be conducted during the previous year and suggested that Council now consider an independent and statistically valid community satisfaction survey being conducted on the services provided by Council. He said it is important for Council to be aware of its satisfaction ratings, pointing out there may be services of high importance with a low satisfaction rating and, on the other hand, services of low importance with a high rating. The General Manager said that data provided would become an overall management tool for Council into the future.

Mr Basson provided information and documentation from Jetty Research, which is registered with Local Government Procurement and an external and impartial organisation which will undertake a general survey targeting all services. The General Manager said 250 people from the community would be randomly selected and interviewed, with a 95% accuracy level.

**4462 RESOLVED** on the motion of Crs. Fisher and Deans :

- 1) That Council authorises the General Manager to contract with Jetty Research for a community satisfaction survey on the services Council provides to be conducted for an amount of \$9,900 (excluding GST), as is described in more detail in the quote attached as Appendix C to the Business Paper.
- 2) That Council communicates the message to the community that residents will be telephonically contacted on a random basis, be asked questions about Council services for a duration of around 15 minutes, and for community members to please be honest and objective in their responses.

**12.9 Councillor Access to Staff and Premises Policy**

**4463 RESOLVED** on the motion of Crs. Fisher and Wheelhouse that Item 12.9 *Councillor Access to Staff and Premises Policy* be received and dealt with.

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Note: The General Manager referred to Council's Code of Conduct and said there is a need for clear policy on two areas that are potentially difficult to interpret, hence this policy document and relevant forms which were presented to the meeting.

**4464 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that Council adopts the "Councillor Access to Staff and Premises Policy", with the two accompanying forms attached to the Business Paper as Appendix D.

**12.10 Councillors' Workshop Policy Incorporating Guidelines**

Note: The General Manager informed the meeting that the aim of Councillors' workshop sessions is to provide the best possible information to Councillors on the matters that are strategic and/or substantial and complex in nature. Mr Basson pointed out that all Councillors are invited to attend workshop sessions, however it is not mandatory that they attend.

He said the sessions are usually attended by Councillors and members of Council's management team and chaired by the General Manager. The General Manager suggested that approvals for workshop sessions be made by Council resolution or jointly by the Mayor and General Manager.

**4465 RESOLVED** on the motion of Crs. Wheelhouse and Cullen:

- 1) That Council adopts the "Policy Document Incorporating Guidelines for Councillors' Workshops" as policy of Council.
- 2) That Council resolves for all approvals of future Councillors' Workshop sessions be made by resolution of Council or jointly by the Mayor and General Manager, and that such workshops be held in order for Councillors to obtain more information regarding matters that are strategic and/or substantial and complex in nature – within a more informal and interactive forum.

**12.11 Community Services – Progress Report**

**4466 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that Council notes the information in the Director's report.

Note: Ms Ryan informed the meeting that as soon as the Funding Agreement for the additional Drought Stimulus amount has been executed, extended works at the Caravan Park will commence.

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**12.12 Community Services – NSW Government Grant Opportunities**

Note: Council was provided with information regarding the recently announced Stronger Country Communities Fund – Round Three and the Regional Communities Development Fund – Round Two. Staff also requires endorsement of projects to be submitted under these two grant opportunities.

Note: Councillor Cullen said that the lighting at the sports oval requires upgrading and pointed out that is one of the reasons night games are not programmed in Coonamble.

**4467 RESOLVED** on the motion of Crs Deans and Cullen:

1) That Council submits one (1) application under the Stronger Country Communities Fund – Round Three (Youth Related Initiatives) for the Gulargambone Youth Centre's refurbishment, the details of which were included in the report, to the amount of \$80,000.

2) That Council submits two (2) applications under the Stronger Country Communities Fund – Round Three (General Community Amenity Projects) one for stable restoration at the Coonamble Museum Under the Bridge to the amount of \$130,000, and the other for a new ablution block at the Warrena Creek Weir to the amount of \$100,000.

3) That Council applies under the Regional Communities Development Fund – Round Two to fund the design and construction of the Coonamble Visitor Information Centre, including discovery and cultural elements, to the amount of \$1.5 million.

**12.13 Rates and Charges Collections – July 2019**

**4468 RESOLVED** on the motion of Crs. Wheelhouse and Cullen that the information be noted.

**12.14 Status of Investments – July 2019**

**4469 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that the list of investments as at 31 July 2019 be noted and it also be noted that Council's 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.

