

WARRUMBUNGL SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL HELD AT THE FAMILY SUPPORT SERVICES BUILDING, ROBERTSON STREET, COONABARABRAN ON THURSDAY, 21 OCTOBER 2010 COMMENCING AT 11.05AM. PAGE 1

PRESENT: Cr Peter Shinton (Chairman), Cr Campbell, Cr Coe, Cr Lewis, Cr Powell, Cr Schmidt, Cr Sullivan, General Manager, Director Corporate Services, Director Technical Services, Acting Director Environmental Services and Director Community Services.

Absent: Cr Todd (Leave of Absence granted), Cr Dissanayake

In attendance: S Morris (minutes).

APOLOGIES: Councillor Todd and Councillor Dissanayake

115 RESOLVED that the apologies of Cr Todd be accepted and the request by Cr Dissanayake for a leave of absence from the meeting be approved.

Sullivan/Schmidt
The motion was carried

Cr Peter Shinton welcomed Councillors and members of the gallery to the meeting and declared the meeting open.

11.06am

FORUM

Ms Brenda Young addressed Council regarding the lack of pedestrian access for people with disabilities in Coonabarabran. Ms Young offered to provide an inventory of what is needed and a list of identified problem areas.

11.15am

At this time the General Manager called for Declarations of Interest (to declare pecuniary or non-pecuniary interest) from Councillors and senior staff in any matter listed in the Agenda for consideration at the meeting and advised the meeting that a declaration would still need to be declared at the time the matter pertaining to the interest was to be discussed and that as a result of that declaration the person would need to leave the room during consideration of the matter.

No declarations of interest were made.

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD ON 16 SEPTEMBER 2010

116 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 16 September 2010 be endorsed.

Coe/Powell
The motion was carried

Business Arising

The General Manager informed the meeting that amended Financial Statements had now been received and outlined various adjustments made to the Statements.

117 RESOLVED that a statement be provided to Council's auditors confirming that the Financial Reports for Warrumbungle Shire Council presented for audit are a true and fair

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view of Council's state of affairs and in accordance with the Act, Regulations and relevant Codes and Standards.

Schmidt/Campbell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 23 SEPTEMBER 2010

118 RESOLVED that the minutes of the Traffic Advisory Committee meeting held on 23 September 2010 be adopted.

Lewis/Schmidt
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE YULUWIRRI KIDS ADVISORY COMMITTEE MEETING HELD ON 9 SEPTEMBER 2010

119 RESOLVED that the minutes of the Yuluwirri Kids Advisory Committee meeting held on 9 September 2010 be adopted.

Campbell /Schmidt
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE AERODROMES ADVISORY COMMITTEE MEETING HELD ON 12 OCTOBER 2010

120 RESOLVED that the minutes of the Aerodromes Advisory Committee meeting held on 12 October 2010 be adopted.

Campbell/Powell
The motion was carried

11.35am

The General Manager informed the meeting that the Register of Pecuniary Interest Returns was required to be tabled.

121 RESOLVED that Council note that the Register of Pecuniary Interest Returns was tabled.

Schmidt/Coe
The motion was carried

GENERAL MANAGER'S REPORT

1.1 Notice of Motion

122 A motion was moved by Councillor Schmidt seconded by Councillor Powell that all community groups that are utilising Council owned premises either under lease or arrangement, must supply a copy of the groups and the sub committees Annual General Meeting Minutes and a copy of the Treasurers Report within 30 days of the meeting being held. This will be mandatory for the period of the lease or arrangement with Council.

The motion was put and LOST.

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1.2 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

123 RESOLVED that after consideration of all submissions and comments, Council endorses the following Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Strategic 1.1

Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

(Pursuant to Sections 12, 23A, 252, 253 and 254 of the Local Government Act and Clauses 217 and 403 of the Local Government (General) Regulation 2005)

Part 1 - INTRODUCTION

Title and Commencement of the Policy

1.1 This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors and is effective from 21 October 2010.

In this Policy, unless otherwise stated, the expression "Councillor" refers to all Councillors of Warrumbungle Shire Council including the Mayor and Deputy Mayor.

Purpose of the Policy

1.2 The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

1.3 The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to, the Councillors the cost of which shall be met by Council.

This Policy aims to uphold and demonstrate the following key principles:

- **Conduct.** Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* ("the Act") or any other Act.
- **Participation, equity and access.** The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

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- **Accountability and transparency.** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- **Reasonable expenses.** Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Basis of this Policy

- 1.4** The relevant legislative provisions for this policy are set out below. In this legislation the expression “year” means the period from 1 July to the following 30 June.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

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- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) *Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) *A report must contain the following:*
- (f) *the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,*

Local Government (General) Regulation 2005

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
- (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*
 - (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*

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- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
- (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
- (iii) the attendance of councillors at conferences and seminars,*
- (iv) the training of councillors and the provision of skill development for councillors,*
- (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.

Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any

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circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government Policy Provisions

1.5 This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- *DLG Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW and Circulars to Councils*
- *Department of Local Government Circular No. 08-03, 18 January 2008, Findings from Review of Councillor Expenses and Facilities Policies*
- *Department of Local Government Circular No. 07-22, 28 May 2007 Updated Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors*
- *Department of Local Government Circular No. 06-57, 5 September 2006 Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors*
- *Department of Local Government Circular No. 05/08, 9 March 2005 Legal Assistance for Councillors and Council Employees*
- *Department of Local Government Circular No. 02/34, 18 July 2002 Legal Assistance for Councillors and Council Employees*
- *ICAC Publications*
- *Warrumbungle Shire Council's Code of Conduct.*

Part 2 - PAYMENT OF EXPENSES

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

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2.1 Councillors' Fees

Councillors will be paid an annual fee in accordance with the recommended maximum as advised by the Local Government Remuneration Tribunal. The fees payable by Council are payable by monthly instalments in arrears for each month (or part of a month) for which the Councillor holds office. Councillors annual fees do not fall within the scope of councillor expenses and facilities.

2.2 Establishment of Monetary Limits and Standards

Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

2.3 Requirement for receipts

Council will not reimburse any expenses unless a receipt (*or tax invoice*) is produced *and the necessary claim forms completed*.

2.4 Payment of Reimbursed claims

Councillors are to submit all claims for reimbursement, including all travel expenses, to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim on a monthly basis and these will be paid with their monthly allowance. Tax invoices and receipts are to be supplied to support claims. All payments to Councillors will be via direct deposit to their nominated bank account. *Councillors are to seek reimbursement for their expenses within three (3) months of the expense being incurred.*

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

2.5 Accommodation and meal expenses

Council will provide reasonable expenses for each night of authorised attendance by elected members and/or the General Manager at conferences or seminars on behalf of Council, or as participants or on authorised Council business.

