



# **MINUTES**

**Ordinary Council Meeting  
Wednesday, 8 November 2023**

**MINUTES OF COONAMBLE SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE SHIRE CHAMBER, COONAMBLE  
ON WEDNESDAY, 8 NOVEMBER 2023 AT 3.00 PM**

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

**IN ATTENDANCE:** Bruce Quarmby (Acting General Manager / Director), Kerrie Murphy (Director Infrastructure), Phillip Perram (Acting Director Community, Planning, Development & Governance), David Levick (Manager Economic Development & Growth), Deborah Tatton (Manager Finance & Procurement), Mick Bell (Manager Parks & Urban Services), Marina Colwell (Executive Support Officer)

## **1 OPENING MEETING**

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.

Mayor Horan advised that the General Manager was unable to attend due to ill health.

### 3 COMMUNITY CONSULTATION

Azita and Hamid Sobhani and Kunal Pathania of the Coonamble Junior Youth Empowerment Program presented a power point of the program.

### 4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

### 5 DEPUTATION/DELEGATIONS

### 6 CONFIRMATION OF MINUTES

#### RESOLUTION 2023/110

Moved: Cr Terence Lees

Seconded: Cr Bill Fisher

**That the minutes of the Ordinary Meeting of the Coonamble Shire Council held on Tuesday, 17 October 2023 be confirmed as a correct record of the proceedings of the meeting.**

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

Against: Nil

**CARRIED 7/0**

### 7 DISCLOSURES OF CONFLICTS OF INTEREST

Cr Barbara Deans declared a non-pecuniary conflict of interest with:

Item 10.15 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 item.

Cr Adam Cohen declared non-pecuniary conflict of interest with:

Item 10.14 Swimming Pool Barrier Inspection Program, as he works at the town pool complex. He indicated that he would remain in the room and participate in the discussion on the item.

**8 MAYORAL MINUTE**

**MAYORAL MINUTE**

**RESOLUTION 2023/111**

Moved: Mayor Tim Horan  
Seconded: Cr Barbara Deans

**That the report be received and noted.**

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

Against: Nil

**CARRIED 7/0**

**SECTION A - MATTERS FOR CONSIDERATION BY COUNCIL**

**SECTION B - MATTERS FOR INFORMATION ONLY**

**9 COMMITTEE REPORTS**

Nil

**10 REPORTS TO COUNCIL**

**10.1 CORRESPONDENCE**

**RESOLUTION 2023/112**

Moved: Cr Bill Fisher  
Seconded: Cr Terence Lees

**That the report be received and noted.**

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

Against: Nil

**CARRIED 7/0**

## 10.2 COUNCIL RESOLUTIONS UPDATE

### RESOLUTION 2023/113

Moved: Cr Adam Cohen

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, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Terence Lees and Brian Sommerville

Against: Nil

**CARRIED 7/0**

## 10.3 STATUS UPDATE - KPMG

### RESOLUTION 2023/114

Moved: Cr Pat Cullen

Seconded: Cr Adam Cohen

**That the information contained in this report be received and noted.**

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

Against: Nil

**CARRIED 7/0**

## 10.4 COMMUNITY SERVICE PROGRESS REPORT

### RESOLUTION 2023/115

Moved: Cr Bill Fisher

Seconded: Cr Brian Sommerville

**That Council notes the information contained in this report.**

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

Against: Nil

**CARRIED 7/0**

**10.5 RATES AND CHARGES COLLECTIONS - OCTOBER 2023****RESOLUTION 2023/116**

Moved: Cr Terence Lees

Seconded: Cr Bill Fisher

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

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

Against: Nil

**CARRIED 7/0****10.6 QUARTERLY BUDGET REVIEW - SEPTEMBER 2023****RESOLUTION 2023/117**

Moved: Cr Barbara Deans

Seconded: Cr Brian Sommerville

- 1. That Council approves the variations to votes as listed in the budget review documents distributed under separate cover.**
- 2. That Council notes, in the opinion of the Responsible Accounting Officer based on the information as presented in the September Budget review; that Council will be in a satisfactory financial position as at 30 June 2024.**
- 3. That Council notes the classification and position of Council's estimated restricted (reserve) funds as at 30 September 2023.**

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

Against: Nil

**CARRIED 7/0**

**10.7 STATUS OF INVESTMENTS - OCTOBER 2023****RESOLUTION 2023/118**

Moved: Cr Pat Cullen

Seconded: Cr Barbara Deans

**That Council notes the list of investments from 1 October 2023 to 31 October 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, Adam Cohen, Pat Cullen, Barbara Deans, Bill Fisher, Terence Lees and Brian Sommerville

Against: Nil

**CARRIED 7/0**

**10.8 RETURNS DISCLOSING PECUNIARY INTEREST****RESOLUTION 2023/119**

Moved: Cr Barbara Deans

Seconded: Cr Pat Cullen

- 1. That Council notes the contents of this report.**
- 2. That Council publishes the returned pecuniary interest disclosure forms of Councillors and designated persons on Council's website for public information, with personal information being redacted pursuant to the provisions of Section 6(4) of the *Government Information (Public Access) Act 2009*.**

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

Against: Nil

**CARRIED 7/0**

**10.9 LOBBYING OF COUNCILLORS POLICIES****RESOLUTION 2023/120**

Moved: Cr Barbara Deans

Seconded: Cr Brian Sommerville

- 1. That That Council place the draft Lobbying of Councillors Policy on public exhibition for 28 days.**
- 2. That Council receives a further report, together with all submissions received at the conclusion of the public exhibition period for Council's further consideration and adoption of the Lobbying of Councillors Policy (with or without changes) at its February 2024 Ordinary Meeting.**
- 3. That, in the event of no submissions being received within the prescribed number of days, Council formally adopts the Lobbying of Councillors Policy without any changes as a policy of Council.**