**12.15 Coonamble Children's Services and Coonamble Preschool – Land Information Report**

Note: This report was prepared following a request at the June Meeting to identify the land value of the areas occupied by these services. It was also suggested that Council may wish to consider 'gifting' the areas to the respective entities.

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Council noted that the land occupied by the Children's Services has a value of \$19,800 and Tully Park Reserve (Crown land) is valued at \$25,800.

A map was included in the business paper for Councillors' information, and it was noted that the Children's Services occupied land owned by Council and is classified as 'operational land'. However, the Preschool is sited on land owned by the State Government. Councillors also noted that the Preschool leases the former Tully Park Reserve, which is Crown land, from Council as the Reserve Manager, for a 'peppercorn' amount.

**4470 RESOLVED** on the motion of Crs. Wheelhouse and Cullen :

- 1) That Council notes the information in this report.
- 2) That Council extends a written invitation to the Coonamble Children's Services to take over the ownership of the land on which its facility is situated at a no-cost-for-the-land arrangement, subject to the organisation agreeing to pay all legal costs associated with the transaction and subject to the principle of future succession of the land only to be for purposes of community related services to be enshrined within the contractual agreement.

**12.16 Review of Service Levels – Coonamble Showground**

**4471 RESOLVED** on the motion of Crs Wheelhouse and Deans:

- 1) That Council notes the information contained in the report.
- 2) That Council, in recognising the value and contribution of volunteers to Council and the community, develops a draft Volunteer Policy to be presented to a future Council Meeting.

Note: Cr Wheelhouse requested that a breakdown of costs of the maintenance component of \$194,558.46 be brought back to Council. He said this may be evidence sufficient enough to install a sprinkler system. The Director informed Council that the higher portion of the amount is for labour, however a breakdown of the cost will be provided at the September 2019 Council Meeting.

**12.17 Coonamble Swimming Pool Complex – Additional Parking**

**4472 RESOLVED** on the motion of Crs Wheelhouse and Cullen that Council defers any decision regarding development of an additional car park for the pool until such time as the Masterplan for the Coonamble Swimming Pool Complex has been developed and adopted.

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Note: The Director pointed out that parking requirements would be included in the development of the Masterplan. It was noted that the most congested times for traffic movements/parking is when swimming carnivals are being conducted.

Note: At this juncture, 10.35 a.m., the meeting was adjourned for morning tea and resumed at 11.10 a.m. Cr Cullen was not present upon resumption of the meeting.

**12.18 Urban Services – Works in Progress – June/July 2019**

**4473 RESOLVED** on the motion of Crs. Wheelhouse and Deans that Council notes the information contained in this report, specifically that since the decommissioned reservoir at the Coonamble sportsground is no longer a viable option for the storage of bore water for irrigation purposes, water tank/s sufficient to meet irrigation demands would be installed at the rear of the storage shed fronting McCullough Street.

**12.19 Saleyards Report**

**4474 RESOLVED** on the motion of Crs. Deans and Wheelhouse that the information contained in the report be noted.

Note: In response to Cr Wheelhouse's question, the Director Corporate and Urban Services advised that cameras are installed and operational at the saleyards.

**12.20 Engineering Services – Works in Progress**

**4475 RESOLVED** on the motion of Crs. Deans and Fisher that the information be noted by Council.

Note: Cr Deans referred to the 4<sup>th</sup> stage of the Coonamble levee upgrade and asked what the work consisted of. In response the Director advised it is the construction of a wall-type structure from the showground to Tooloon Street and at the end of Namoi Street. It will also include identifying private property boundaries prior to commencing this final stage.

**12.21 Coonamble Golf Club – Installation of Diesel Pump**

Note: The request for Council to consider providing a diesel pump to the Golf Club was received some time ago. The Director of Engineering Services has indicated that figures confirm a diesel pump would be 57% cheaper to operate which would represent an approximate saving annually of \$3,000.

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**4476 RESOLVED** on the motion of Crs. Fisher and Wheelhouse that Council advises the Coonamble Golf Club to make application for a donation under the newly adopted Donations Policy and for the Club to include a copy of its audited financial statements for the previous financial year.