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as

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authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Such attendance to be confirmed by Council with reimbursement of costs and expenses to be made upon the production of appropriate receipts and/or tax invoices and completion of the required claim forms. Alternatively, accommodation can be booked by Council order form and allowance for incidental expenses as provided under clause (2.6).

2.6 Incidental Expenses

Incidental expenses such as taxi or public transport fares, parking fees, phone/fax expenses and expenses incurred as the result of the purchase of refreshments during meetings related to council business or meals not included in the registration fees for conferences or similar functions, will be reimbursed by Council on production by the Councillor of the relevant receipts together with an approved claim form.

Council will not meet any expenses for alcohol, cigarettes or personal requirements. Council will not fully fund any activity where the Councillor is not in attendance for at least 90% of the specified activity. Other than in the most exceptional circumstances, where Councillor's expenses have been met by Council but the Councillor does not attend at least 90% of the activity, that Councillor will be required to show cause why they should not reimburse Council for any costs incurred.

2.7 Payment of expenses for spouses, partners and accompanying persons

In this clause *accompanying person* means *a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor.*

Where the attendee is accompanied at a conference or seminar by his or her spouse or partner or accompanying person, the attendee will be required to meet all costs associated with their spouse or partner or accompanying person's travel expenses, additional accommodation expenses, tours and attendance. (There is provision for spouses, partner or accompanying person to attend the Local Government and Shires Association conference with limiting of expenses of spouses etc to the cost of registration and official conference dinner.)

Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature. Such functions would be those that a Councillor's or General Manager's spouse, partner or accompanying person could be reasonably expected to attend. Examples would be Australia Day award ceremonies, citizenship ceremonies and civic receptions.

Costs and expenses incurred by the Mayor (or General Manager or nominee) on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function. Each Councillor is entitled to a maximum of \$410 per year of term for external payments in respect of these types of expenses.

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2.8 Payments in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home or for the cost of service associated with a civic duty. Councillors must fully reconcile all expenses against the cost of the advance.

Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$512.

2.9 Approval arrangements

Approval for discretionary trips and attendance at conferences and the like should be where possible, approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of council meetings it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

2.10 Attendance at seminars and conferences

The following seminars, conferences and meetings are endorsed for attendance by council representatives:

- C Division Conference (Any Councillors and General Manager)
- Annual conference of the Local Government and Shires Association / One Association
- (Three (3) Councillors and General Manager)
- Roads Congress (Two (2) Councillors and General Manager)
- OROC meetings
- Country Mayor's Association meetings
- Australian Council of Local Government (Mayor)

After returning from the conference, Councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community. No written report is required for the Annual Conferences of the Local Government and Shires Association.

Requests for attendance at other conferences or seminars should be lodged in writing outlining the benefits for Council.

Council will meet the costs of conference / seminar registration fees including the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the Council. Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the conference and

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Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course.

2.11 Registration fees

Registration fees for attendance at Council approved conferences and seminars will be paid by Council. These fees will include the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the council.

2.12 Travel Expenses

All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Travel arrangements can include the use of a private vehicle, public transport, taxis, or travel using a council vehicle. Costs associated with parking fees and road tolls will be refunded on production of a receipt. The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

Travel in a Councillor's own vehicle to Council and Committee meetings, formal or social functions or activities or other meetings involving the community whilst representing Council where attendance is approved by the Mayor and/or General Manager is to be paid at the per kilometre rate payable for claims by staff in the Local Government (State) Award.

Where the approved meeting, function or activity is within the Warrumbungle Shire Council boundary, reimbursement shall be on the basis of the distance from the Councillor's principal place of residence (if it is within the Warrumbungle Shire Council boundary) to the venue or, if the Councillor resides outside the Warrumbungle Shire Council boundary, from the Warrumbungle Shire Council boundary to the venue.

Where the Councillor uses his/her own vehicle to travel to an approved function that is outside the Warrumbungle Shire Council boundary then council's reimbursement will be based on the total distance travelled from residence to venue and return if the Councillor resides within the Warrumbungle Shire Council boundary. If the Councillor does not reside within the Warrumbungle Shire Council boundary, then Council will reimburse the distance either:

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- a) from the Councillor's residence to the venue, or
- b) from the Warrumbungle Shire Council boundary closest to the Councillor's residence to the venue, whichever is the lesser.

Claims for the above expenses require the submission of a claim form signed by the claimant detailing date, distance and reason for journey(s) with such claims to be submitted monthly.

Travel associated with authorised conferences, seminars and meetings may be undertaken by Council vehicle (where available) subject to prior approval by the General Manager, with fuel expenses etc. to be met by Council.

Council will meet the cost of return economy air travel or equivalent payment for attendance at authorised conferences/seminars.

Elected members using private vehicles will be paid the kilometre rate to a maximum payment, which is not to exceed economy class air fares to and from the particular destination.

All travel by Councillors that involves an overnight stay of one or two nights must be authorised in advance by the Mayor and General Manager (or in the event that the Mayor requires approval to travel outside of council meetings approval should be given jointly by the deputy mayor or another councillor and the general Manager.)

All travel by Councillors that involves an overnight stay of more than two nights must be authorised in advance by the Council.

Where travel for Council business or approved activities outside of the local government area is to be undertaken – arrangements for both travel and accommodation must be made through the General Manager and will be by the most practical method.

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas travel on behalf of council must be approved by a meeting of the full council prior to a councillor undertaking the trip.

2.13 Attendance at dinners and other non-council functions

The costs of attendance by Councillors at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business will only be met by Council when the function is relevant to the council's interests and authorised by Council in advance.

No payment shall be made by Council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or

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for some other private benefit. Any expenses to be incurred that would be directed towards such events and activities will not be approved for payment.

2.14 Gifts

Where it is appropriate for councillors **to give** a gift or benefit, these gifts and benefits will be of token value and in accordance with council's Code of Conduct.

2.15 Training and Educational expenses

Council will only meet the costs of training or attendance at an educational course that is directly related to the Councillor's civic functions and responsibilities and is approved by Council prior to undertaking such training or attendance.

2.16 Telephone and internet expenses

Except as otherwise set out in this policy, Council will not reimburse Councillors for telephone expenses incurred in using their private/mobile phones for Council business. Phones are available for Councillors' use at the Coolah and Coonabarabran offices of Council.

2.17 Mobile telephone

Council shall meet the cost of a mobile telephone for the Mayor, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$205 per month for Council business calls and \$20 per month for incidental personal calls, provided that the number is available to be given out for general public information.