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

Against: Nil

**CARRIED 7/0**

**10.10 WASTE, RECYCLING AND EMPLOYMENT OPPORTUNITIES REPORT****RESOLUTION 2023/121**

Moved: Cr Adam Cohen

Seconded: Cr Bill Fisher

**That council note the waste, recycling and employment opportunities report.**

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

Against: Nil

**CARRIED 7/0**



**10.11 WASTE AND RECYCLING MANAGEMENT SERVICES****RESOLUTION 2023/122**

Moved: Cr Terence Lees  
Seconded: Cr Barbara Deans

**That Council:**

- 1. Service the Quambone landfill for two days per week and apply the existing fees and charges.**
- 2. A compliance and operational review be conducted at the end of March 2024.**

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

Against: Nil

**CARRIED 7/0****10.12 ECONOMIC DEVELOPMENT & GROWTH - PROGRESS REPORT****RESOLUTION 2023/123**

Moved: Cr Barbara Deans  
Seconded: Cr Bill Fisher

**That Council note the information in the report.**

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

Against: Nil

**CARRIED 7/0****10.13 ENVIRONMENT AND STRATEGIC PLANNING PROGRESS REPORT****RESOLUTION 2023/124**

Moved: Cr Barbara Deans  
Seconded: Cr Bill Fisher

**That the Environment and Strategic Planning Progress Report be received and noted.**

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

Against: Nil

**CARRIED 7/0**

**10.14 SWIMMING POOL BARRIER INSPECTION PROGRAM****RESOLUTION 2023/125**

Moved: Cr Barbara Deans

Seconded: Cr Terence Lees

- 1. That the draft Swimming Pool Barrier Inspection Program be place on public exhibition for a period of twenty-eight (28) days.**
- 2. That Council receives a further report, together with all submissions received at the conclusion of the public exhibition period for Council's further consideration and adoption of the Swimming Pool Barrier Inspection Program.**
- 3. That, in the event of no submissions being received within the prescribed number of days, Council formally adopts the Swimming Pool Barrier Inspection Program without any changes as a policy of Council.**

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

Against: Nil

**CARRIED 7/0**

**10.15 TOORAWEEAH ROAD UPGRADE - MONTHLY STATUS UPDATE****RESOLUTION 2023/126**

Moved: Cr Bill Fisher

Seconded: Cr Terence Lees

**That the report be received and noted.**

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

Against: Nil

**CARRIED 7/0**

At 4.15pm MED&G David Levick & MPR&C Lesly Duncan leave the meeting.

**10.16 INFRASTRUCTURE SERVICES - WORKS IN PROGRESS****RESOLUTION 2023/127**

Moved: Cr Terence Lees

Seconded: Cr Brian Sommerville

**That the information be received and noted.**

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

Against: Nil

**CARRIED 7/0****11 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE/RESCISSION MOTIONS**

Nil

Cr Fisher – gives a verbal report on Castlereagh Macquarie County Council (CMCC) bus tour that he and Cr Cullen as delegates participated in around the Warrumbungle Shire.

**12 CONFIDENTIAL MATTERS****RESOLUTION 2023/128**

Moved: Cr Bill Fisher

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 Tender T252324OROC Supply and Delivery of Tyres for Passenger, Truck and Earthmoving**

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 Tender T272324OROC Provision of Traffic Control**

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 Tender T262324OROC Supply and Delivery of Bitumen Emulsion**

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.

#### **12.4 Tender T282324OROC Provision of Linemarking**

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.

#### **12.5 Tender T412324OROC Provision of Surveying Services**

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 Tender T402324OROC Provision of Design Services**

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.

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

Against: Nil

**CARRIED 7/0**

#### **RESOLUTION 2023/129**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

**That Council moves out of Closed Council into Open Council.**

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

Against: Nil

**CARRIED 7/0**

#### **RESOLUTION 2023/130**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

**That items 12.1 to 12.6 be dealt with as one (1) resolution.**

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

Against: Nil

**CARRIED 7/0****12.1 TENDER T252324OROC SUPPLY AND DELIVERY OF TYRES FOR PASSENGER, TRUCK AND EARTHMOVING****RESOLUTION 2023/1301**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T252324OROC Supply and Delivery of Tyres for Passenger, Truck and Earthmoving to Tyres4U Pty Limited t/a Tyres4U as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED****12.2 TENDER T272324OROC PROVISION OF TRAFFIC CONTROL****RESOLUTION 2023/1312**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T272324OROC Provision of Traffic Control to the tenderer representing best value as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED**

**12.3 TENDER T262324OROC SUPPLY AND DELIVERY OF BITUMEN EMULSION****RESOLUTION 2023/1323**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T262324OROC Supply and Delivery of Bitumen Emulsion to the tenderer representing best value as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED**

**12.4 TENDER T282324OROC PROVISION OF LINEMARKING****RESOLUTION 2023/1334**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T282324OROC Provision of Linemarking to the tenderer representing best value as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED**

**12.5 TENDER T412324OROC PROVISION OF SURVEYING SERVICES****RESOLUTION 2023/1345**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T412324OROC Provision of Surveying Services to the tenderer representing best value as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED**

**12.6 TENDER T402324OROC PROVISION OF DESIGN SERVICES**

**RESOLUTION 2023/1356**

Moved: Cr Bill Fisher

Seconded: Cr Barbara Deans

1. That Council awards Tender T402324OROC Provision of Design Services to the tenderer representing best value as a Panel Source Supplier for the period 1 January 2024 to 31 December 2025, and
2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.

**CARRIED**

**13 CONCLUSION OF THE MEETING**

The Meeting closed at 5.45pm.

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

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**CHAIRPERSON**