**Presentation from Land Land Service (LLS)**

At this juncture, 11.25 a.m., Mr Andrew Mulligan, General Manager and Mr Blake Ross, Ranger, representing the Central West LLS, were received to the meeting.

Mr Mulligan advised that the LLS Central West area covers 106,000ha of TSRs, employs four rangers to cover the area, whose duties include management of stock movements and coordinating repairs and maintenance. It is controlled under the Local Land Services Act. He informed Council of LLS requirements for issuing permits to roadside graze stock, travel stock along TSRs and walk stock from destination to destination. Mr Ross said LLS staff have guidelines to follow and various factors come into play in deciding whether or not to issue permits, however, during these drought conditions staff try to be accommodating wherever possible.

It should be noted that Council is not the approval authority. Some applications for a permit are referred to Council for its concurrence to enable Council to identify if any work is proposed for the particular area in the immediate future. The responsibility for issuing of permits rests with the LLS.

Another point raised was the fact that an applicant for a permit must have approval from neighbours before lodging the application with the LLS. Both Mr Mulligan and Mr Ross answered Councillors' questions and clarified issues that have been raised in the past.

Note: Cr Fisher mentioned issues experienced by the Rodeo Committee this year when walking cattle from the donor's property to Coonamble and return. He said there should be some arrangement in writing for the future between parties so both parties are aware of their obligations.

Note: Mr Ross said there are at least three Authorities to be consulted when large numbers of stock are being walked along roadsides, for example the Police (highway patrol); Roads & Maritime Services (highway) and the LLS.

Note: In response to a question, Mr Mulligan said landowners are given as much notice as possible of the imminent closure of TSRs and any restrictions that may come into effect.

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**4477 RESOLVED** on the motion of Crs Fisher and Wheelhouse that the information conveyed during the presentation with LLS representatives, Messrs Mulligan and Ross, be noted.

**12.22 Request from RSL – Honour Rolls and War Canon**

Note: Council has been requested by the RSL Club to accept custodianship of the Honour Rolls and War Canon and, in doing so, provide an appropriate location for displaying both. The letter from the RSL Club indicates there are four Honour Rolls, one large and three small, for display in an appropriate location. Apparently the 'war gun' is rare and Canberra has indicated an interest in it, but the RSL Club wants the unit to remain in Coonamble.

**4478 RESOLVED** on the motion of Crs.Fisher and Wheelhouse that Council accepts custodianship of all items and further, that the Honour Rolls be mounted on the internal walls of the Council building until such time as a permanent location is identified and the war gun be installed in the vicinity of the War Memorial, conditional upon a successful grant funding application from Council for this purpose.

**Item 12.25 – Request to Waive Impounding Fees**

Note: At this juncture, the Mayor requested that Item 12.25 be brought forward and dealt with.

**4479 RESOLVED** on the motion of Crs Wheelhouse and Fisher :

- 1) That Council not pursue the outstanding amounts highlighted in the body of the report from the ratepayer in question.
- 2) That Council requests the General Manager to send a notice to the ratepayer as follows:

*“Council has decided to write off the applicable charges in this instance, but that does not mean the amount was not payable. This notice is to provide you with fair warning that should you fail to comply with the applicable legislation in the future, Council will levy applicable fees, charges and/or penalties. Council recommends that you take steps to ensure that in the future you are compliant with all applicable legislation”.*

**Presentation by Inland Rail and ARTC**

At this juncture, Council welcomed Mr Mike Clancy, Manager Business Development – ARTC; Ms Rebecca Pickering, Director Engagement, Environment and Properties – ARTC and Ms Elisha Bailey, Regional Liaison Officer, Inland Rail Department of Infrastructure.

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Cr Deans declared an insignificant conflict of interest in this matter, due to the fact that she is a member of the Community Consultative Committee and her property is located within the area being investigated. She remained in the room, participating in the discussion and voting on the item.

**4480 RESOLVED** on the motion of Crs Wheelhouse and Fisher that Council resolves to suspend Standing Orders and form a Committee of the Whole to listen to the presentations from the representatives of Inland Rail and ARTC, and ask questions.

Note: Cr. Cullen returned to the meeting after having attended the Funeral Service for Cr Churchill's mother.