2.18 Internet

Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor by an allowance of \$50.00 per month to cover Councillors' costs of communication via computer OR provision of a facsimile machine.

2.19 Insurance Provisions

Council will maintain adequate insurance against public liability and professional indemnity for matters arising out of Councillors' performance of their civic duties and/or exercise of their council functions.

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

2.20 Legal Expenses and Obligations

Council shall, if requested, indemnify or reimburse the reasonable legal expenses to a maximum of \$200,000 of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function

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under the Act, provided that the outcome of the legal proceedings is favourable to the councillor; or

- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter before investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs will only be made available where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government. Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This can include circumstances in which a matter does not proceed to a finding.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs for any legal assistance in respect of legal proceedings initiated by a Councillor in any circumstances.

Council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

2.21 Special requirements of Councillors – Care and Other Related Expenses

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

Council will meet reasonable costs of facilitating access to council premises, functions and activities where, by reason of disability, care-giver role or other special need, a councillor would not otherwise have equity of access with other councillors. Such support will allow the fullest participation reasonably possible. Council will reimburse the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors to allow councillors to undertake their council business obligations.

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The total amount paid to a Councillor under this provision shall not exceed \$500 per year of term.

Part 3 – PROVISION OF FACILITIES

Councillors shall not generally obtain private benefit from the provision of equipment and facilities. However, incidental personal use of Council equipment and facilities may occur from time to time without requiring reimbursement of the cost by a Councillor. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

Unless otherwise authorised in this Policy, if a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

3.1 Mayoral Expenses, Facilities, Equipment and Services

The Mayor will be entitled to receive the following benefits:-

- a) Mayoral allowance –the maximum fee as determined by the Local Government Remuneration Tribunal (less \$500.00 as set out below), to be paid monthly in arrears.

Where the Deputy Mayor demonstrably acts in the role of the Mayor, an amount of Five hundred dollars (\$500.00) per annum of the Mayoral allowance is to be paid to the Deputy Mayor with the total sum of \$500.00 being paid by monthly payments in arrears. Payment of this annual allowance totalling \$500.00 to the Deputy Mayor is only to be done at the direction of the Mayor.

- b) Payment of annual fees in accordance with Section 248 and 249 of the Act.
- c) Provision of a Council vehicle for appropriate use by the Mayor to carry out his duties as Mayor. Council to meet all costs associated with the provision of the vehicle. The Mayor will have no right of private use of this vehicle.
- d) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery, writing pads, pens, diaries, folders and postage of official correspondence.
- e) Administrative assistance associated with civic functions, meetings and the like.
- f) Office refreshments
- g) Supply of Name Badges, Business Cards, Diaries and Attache Case.

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3.2 Elected Members – Facilities, Equipment and Services

The Councillors including the Deputy Mayor are entitled to receive the following benefits:-

- a) Payment of annual fees in accordance with Section 248 and 249 of the Act.
- b) Deputy Mayoral allowance (where the Deputy Mayor demonstrably acts in the role of the Mayor) – an amount of five hundred dollars (\$500.00) being part of the Mayoral allowance is to be provided annually to the Deputy Mayor paid by monthly payments in arrears.
- c) Use of Council Chambers, telephone and limited hospitality facilities (tea and coffee) for Council business or functions or community consultation.
- d) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery where authorised by Mayor or General Manager.
- e) Postage of official correspondence dealing with Council business.
- f) Access to facsimile and photocopying facilities for Council related business.
- g) Transport to official functions when deputising for the Mayor. (ie) Use of Mayoral vehicle if required.
- h) Supply of Name Badges and Note Books.

3.3 Bluetts Handbook

Provide all Councillors with a copy after their election.

3.4 Policies

Provide all Councillors with a full and up to date copy of policies and manuals.

Part 4 – OTHER MATTERS

4.1 Acquisition and return of equipment and facilities by Councillors

At the completion of their term of office, during extended leave of absence or cessation of civic duties, Councillors are to return equipment and other facilities to the General Manager.

At the cessation of their duties, the option to purchase at a fair market price or written down value of equipment previously allocated to Councillors will be subject to determination by Council.

4.2 Status of the Policy

This is the second version of the Policy. This Policy replaces the previous version of the Policy adopted by Council on 17 December 2009, Minute No. 199.

This Policy was adopted by Warrumbungle Shire Council at its meeting held on

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21 October 2010, Minute No. 123. The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

POLICY DOCUMENT CONTROL:

Policy		Resolution	Date
Payment of Expenses Policy	Endorsed	233	16 June 2005
Payment of Expenses Policy	Amendment	49	18 August 2005
Payment of Expenses Policy	Amendment	393	18 May 2006
Payment of Expenses Policy	New Policy endorsed	199	17 December 2009
Payment of Expenses Policy	Revised Version	123	21 October 2010

Sullivan/Powell
The motion was carried

1.3 Notice of Motion - Pedestrian Access and Mobility in our Major Towns

124 RESOLVED that the General Manager prepare a report to be brought back to the December Council meeting regarding the pedestrian access ramps in our major towns, with a view to devising a Mobility Access Plan for the Warrumbungle Shire and **FURTHER** that the report also provide options and possibilities for funding

Campbell/ Sullivan
The motion was carried

1.4 Notice of Motion

125 RESOLVED that Council writes to Grain Corp, the Local Member for Barwon, Mr Kevin Humphreys and the relevant Minister as a matter of urgency, voicing Council's extreme disapproval as to their announced intentions, for this coming harvest, to road freight grain from the silos of Neilrex, Binnaway, Baradine, Mendooran, Weetalibah and Ulamambri to a collection point at Premer. **FURTHER** that this motion be referred to 'C' Division Conference for consideration.

Powell/Schmidt
The motion was carried

1.5 Notice of Motion

126 RESOLVED that Council donate the equivalent amount of the development application fee only levied on works to be undertaken on Council-owned facilities with such funds to be provided from Donations – Other budget. Statutory fees and Council Administration fees remain payable.

Sullivan/Schmidt
The motion was carried

1.6 Warrumbungle Shire Staff Awards

127 RESOLVED that Council implement the following Warrumbungle Shire Employee Excellence in Achievement Award the first award to be presented in February 2011 **FURTHER** allocating \$2,500 in the 2011-2012 budget to cover for the associated costs of the Award prizes. **FURTHER** that this Award program be trialled for two (2) years.

