

**MINUTES OF LIVERPOOL PLAINS SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 60 STATION STREET, QUIRINDI
ON WEDNESDAY, 27 APRIL 2022 AT 2:30PM**

PRESENT: Cr Doug Hawkins OAM, Cr Ken Cudmore, Cr Jason Allan, Cr Terry Cohen, Cr Donna Lawson, Cr Paul Moules, Cr Yvonne Wynne

IN ATTENDANCE: Joanne Sangster (General Manager), Nathan Skelly (Director Environmental and Infrastructure Services), Joanna Little (CFO), Christie Pearson (Executive Officer)

AUDIO RECORDING OF MEETINGS

The Mayor informed the meeting as follows:

“Consistent with section 747A of the Local Government Act 1993 and current Public Health Order, this meeting of Liverpool Plains Shire Council is being live-streamed to Council’s website.

A webcast of this meeting will be published to Council’s website at lpsc.nsw.gov.au so that it is available for viewing by members of the public.”

1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCIL PRAYER

Cr Paul Moules recited the Acknowledgement of Country and the Council Prayer.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

The Mayor invited apologies and applications for leave of absence.

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 19 APRIL 2022

RESOLUTION 2022/84

Moved: Cr Paul Moules

Seconded: Cr Terry Cohen

1. That the Minutes of the Extraordinary Council Meeting held on 19 April 2022 be received and the recommendations therein be adopted.

CARRIED

4 DISCLOSURES OF INTERESTS

The Mayor requested Councillors disclose any conflicts of interest in matters under consideration at the Ordinary Meeting, in accordance with Part 4 and part 5 of the Code of Conduct.

Nil disclosures were made

Cr Wynne 7.13

5 MAYORAL MINUTE(S)

5.1 MAYORAL MINUTE - MARCH 2022

RESOLUTION 2022/85

Moved: Cr Terry Cohen

Seconded: Cr Jason Allan

That Council:

1. Receive and note the Mayoral Minute.

CARRIED

6 INWARD CORRESPONDENCE/PETITIONS

Nil

7 REPORTS TO COUNCIL

7.1 EXECUTIVE SERVICES REPORT - MARCH 2022

RESOLUTION 2022/86

Moved: Cr Donna Lawson

Seconded: Cr Terry Cohen

That Council:

1. Receive and note the Executive Services Report.

CARRIED

7.2 DRAFT ECONOMIC DEVELOPMENT STRATEGY

RESOLUTION 2022/87

Moved: Cr Terry Cohen

Seconded: Cr Yvonne Wynne

That Council:

1. That Council endorse the revised Draft Economic Development Strategy 2022 - 2025

CARRIED

7.3 CORPORATE AND COMMUNITY SERVICES DIRECTORATE REPORT - APRIL 2022

RESOLUTION 2022/88

Moved: Cr Paul Moules

Seconded: Cr Jason Allan

That Council:

1. Receive and note the Corporate and Community Services Directorate briefing for April 2022 as detailed in this report.

CARRIED

7.4 STATEMENT OF INVESTMENTS - MARCH 2022

RESOLUTION 2022/89

Moved: Cr Donna Lawson

Seconded: Cr Ken Cudmore

That Council:

1. Receive and note the Statement of Investments as at 31 March 2022.

CARRIED

7.5 ADOPTION OF LOAN BORROWING POLICY

RESOLUTION 2022/90

Moved: Cr Terry Cohen

Seconded: Cr Yvonne Wynne

That Council:

1. Place the draft Loan Borrowing Policy, appended at *Annexure A*, on public exhibition for a period of 28 days.
2. Receive a further report following conclusion of the public exhibition period, so, if no submissions are received, adopt the draft Loan Borrowing Policy as exhibited.

CARRIED

7.6 PUBLIC EXHIBITION OF DRAFT COMBINED DELIVERY PROGRAM 2022-2026 AND OPERATIONAL PLAN 2022-2023

RESOLUTION 2022/91

Moved: Cr Jason Allan

Seconded: Cr Ken Cudmore

That Council:

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1. Place the draft Combined Delivery Program 2022-2026 and Operation Plan 2022-2023 appended at *Annexure A*, on public exhibition for a period of 28 days.

CARRIED

7.7 PUBLIC EXHIBITION OF THE DRAFT LONG-TERM FINANCIAL PLAN

RESOLUTION 2022/92

Moved: Cr Donna Lawson

Seconded: Cr Terry Cohen

That Council:

1. Place the draft Long-Term Financial Plan appended at *Annexure A*, on public exhibition for a period of 28 days.

CARRIED

7.8 TABLING OF DISCLOSURE OF PECUNIARY INTEREST RETURNS

RESOLUTION 2022/93

Moved: Cr Paul Moules

Seconded: Cr Ken Cudmore

That Council:

1. Note the tabling of the Disclosures of Interest Returns by Councillors as required under Council's Code of Conduct Policy.