**4481 RESOLVED** on the motion of Crs Wheelhouse and Fisher that Council resumes Standing Orders.

**12.23 Inland Rail Project – Connectivity and Opportunities**

**4482 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that Council invites representatives from other stakeholders, including NSW Farmers and GrainCorp to a future Council Meeting to have further discussions, before making any firm resolution setting Council's future direction.

Note: The Director Engineering Services indicated that it would be beneficial for Council to wait until the guidelines have been received from the Department of *Infrastructure*, as was referred to by Ms Bailey.

**12.24 Legal Advice – Inland Rail**

**4483 RESOLVED** on the motion of Crs. Wheelhouse and Deans that Council engages McCullough Robertson to provide legal advice and representation as per their submission dated 27 June 2019, as was attached to the Business Paper as Appendix F, on an "as and when required" basis on matters relating to the Inland Rail project.

**12.26 State Emergency Service Building – Aberford Street, Coonamble**

**4484 RESOLVED** on the motion of Crs Fisher and Wheelhouse that Item 12.26 *State Emergency Service Building – Aberford Street, Coonamble* be received and dealt with.

Note: Council noted there is a potential shortfall of \$80,000 to carry out the proposed work. Council has already committed \$200,000 to the project and \$150,000 is to be met by the SES. Councillors expressed the opinion that \$350,000 should be sufficient to construct the facility.

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Note: The Mayor said he was not aware that the current building was not being utilised.

**4485 RESOLVED** on the motion of Crs. Wheelhouse and Fisher that the SES building approval be deferred for consideration to a following meeting of Council, pending a Quantity Surveyor to be engaged to provide proper costings on the plans attached to the report, as well as an appropriate design that makes use of the existing shed (with the unsightly front part of the structure being demolished) keeping the budgeted amount of \$350,000 in consideration.

Note: All Councillors present voted in favour of the motion.

**12.27 DA 005/2019 – Subdivision of Land and Erection of Preschool**

**4486 RESOLVED** on the motion of Crs Fisher and Cullen that Development Application No 005/2019 from Gulargambone Preschool Inc for subdivision of land and erection of Preschool on Lots 8, 9 and 10, Section 11, DP758480, No 17 – 19 Warrie Street, Gulargambone be approved subject to the following conditions:

**Issued under Environmental Planning & Assessment Act 1979 Section 4.18(1)**

**General Requirements**

*The following conditions of consent are general conditions applying to the development.*

**1. Development in accordance with approved plans**

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<b>Plan type/Supporting Document</b>	<b>Plan No. &amp; version</b>	<b>Prepared by</b>	<b>Dated</b>
Cover Sheet	28372-A00 Rev D	Barnson	11/03/2019
Site Plan	28372-A01 Rev E	Barnson	01/08/2019
Floor Plan	28372-A02 Rev D	Barnson	11/03/2019
Elevations	28372-A03 Rev D	Barnson	11/03/2019
Sections	28372-A04 Rev D	Barnson	11/03/2019
Shed Plans and Elevations	28372-A05 Rev A	Barnson	11/03/2019
Statement of Environmental Effects	28372-PRO2_A	Barnson	02/04/2019
Plan of Subdivision	DWG 18144DA	Imrie, Astley & Associates	01/11/2018

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The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**Reason:** Information and to ensure compliance.

**2. Compliance with National Construction Code Series - Building Code of Australia**

All building work must be carried out in accordance with the requirements of the *National Construction Code Series - Building Code of Australia* as in force on the date the application for the relevant construction certificate or complying development certificate was made.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

**3. Adjustment to utility services**

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

**Reason:** To ensure utility services remain in a serviceable condition.

**Prior to the Issue of the Construction Certificate**

*The following conditions must be complied with prior to the issue of any Construction Certificate.*

**4. Front Fencing**

Prior to the issue of a construction certificate, full details of the proposed fencing to the Warrie Street and Yalcogrin Street frontages are to be submitted to and approved by Council's Director of Engineering Services.

**Reason:** To ensure security of site and community safety.

**5. Landscaping**

Prior to the issue of a construction certificate, full details of the proposed landscaping to the outdoor areas are to be submitted to and approved by Council's Manager Environmental Services.

**Reason:** To ensure appropriate landscaping.

**6. Erosion and sediment control plan**

Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "*The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction*" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

**7. Stormwater details**

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Prior to the issue of a construction certificate, plans and specifications detailing the method of stormwater disposal from the site must be submitted to and approved by Council's Manager Environmental Services. The stormwater system must be designed to comply with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage. The stormwater disposal system must discharge to the approved council drainage system.