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The Warrumbungle Council Staff Awards program will operate as follows:

1. At the end of each quarter; (December, March, June and September) nominations will be received for the **Warrumbungle Council Employee Excellence in Achievement Award**. Nominations can be made by any member of staff for any other member of staff.
2. MANEX with the inclusion of the HR Team Leader; will assess nominations at a special MANEX meeting to be held before the end of January, April, July and October.
3. The Awardee will be presented with a **Framed Certificate** at the normal monthly Council meeting of February, May, August and November and be invited to share lunch with Councillors and Executive Staff.
4. At the end of the year in November; the four (4) recipients from during the year will be reassessed and one (1) will receive the **Warrumbungle Council Employee of the Year Award 2011** (or 2012, 2013 etc). This presentation will be made at the annual Council Staff Christmas Party and the winner is given;
 - a framed **Certificate**
 - **5 days special Leave** to be taken at a time that suits the employee, 'gratis' the following year.

The nomination and assessment criteria will be for the following:

- Customer Service – internal and external, teamwork
- Work completed beyond the call of duty
- High standard of work
- Attendance and work productivity
- Staff, crew/department/division supervised achievements
- Implementation or suggestion of new practices, procedures
- OH&S compliance, maintenance of standards, accident free days
- Completion of professional development qualifications
- Organisational collaboration – working with others, across different departments
- Stakeholders or external relationships/partnerships
- Projects completed on schedule
- Identification of fraud/waste/losses
- Professional reputation to community/other councils/within Council

Schmidt/Campbell
The motion was carried

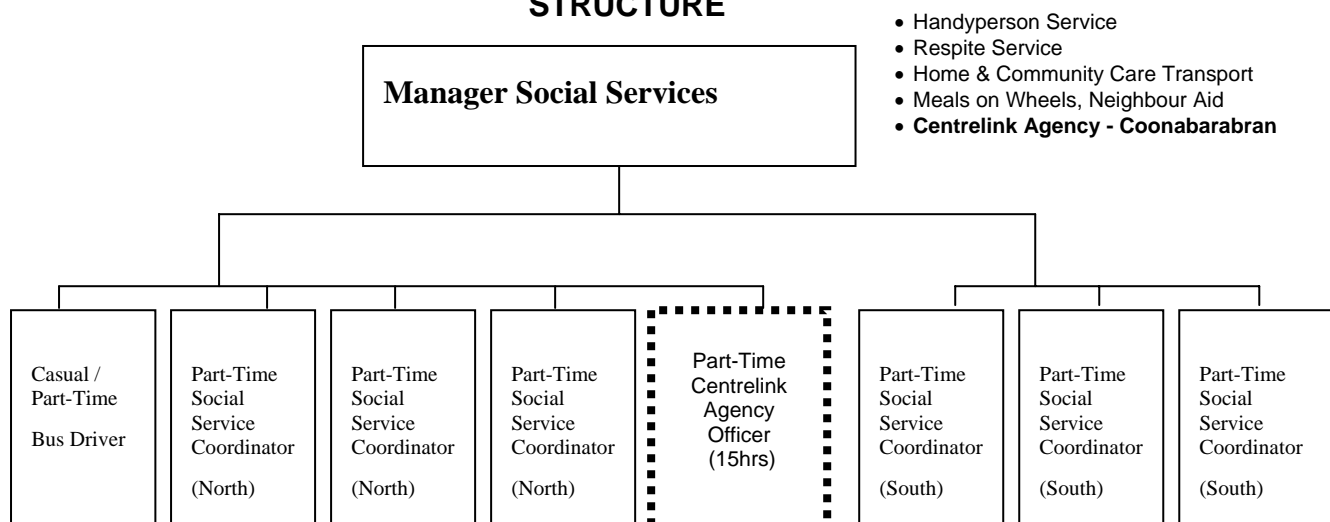
1.7 Organisational Structure – Social Services

128 RESOLVED that Council accepts the following organisational structure of Social Services (Warrumbungle Community Care) to reflect the co-location of the Centrelink Agency in Coonabarabran with Meals on Wheels, Community Transport, Respite and Social Support Community Service Programs.

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SOCIAL SERVICES (WARRUMBUNGLE COMMUNITY CARE) STRUCTURE



Sullivan/Campbell
The motion was carried

1.8 Council Name

129 RESOLVED that Council determine to seek the Minister and Governor's approval to rename the Warrumbungle Shire Council to the Warrumbungle Regional Council. Further that at the first local government election to be held a poll of electors be undertaken asking the following question:

"Do you support renaming WARRUMBUNGLE SHIRE COUNCIL to WARRUMBUNGLE REGIONAL COUNCIL?"

Powell/Coe
The motion was carried

1.9 Director Corporate Services

130 RESOLVED that the General Manager's action in accepting Carolyn Upston's resignation from the position of Director Corporate Services be endorsed and that she be offered a private tenancy lease for a period of 3 months concluding 18th February 2011. The rate of rental to be the determined private rent as previously advised by the local real estate agents. Further, that Council wishes Ms Upston the best in her future endeavours.

Schmidt/Campbell
The motion was carried

1.10 Department of Housing Land

131 RESOLVED that as Lots 5 and 13 in DP740998 form an enclosure for a creek drainage in the town of Coonabarabran, that Council agree to accept the Department of Human Services Housing NSW's offer of dedication.

Schmidt/Powell
The motion was carried

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1.11 Statement of Business Ethics

132 RESOLVED that Warrumbungle Shire Council adopt a Statement of Business Ethics as outlined below to guide and clearly state its standard when doing Council business.

Statement of Business Ethics

Policy Objectives

The Statement of Business Ethics (the Statement) is intended to provide guidance for all sectors of the community when conducting business with the Warrumbungle Shire Council. It helps set the ethical ground rules for all business dealings between Council and its suppliers including, but not limited to, providers of goods and services, contractors, tenderers and consultants.

The Statement sets out Council's expectations for Council officials and requirements for the private sector when doing business with Council. It defines Council's ethical standards and obligations, and establishes Council's expectation that all suppliers will be aware of and comply with these standards. It also provides suppliers with an understanding of what to expect from Council when doing business with Council.

The Statement outlines Council's core values and aims to increase the private sector's awareness of and respect for these values. The Statement explains what the consequences are for Council officials and suppliers of not complying with the requirements as outlined.

Policy Statement

Warrumbungle Shire Council's Business Ethics are formed on Council's desire to meet its obligation to act lawfully, ethically and in the best interest of the public. Council aims to build and maintain ethical relationships with all sectors of the community and in particular the private sector.

Council places significant value on open and accountable business transactions aiming to be consistent in all measures. Council will ensure probity and diligence when undertaking public duties and using public resources acting with impartiality, honesty and fairness at all times.