CARRIED

7.9 INFRASTRUCTURE & ENVIRONMENTAL SERVICES DIRECTORATE REPORT - APRIL 2022

RESOLUTION 2022/94

Moved: Cr Paul Moules

Seconded: Cr Ken Cudmore

That Council:

1. Receive and note the Infrastructure and Environmental Services Directorate briefing for the month of March 2022 as detailed in this report.

CARRIED

7.10 CONTRACT 041/2022 - WERRIS CREEK INDUSTRIAL PRECINCT SOUTHERN ACCESS

RESOLUTION 2022/95

Moved: Cr Terry Cohen
Seconded: Cr Ken Cudmore

That Council:

1. Accept the offer from Daracon Contractors Pty Ltd (ABN: 82 002 344 667, ACN: 002 344 667) to a maximum of \$114,624.00 for Early Contractor Involvement (ECI) in the Werris Creek Industrial Precinct Southern Access Project.
2. Pursuant to a successful conclusion of the ECI to invite Daracon Contractors Pty Ltd to tender for the Construction of the final design, in accordance with Clause 168 of the NSW *Local Government (General) Regulation 2021*.

CARRIED

7.11 WATER SUPPLY STATUS UPDATE

RESOLUTION 2022/96

Moved: Cr Jason Allan
Seconded: Cr Ken Cudmore

That Council:

1. Receive and note the Water Supply Status Report

CARRIED

7.12 QUIPOLLY WATER PROJECT CONSTRUCTION PROGRESS REPORT

RESOLUTION 2022/97

Moved: Cr Donna Lawson
Seconded: Cr Jason Allan

That Council:

Note this month's progress of the Quipolly Water Project's design and construction phases.

CARRIED

7.13 DA 081/2021 - PROPOSED EXTENSIONS TO AN EXISTING FARM BUILDING

RESOLUTION 2022/98

Moved: Cr Donna Lawson
Seconded: Cr Terry Cohen

That Council:

1. Determines Development Application 81/2021 pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by the granting of consent subject to conditions, as detailed in the Development Assessment Report 10.2021.81.1 in **Annexure A**.

MANDATORY STATUTORY REQUIREMENTS

Councillors, applicants, persons making public submissions (written or verbal) and members of the public are advised of the following relevant procedural requirements;

1) Record (Division) of Voting

In accordance with Section 375A(3) of the *Local Government Act 1993*, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A division under Section 375A(3) of the Act is required on this Planning Application.

2) Relevant Planning Application

In accordance with Section 10.4(4) of the *Environmental Planning and Assessment Act 1979*, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any councillor or employee of the Council.

3) Relevant Public Submission

In accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the submission is determined.

Disclosure of Reportable Political Donations and Gifts**a) Planning Applications**

Nil.

b) Public Submissions

Nil.

In Favour: Crs Ken Cudmore, Doug Hawkins OAM, Paul Moules, Terry Cohen, Donna Lawson and Jason Allan

Against: Nil

CARRIED 6/0

8 DELEGATES REPORTS

Nil

9 NOTICES OF MOTIONS/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

RESOLUTION 2022/99

Moved: Cr Donna Lawson

Seconded: Cr Jason Allan

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:

10.1 Contract 035/2022 Site Management Services for the Quirindi, Willow Tree and Werris Creek Waste Facilities and Household Recyclables Processing Tender Negotiation Outcome

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.

10.2 Tender RFT020/2021 Design and Construction Spring Ridge Town Water Supply Upgrade

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

RESOLUTION 2022/102

Moved: Cr Paul Moules

Seconded: Cr Terry Cohen

That Council moves out of Closed Council into Open Council.

CARRIED**REPORT ON CONFIDENTIAL MATTERS**

The Mayor reported as follows on the matters considered in the confidential section of the meeting:

10.1 CONTRACT 035/2022 SITE MANAGEMENT SERVICES FOR THE QUIRINDI, WILLOW TREE AND WERRIS CREEK WASTE FACILITIES AND HOUSEHOLD RECYCLABLES PROCESSING TENDER NEGOTIATION OUTCOME

RESOLUTION 2022/100

Moved: Cr Jason Allan

Seconded: Cr Donna Lawson

That Council:

1. Approve the negotiated tender rate with Merinda Recyclers (Quirindi) Unit Trust of \$1,107,457 ex GST for Contract 035/2022 – Site Management Services for the Quirindi, Willow Tree and Werris Creek Waste Facilities and Household Recyclables Processing.

CARRIED

10.2 TENDER RFT020/2021 DESIGN AND CONSTRUCTION SPRING RIDGE TOWN WATER SUPPLY UPGRADE

RESOLUTION 2022/101

Moved: Cr Paul Moules

Seconded: Cr Donna Lawson

That Council:

1. Reject all tenders received under tender RFT020/2021 for the Design and Construction Spring Ridge Town Water Supply Stage 3 Upgrade
2. Invite fresh tenders with a scope of works to address only requirements for existing assets renewal.

CARRIED

The Meeting closed at 2.59pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 May 2022.

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CHAIRPERSON