**Reason:** To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

**8. Access and facilities for people with disabilities**

Prior to the issue of a construction certificate, plans and specifications detailing access to and within the development and facilities for persons with disabilities must be submitted to and approved by the certifying authority. The development must be in accordance with *Australian Standard AS 1428.1 - Design for access and mobility* and Part D3 of the *Building Code of Australia*.

**Reason:** To ensure the development provides equitable and dignified access and facilities for people with disabilities.

**Prior to the Commencement of Work**

*The following conditions must be satisfied prior to the commencement of any building construction or subdivision work.*

**9. Construction certificate required**

Prior to the commencement of any building or subdivision construction work (including excavation), a construction certificate must be issued by a certifying authority.

**Reason:** Statutory requirement under the Environmental Planning *and Assessment Act 1979*.

**10. Site access**

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**Reason:** To ensure public health and safety during the construction of the development.

**11. Toilet facilities - sewerred areas**

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

**Reason:** To maintain public health.

**12. Site construction sign**

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

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- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Reason:** Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

**13. Asbestos removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the Occupational Health and Safety Regulation 2001.

- a) The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
- b) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal.

**Reason:** To ensure public health and safety during the construction of the development.

**Conditions to be satisfied during Development Work**

*The following conditions of consent must be complied with during any development work.*

**14. Construction times**

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

- Monday to Friday from 7 am to 6 pm.
- Saturday from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

**Reason:** To maintain amenity during construction of the development.

**Prior to Issue of the Occupation Certificate**

*The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.*

**15. Works to be completed**

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The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

**Reason:** To ensure compliance with the development consent and statutory requirements.

**16. Completion of car parking areas**

Prior to the issue of an occupation certificate, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked.

**Reason:** To ensure that adequate parking facilities for the development are provided on site.

**17. Stormwater drainage work**

Prior to the issue of a final occupation certificate, stormwater must be collected and disposed of to the approved discharge point. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*.

**Reason:** To ensure compliance with the development consent and statutory requirements.

**18. Inspections of engineering work**

Prior to the issue of a final occupation certificate, all engineering work must comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points.

**Reason:** To ensure compliance with Council's specification for engineering works.

**19. Dark Sky Planning**

Prior to the issue of a final occupation certificate, all lighting is to comply with the Barnson letter dated 25 July 2019. A Compliance Certificate from the electrical contractor will be required.

**Reason:** To ensure compliance with Dark Sky Planning Guidelines.

**Prior to the issue of the Subdivision Certificate**

*The following conditions of consent must be complied with prior to the issue of the Subdivision Certificate.*

**20. Plan of subdivision**

An application for a subdivision certificate must be made on the approved form and must be accompanied by the subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges. Three (3) copies of the plan of subdivision must be submitted with the application for a subdivision certificate. The location of all buildings and/or other permanent improvements including fences and internal access driveways/roads must be indicated on one copy of the plan.

**Reason:** To ensure adequate identification of boundaries and the location of structures.

**21. Works-as-executed plans**

Prior to the issue of a subdivision certificate, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be prepared in accordance with Council standards and submitted to Council.

**Reason:** To provide Council with accurate records of civil works.

**Ongoing Use**

*The following conditions must be satisfied during the ongoing use of the development.*

**22. Annual Fire Safety Statement**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

- a. Forwarded to the Commissioner of the New South Wales Fire Brigade;
- and
- b. Prominently displayed in the building.

**Reason:** To provide statutory fire safety measures.

**23. Hours of Operation**

For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation are restricted to between:

7.00am and 6.00pm Monday to Friday

Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to a maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.

**Reason:** To provide appropriate hours of operation for local amenity.

**24. External Lighting**

All external lighting is to be of a type that minimises overspill into retained vegetated areas.

All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

**Reason:** To ensure compliance with Dark Sky Planning Guidelines and that glare does not adversely impact upon any adjoining property.

**25. Landscaping**

All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.

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**Reason:** To provide appropriate landscaping.

**26. Deliveries**

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

**Reason:** To provide appropriate conditions for the local amenity.

**Reasons for Approval**

The development is considered appropriate and compliant with the relevant aims and objectives contained in the Coonamble Local Environmental Plan 2011 and Development Control Plan 1 – Coonamble Township and Surrounds.