Fairness means being objective, reasonable and even-handed. It does not mean pleasing everyone. Council will strive to be fair ensuring that our processes are appropriate and demonstrate this by being open and accountable, wherever practicable. This does not mean that Council will always go to formal tender or call for bids for items of low monetary value. Council will only deal exclusively with suppliers where it can be demonstrated that there are valid reasons for doing so, based on sound probity principles.

Warrumbungle Shire Council expects all Council officials to behave ethically and in accordance with the statement. Council also expects the private sector and its representatives to maintain similar standards of ethical conduct in their dealings with Council.

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As a local government body, Council has a commitment to ensure community funds are expended efficiently, effectively and economically. Council aims to attain “best value for money” in its business dealings with the private sector.

“Best value for money” is determined by considering all the factors, which are relevant to a particular purpose, including:

- Experience
- Quality
- Reliability
- Timeliness
- Service
- Initial & ongoing costs

It is important to note that “Best value for money” does not automatically mean the “lowest price”. It means the offer that is most advantageous to Council after considering the above factors.

1. Procedure and Obligations

1.1 Council Officials

Code of Conduct

Council has a formally adopted Code of Conduct which Council officials must abide by. The Code embraces the concept of integrity, ethical conduct and accountability throughout the organisation. Council officials must treat others with respect at all times and not harass or discriminate against colleagues or members of the public.

Procurement and Tendering

Council officials must abide by the law and all its policies, procedures and practices, particularly those related to Procurement and Tendering, including relevant legislation and codes of practice. All Procurement and Tendering actions and decisions will be fully documented to a standard that will withstand scrutiny through an audit process. All pricing will remain confidential where it is considered that a commercial advantage may be gained or lost through disclosure. Information will only be released by a court or the GIPA (Act).

Council officials are expected to:

- Treat all potential providers of goods and services equally
- Abide by the law
- Avoid, disclose and resolve any conflicts of interest
- Strictly comply with Council’s adopted Code of Conduct, particularly in relation to incentives, gifts and benefits.

Councillors are expected not to contact or issue instructions to Council’s suppliers.

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1.2 Suppliers

General Requirement

Council requires all suppliers whom it deals with to observe the following principles:

- Act fairly, ethically and honestly in all dealings with Council
- Not to disclose confidential Council information
- Not to exert pressure or influence on Council officials that may cause them to waiver from Council's Code of Conduct
- To abide by relevant legislative processes and industry Codes of Practice in all procurement dealings
- To have respect for the obligation of council officials to act in accordance with the Statement
- Commit to not offer Council officials gifts or incentives such as money, benefits, entertainment, hospitality, employment opportunities, travel or accommodation.
- Not to harass or bully Council officials. Harassment includes verbal, non verbal and physical harassment such as sexual or suggestive remarks, offensive jokes, threats or insults, wolf whistling, offensive hand or body gestures, unnecessary physical contact or indecent or sexual assault. Further information can be obtained from Council's Workplace Bullying Policy.
- Treat requests for donations in accordance with Council's Donations Policy
- Ensure that all sub-contractors and other people employed by the supplier are aware of the Statement and the consequences of breaching it.

2. What is the impact of Business Ethics

2.1 Impact for Suppliers

By aligning business practices with Council's ethical expectations, suppliers can expect to:

- compete for business on an even playing field
- establish practices, which put them in good stead in competing for works with other public sector agencies.

If suppliers to Council do not comply with the Statement, then the consequences may be as follows:

- possible loss of work
- termination of contracts
- damage to reputation
- loss of rights (such as loss of operating or trade licences etc)
- formal investigations for corruption or other offences.

2.2 Impact for Council officials

If Council officials do not comply with the statement, then the consequences may be as follows:

- formal investigation

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- disciplinary action
- dismissal
- potential criminal charges

2.3 ICAC Advice

It should be noted that the Independent Commission Against Corruption (ICAC) in NSW defines those people employed by Council as consultants or contractors to be “public officials”. When employed by Council, consultants & contractors are subject to the jurisdiction of ICAC and are considered to be “public officials” for the purpose of the ICAC act.

In addition, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council’s honest or impartial exercise of its official functions.

Further information relating to the ICAC Act is readily available to all Suppliers (including tenderers, contractors and consultants) at the ICAC website – www.icac.nsw.gov.au and copies of all relevant Council policies are also available at any time.

3. Bribes , Gifts and Benefits

Council’s Code of Conduct requires that Council officials do not seek or accept bribes, gifts or benefits of greater than nominal value.

Bribes should never be accepted. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor. Council will take steps to report the matter to ICAC and the police immediately.

Nominal value gifts or benefits do not create a sense of obligation and may include things like inexpensive pens and pencils, notepads, key rings or diaries.

Council understands that the offering of gifts and incentives is common practice in the private sector to promote business relations. However, Council applies the principles of merit to all dealings of Council. There is no need or place for gifts or incentives when doing business with Council.

It should be made clear that gifts must not be given in connection with any prospective business dealings with Council and that Council officials are not permitted to ask for any reward or incentive for doing their job.

Suppliers are asked to respect that Council officials may refuse gifts or incentives because they wish to avoid any perception of conflicts of interest and comply with Council policy.

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4. Conflicts of Interest

A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced, by a personal interest when carrying out your public duty.

Council's Code of Conduct requires that Council officials disclose and resolve any possible conflicts of interest they have. The Code requires that if any Council official has a conflict of interest, in any matter, they must not be involved in any discussion or decision making regarding the matter.

Council's Code of Conduct also requires a member of Council staff who is considering outside employment or contract work that relates to the business of Council or that might conflict with their Council duties must notify and seek the approval of the General Manager in writing.

The General Manager may prohibit employees from engaging in secondary employment if that work directly or indirectly conflicts or potentially conflicts with the business of Council or with the employee's function, duties or responsibilities at Council.

5. Communication Requirement

As a general principle, all communication with suppliers from Council should be clear, direct and accountable. Suppliers also have an obligation to ensure that their communication with Council abides by these three principles in order to minimise the risk of inappropriate influences being brought to bear on the business relationship.

There will be times where some communication needs to be strictly confidential for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols or keeping some communication confidential.

Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed at all times and that all communication supports Council's core values of integrity, transparency and fairness.

6. Tendering

This Statement will form part of the formal tendering process for Council and all tenderers will be asked to submit a signed declaration stating that they have read and fully understood the contents of the full Statement in relation to dealing with Council.

7. Public Awareness

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, Officers and Community Committees has been established and will be included at the beginning of all Council and Committee meeting Business Papers and Agendas. The checklist is shown as Schedule A.

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8. What happens if you think there is a breach?

If you are concerned about a possible breach of this Statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Council's General Manager, or one of Council's Directors. Please be aware that if you do approach a Council Director with such a report, it is a requirement of ICAC that the Director must inform the General Manager immediately.