**27. Letter of Consent from the Department of Education**

That Council approves the Development Application before it, subject to the necessary letter of consent from an authorised representative of the Department of Education be furnished to Council before any of the Development Application documents and the Consent Conditions are being released.

**Reason:** It is imperative for the necessary authorised approval to be obtained from the Department of Education in order for the development to proceed.

**Community Consultation**

No submissions were received.

**Are you dissatisfied with the determination?**

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may also apply for a:

**Modification of Consent**

You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979. You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the NSW Land & Environment Council within six (6) months of the notification by Council.

**Review of Determination**

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be in writing together with payment of the appropriate fee and made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

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**NOTE:** *This clause does not relate to Designated Development, Complying Development or applications previously considered under Section 8.2 of the Environmental Planning and Assessment Act 1979.*

**Land and Environment Court Appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Note: All Councillors present voted in favour of the motion.

Note: At this juncture, 2.45 p.m. Cr Cullen left the meeting and did not return.

**12.28 Ranger's Report – Month of July 2019**

**4487 RESOLVED** on the motion of Crs. Fisher and Deans that the information for the month of July 2019 be noted.

**13.0 NOTICES OF MOTION / QUESTIONS WITH NOTICE / RESCISSION MOTIONS**

**4488 RESOLVED** on the motion of Crs Wheelhouse and Fisher that Questions with Notice submitted by Cr. Deans be now received and dealt with.

Note: The General Manager provided written responses in the Business Paper to the questions submitted by Cr Deans.

**14.0 CLOSURE OF MEETING – CLOSED SESSION**

**4489 RESOLVED** on the motion of Crs Fisher and Wheelhouse that Council resolves into Closed Session to consider Item Nos 15.1, 15.2 and 15.3, in accordance with the Local Government Act 1993, Section 10A(2) (c):

*“(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;*

*(d) 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 Council”.*

**4490 RESOLVED** on the motion of Crs Fisher and Wheelhouse that the press and public be excluded from the meeting.

**RESUME OPEN MEETING**

**4491 RESOLVED** on the motion of Crs Fisher and Wheelhouse that Council resume Open Meeting.

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**ADOPTION OF RECOMMENDATIONS OF CLOSED SESSION**

**4492 RESOLVED** on the motion of Crs Fisher and Wheelhouse that Council adopt the recommendations from Closed Session, being Recommendation Nos 15.1 - 15.3 as set out hereunder:

**15.1 Scoping Study – Coonamble Sewerage Treatment Works**

**Resolved** on the motion of Crs Fisher and Wheelhouse that Council engages Premise Pty Ltd to undertake a scoping study of the Coonamble Treatment Plant as per its quotation received on 14 May 2019, in order to inform the future maintenance and renewal planning of the Coonamble Sewerage Treatment Plant as an ageing infrastructure asset.

**15.2 Provision of Housing to Medical Services**

**Resolved** on the motion of Crs Wheelhouse and Deans that Council informs Coonamble Aboriginal Health Service that it wishes to sell the Council property at No 24 Nash Street, Coonamble on the open market, as the premises is no longer required for accommodation of medical professionals and Council requires the vacant possession of the premises.

**15.3 Offer to Purchase Duplex Complex**

**Resolved** on the motion of Crs Wheelhouse and Deans:

1) That Council engages qualified professionals to complete building and pest inspections on the housing; providing Council with a standard written property report for the premises. Further, for Council to obtain firm quotes for the improvement works listed in the body of the report.

2) That Council indicates an 'in principal' interest with the sellers for the purchase of the housing at the asking price as is discussed in the body of the report, subject to the property report and quotes mentioned in paragraph one (1) above being completed and favourably considered by Council at a following meeting.

3) That Council be furnished with comparative prices for new Strata Units against the purchase price of the units when considering the matter again.

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**16.0 CLOSURE OF MEETING**

The Mayor closed the meeting at 3.20 p.m.

These Minutes Pages (1/6368 to 23/6390) were confirmed on the **11<sup>th</sup>** day of **SEPTEMBER 2019** and are a full and accurate record of proceedings of the Ordinary Meeting of Coonamble Shire Council held on **14<sup>th</sup> August 2019**.

**MAYOR**