It should also be noted that once the General Manager is made aware of a possible breach as described above, that it is incumbent upon him or her to report this directly to the ICAC.

For Council staff, please refer to Council's Policy Register, Management Procedures 5.5 titled "Protected Disclosures Act and Internal Reporting Policy" for more information on the processes that you are required to follow in the case of a possible breach of the Statement.

LEGISLATION

The Local Government Act 1993
Local Government (General) Regulation 2005
ICAC Act

SCHEDULE A

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – regulated by the *Local Government Act* and Department of Local Government

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- Non-pecuniary – regulated by Codes of Conduct policy. ICAC, Ombudsman, Department of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

1. Do I have private interests affected by a matter I am officially involved in?
2. Is my official role one of influence or perceived influence over the matter?
3. Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Sullivan/Schmidt
The motion was carried

1.12 Yuluwirri Kids Centre – Policy Amendment

133 RESOLVED that Council adopt the following amended Procedure for Treating Children who Become Ill at the Centre.

Yuluwirri Kids

Procedure for Treating Children Who Become Ill at the Centre

Policy Number: YK0010615

The **Record of Illness** form must be completed for any child who becomes ill during the day. Illness may include fever, vomiting, diarrhoea etc.

The Department of Human Services Community Services ("**DoCS**") requires the Authorised Supervisor to keep a record of any particulars of treatment given to a child at the Centre and must be advised if a child is hospitalised.

PROCEDURE

- Assess the child's state of health in consultation with a staff member holding a First Aid Certificate. Implement First Aid Procedures
- Inform the Room Supervisor and the Centre Manager.
- Inform the parent as soon as practically possible and discuss appropriate course of action
- Administer appropriate treatment.
- Complete the **Record of Illness** form ensuring details for medication are completed.
- Complete the **Temperature form** if applicable

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- Complete the **Report form for parent/doctor**
- If a child needs to go to the hospital completed **If the child is taken to a doctor or hospital**
- Ensure the parent signs the **Record of Illness** form and is given a copy.
- The **Record of Illness** form is to be retained until the child is **24 years of age**.

If a child has a Fever

- Fever (a child's average body temperature is about 37°C (98.4F). During the course of the each day, the body temperature will vary by a degree or two. It is usually lowest in the early hours of the morning, and highest in the late afternoon and early evening.) A fever is when the body temperature is higher than normal. Temperature's recorded by oral "mouth" greater than 37.5° or an axillary "armpit" temperature greater than 37°C
- Fever is the body's natural response to infection. Fever is not an illness in itself, but is the sign of an illness and the body is fighting that illness.
- Fevers are to be treated if it is making the child uncomfortable, irritable or so lethargic that they are not drinking enough fluids.
- All parents will be contacted and notified once a temperature is observed.

A child who is 12 months and under and has a Fever

- Babies under three months of age who develop a fever must be seen by a doctor immediately, as it is harder to tell if they have a serious underlying illness.
- In children that are 3 months - 12 months fever may be an indication of a more significant illness, and medical advice must be sought.
- A **temperature form** must be completed
- Yuluwirri Kids **MUST** attempt to contact the parent/carer/emergency contact to inform them of the child's fever and to discuss arrangements for the child to be collected and an appropriate course of action to reduce the fever in the interim. In consultation with parent/carer/emergency contact, Yuluwirri Kids will attempt to lower the temperature by removing some of the child's clothes and giving them small quantities of water at frequent intervals. If temperature cannot be lowered quickly Yuluwirri Kids will contact parents/carers/emergency contacts again and arrange immediate pick up.
- If no-one can arrive to collect the child who is 12 months and under, Yuluwirri Kids will call an ambulance immediately.

A child who is 12 months to 5 years and has a Fever

- Yuluwirri Kids **MUST** attempt to contact the parent/carer/emergency contact to inform them of the child's fever and to discuss an appropriate course of action (eg. Sending the child home, attempting to reduce the fever by removing some of the child's clothes and giving them small quantities of water at frequent intervals). Yuluwirri Kids will advise they will call back shortly to inform them of child's progress.

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- If fever continues to stay at current temperature or rise the parent/carer/emergency contact will be contacted to come and collect the child.
- If no-one can arrive to pick the child up who is over 12 months of age up, immediately staff will ask what they would like the centre to do
- **If a parent requests that staff give a child panadol, then follow the Pandaol Procedure for children who become ill at the centre below**
- Yuluwirri Kids will inform the parent/carer/emergency contact that fever is a sign of infection and by giving panadol it can mask the underlying condition. Are they sure they would still like Yuluwirri Kids to give their child panadol.
- If no one can collect the child and the fever cannot be reduced Yuluwirri Kids will call an ambulance
- A **temperature form** must be completed

A child who has diarrhoea and/ or vomiting

- The exact cause of diarrhoea can only be diagnosed by laboratory tests of faecal specimens. People are infectious for as long as the organisms are present in their faeces, whether or not they have any symptoms.
- While this is a symptom that is disagreed upon by physicians, researchers and parents, most parents usually notice slightly looser bowel movements when a baby is teething. While the recent study done by the Children's Hospital in Australia found this to be the most common symptom of teething, there are still many people/doctors that will agree and disagree with this recent study. It is believed that the most likely cause of this is the extra saliva swallowed, which then loosens the stool. Be sure and report any diarrhoea to your doctor that lasts more than two bowel movements.
- As Yuluwirri Kids does not know the cause of a child's diarrhoea, any child who has 2 loose bowel movements will be sent home. Parent/Carers/Emergency contacts will be contacted to immediately come and collect the child.
- Children are to be excluded from the centre until there has not been any loose bowel motions for 24 hours. If the parent/carers want their child to return to Yuluwirri Kids prior to the 24 hr exclusion period, they are to get a doctors certificate clearing the child of infectious organisms in their faeces
- A child who vomits at the centre will immediately be sent home. Parent/Carers/Emergency contacts will be contacted to immediately come and collect the child.
- Children are to be excluded from the centre until there has not been any vomiting for 24 hours

A child who has a head injury

- If a child has hit their head, parent/carer/emergency contacts will be informed immediately and care strategies will be discussed
- First aid procedures will be followed

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- If necessary the ambulance will be called

Procedure for giving Panadol for the child who becomes ill at the centre

- **If a parent requests that staff give a child Panadol,**
 - Staff will inform the parent/carer/emergency contact that fever is a sign of infection and by giving Panadol it can mask the underlying condition. Are they sure they would still like Yuluwirri Kids to give their child Panadol.
 - Staff will inform the parent/carer/emergency contact that for any illness, by giving Panadol it can mask the underlying condition. Are they sure they would still like Yuluwirri Kids to give their child Panadol.
 - Panadol permission must be given to two staff members.
 - Staff will check the enrolment form for **parental permission for Panadol**. - advise that they will only give the recommended dose of Panadol as per manufacture's instructions based on the child's weight.
 - Ask the parent/carer who had direct care of the child for the last 24 hours when they were last administered Panadol or a medication containing paracetamol was given. If this information cannot be obtained staff will not administer any Panadol on the risk of overdosing the child.
- Staff will only give Panadol to children over 12 months if parents have requested and cannot arrive immediately to pick up their child and parent/carer can confirm last dosage of Panadol.
- Panadol will not be given to the child if the parent can come straight away

Source

Putting Children First: Quality Improvement & Accreditation System Source Book, NCAC, 2001;

Staying Healthy in Childcare – 4th Edition, 2006

Fact Sheet Fever- The Children's hospital at Westmead, Sydney Children's Hospital Randwick, Kaleidoscope Hunter Children's Health Network, 2009
www.chw.edu.au/parents/factsheets/feverj.htm

Family Doctor Home Advisor – The Royal Australian College of General Practitioners
www.racgp.org.au/familyhealth/fever_in_children_child, 2009

Raising children network Fever raisingchildren.net.au/articles/fever_a.html, 2006

The New Parents Guide – Teething Relief. <http://www.thenewparentsguide.com/baby-teething.htm>

The Ten Signs of Teething. www.sapphirecoast.info/bodyandsoul/articles/baby-teething.htm

Review

The policy will be reviewed annually.

The review will be conducted by:

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- Management
- Advisory Committee
- Employees
- Families
- Interested Parties

Policy Created date: June 2009

Last reviewed: September 2010

Date for next review: annually.

Campbell/Powell
The motion was carried

1.13 C Division Conference

134 RESOLVED that any motions for the “C” Division Conference to be held on February 11, 2011 be submitted for consideration at the November 2010 Council meeting.

Campbell/Coe
The motion was carried

1.14 Coolah Neilrex Road Realignment

135 RESOLVED that Council authorise the transfer, including the attachment of the Council seal, to the necessary documentation of lots 6, 7 and 8 DP 1052182 to CF Hogan and JV Mahnken-Hogan for a price of one dollar.

Powell/Sullivan
The motion was carried

1.15 Shires Association Review - Warrumbungle Shire Organisation Review

136 RESOLVED that Councillors and senior staff participate in a Planning Day to be scheduled at the Council Chambers, Coolah to discuss strategic recommendations and consider models of organisational structure.

Campbell/Schmidt
The motion was carried

DIRECTOR OF CORPORATE SERVICES

137 RESOLVED that the following reports be received as information:

- 2.1 Bank Accounts and Investments as at 30 September 2010
- 2.2 Investments held as at 30 September 2010
- 2.3 Reconciliation of General Fund Bank Account – as at 30 September 2010
- 2.4 Rates and Charges Collection – up to and including end September 2010
- 2.5 Monthly Fuel Stock Take

Schmidt/Powell
The motion was carried

12.40pm

138 RESOLVED that standing orders be suspended to break for lunch.

Powell/Campbell
The motion was carried

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1. 13pm

139 RESOLVED that standing orders be resumed.

Campbell/Coe
The motion was carried

DIRECTOR OF TECHNICAL SERVICES

3.1 Dunedoo Garden Group – Request for Review of Private Works Account

A motion was moved by Councillor Sullivan seconded by Councillor Schmidt that a donation equivalent to the outstanding amount of \$953.38 (incl. GST) be made to the Dunedoo Garden Group for work done on installing sculptures, garden beds and fences in Milling Park. Furthermore, no changes are made to the previously issued invoice amount of \$3,417.63 (incl GST).

The motion was withdrawn.

140 RESOLVED that Council donate \$2,000 to the Dunedoo Garden Group with funds to be charged to the Dunedoo Park budget area and that the additional outstanding invoice amount of \$953.38 not be levied on the Group but be charged to the Dunedoo Park budget area.

Coe/Lewis
The motion was carried

3.2 Proposal By Fisheries Division of Industry & Investment NSW to Construct a Box Culvert Structure on Merryula Road

141 RESOLVED that consideration of this matter be deferred and an invitation be extended to a representative from Industry & Investment NSW to address Council on this matter at the November 2010 meeting.

Sullivan/Coe
The motion was carried

3.3 Riverbank Erosion in Neilson Park

142 RESOLVED that a survey of the riverbank erosion site be undertaken and a rehabilitation plan prepared for Council consideration during preparation of the 2011/2012 budget.

Sullivan/Campbell
The motion was carried

3.4 Proposed Policy for the Upgrading of Unformed Public Roads

143 RESOLVED that the following draft policy ‘Warrumbungle Shire Council Policy for Upgrading of Roads Not Constructed or Maintained by Council’ in Attachment 1.0 be adopted by Council subject to a public advertising period of 28 days.

Attachment 1.0

Warrumbungle Shire Council Policy for Upgrading of Roads Not Constructed or Maintained by Council

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1. POLICY NAME

Warrumbungle Shire Council Policy for Upgrading of Roads Not Constructed or Maintained by Council.

2. POLICY

Warrumbungle Shire Council is committed to providing opportunity for property owners to develop their land and practical access to that land.

3. POLICY OBJECTIVES

The policy aims to set out the circumstances and procedures under which property owners are able to undertake roadworks on Council public roads within the Warrumbungle Shire Local Government Area. The expected outcomes of this policy are as follows:

- To allow property owners to provide access to their land at reasonable cost.
- To minimise requests for Council to further upgrade or maintain a road provided by a property owner.
- An understanding by property owners of the conditions under which they are able to undertake roadworks when Council is not in a position to fund the works.
- That roadworks are undertaken in accordance with set guidelines and standards to minimise risk of injury or damage to users of the road.
- To ensure that the effects on the environment are considered and adverse impacts minimised.
- To ensure that de-facto land developers are required to provide a standard of road identical to that required by subdivision.

4. POLICY SCOPE

This policy covers those public roads vested in Council but not constructed or maintained by Council. Within the Warrumbungle Local Government Area, there are many hundreds of kilometers of road vested in Council but not maintained by Council. These roads often provide the only legal access to an owner's property, however they are not constructed or maintained by Council. In effect, these unformed roads are 'paper roads' or roads that are simply marked on a map. Often these roads traverse difficult terrain, such as flood prone areas and rocky ridges.

Legal Framework

The relevant legal framework is contained in the Roads Act 1993.

1. Council has no statutory duty to carry out works of construction or repair of public roads, or to keep them in repair.
2. It is an offence to carry out any work on a public road without the consent of Council (Section 138).
3. Council can give this consent subject to conditions (Section 139).
4. Council can revoke this consent at any time and for any reason (Section 141).

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5. If the road is a Crown public road, the Land and Property Management Authority will only permit work on the road if Council accepts the road as public road. Council may impose identical conditions to those that would apply to a public road.

Principles

The principles behind the policy are:

1. Council has an obligation to ensure that legal access is available to all lots. Council has no obligation to provide physical access to the lot(s).
2. The market value of a lot reflects the amenities which benefit the lot, such as water supply, sewerage, sealed road access, etc.
3. Council should not be required to provide vehicular access at its cost as this is effectively subsidising the purchase price of the lot.
4. Owners of a lot on an unformed road who genuinely wish to build on the land should be able to do so at a reasonable cost, including the cost of provision of vehicular access.
5. Council needs to minimise its exposure to subsequent complaints and requests for construction and sealing of the formed access road, by ensuring that it is built to an appropriate standard.
6. Owners or developers of multiple lots located on an unformed road who intend to develop and resell the lots should be required to provide access to a standard that would apply to subdivision. In such cases, the developer should be prevented from the sequential extension of the road and sale of the lots one at a time, by 'bending' the policy

5. DEFINITIONS AND ABBREVIATIONS

Crown Roads – public roads vested in the Crown and managed by the Land and Property Management Authority.

Council Public Road – public roads vested and managed by Warrumbungle Shire Council

Property Owner – Owner of land within Warrumbungle Shire Council

6. POLICY IMPLEMENTATION

If a property owner intends to gain vehicular access to their land along an unformed road, then the following procedures and conditions will apply:

1. A written application to undertake roadworks by the property owner on a Council public road, must be lodged clearly stating the reasons for the proposal. In the case of a Crown public road, the application must be accompanied by a letter of approval from the Land and Property Management Authority (Department of Lands).

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2. The application will be assessed and considered by Council at an Ordinary monthly meeting of Council. If an approval is given, the property owner must undertake the works in accordance with the following standard conditions:
- (i) In the case of access to a single lot or where vehicle movements are likely to be less than 10 per day on average:
 - a. Width – 4 metres.
 - b. Depth of compacted gravel – 100 mm.
 - c. Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - d. Drainage pipes installed to convey 1 in 10 year storm event.
 - e. Adequate scour protection and table drains are constructed.
 - (ii) In the case of access to multiple lots or where vehicle movements are likely to be between 10 and 50 vehicles per day on average:
 - a. Width – 6 metres.
 - b. Depth of compacted gravel – 200 mm.
 - c. Road grades, horizontal and vertical curves designed for a design speed of 60 kph.
 - d. Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - e. Drainage pipes installed to convey 1 in 10 year storm event.
 - f. Adequate scour protection and table drains are constructed.
 - g. Preparation of road construction plans.
3. The upgrading of a road to Council standards does not automatically imply that Council will maintain that road. A formal resolution from Council is required before Council assumes responsibility for maintenance of the road.

Lewis/Powell
The motion was carried

3.5 Proposed Crash Barrier for Coolah Office

144 RESOLVED that a site plan is prepared of the car park behind the Coolah office with the aim of closing off the entrance into the car park from Martin Street. Furthermore, the car parking spaces within the car park are realigned to so that front on parking and reverse parking against the office wall are prevented. The site plan and associated costings are referred to Council for further consideration.

Powell/Sullivan
The motion was carried

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3.6 Restoration of Garford Fire Engine

145 RESOLVED that an agreement document is prepared for leasing the old Garford Fire Engine and expressions of interest are sought from community clubs and groups in the Shire for restoration and use of the vehicle.

Lewis/Schmidt
The motion was carried

DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 Development Application for Determination – DA 46/0910

146 RESOLVED:

1. That pursuant to the provisions of section 80 of the Environmental Planning and assessment act 1979, Council refuse development consent to Development Application No. 46/0910 for development of the change of use at 90 – 92 Tucklan Street Dunedoo, for the following reason:-

(a) The applicant has provided insufficient information to allow Council to determine the application.

Councillors Campbell, Coe, Lewis, Powell, Schmidt, Shinton and Sullivan voted in favour of the motion refusing development consent.

4.2 Road Name Change Bingie Grumble Road to Racecourse Road

147 RESOLVED:

1. That new street signs be placed at both ends of Racecourse Road indicating Racecourse Rd and a new sign be erected at John Ward Place indicating Bingie Grumble Road all in accordance with the new road names adopted.
2. That Council's rates database be updated to reflect 'Racecourse Road' for those properties facing the newly gazetted section of Racecourse Road.

Powell/Schmidt
The motion was carried

4.3 Pool Opening Hours for the 2010/11 Season

148 RESOLVED

1. That the season start on Monday, 25th October 2010 for all pools other than Coonabarabran with that pool to open on Saturday, 30th October 2010 and conclude on Friday, 25th March 2011.
2. That the following minimum opening hours for each Council Swimming Pool be adopted for the 2010/11 season

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Pool Hours Mendooran (December & February)

Session	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Lap	Nil	Nil	6.30am- 8.00am	6.30am- 8.00am	6.30am- 8.00am	6.30am- 8.00am	Nil
Morning	11.00am -1.00pm	Nil	Nil	Nil	Nil	Nil	11.00am -1.00pm
Evening	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm

Pool Hours Mendooran (January School Holidays)

Session	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Lap	Nil	Nil	6.30am- 8.00am	6.30am- 8.00am	6.30am- 8.00am	6.30am- 8.00am	Nil
Morning	11.00am -1.00pm	Nil	Nil	Nil	Nil	Nil	11.00am -1.00pm
Evening	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm	2.00pm- 7.00pm

Pool Hours Mendooran (March)

Session	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Lap	closed	Nil	Nil	Nil	Nil	Nil	Nil
Morning		Nil	Nil	Nil	Nil	Nil	Nil
Evening		1.30pm- 6.00pm	1.30pm- 6.00pm	1.30pm- 6.00pm	1.30pm- 6.00pm	1.30pm- 6.00pm	1.30pm- 6.00pm

Lewis/Powell
The motion was carried

4.4 Applications Received for Month of September 2010

Received.

2.16pm

DIRECTOR COMMUNITY SERVICES

5.1 Hive Live

149 A motion was moved by Councillor Schmidt seconded by Councillor Powell that Council approves the reallocation of the \$3,000 in the Halls capital budget from the Air Conditioner to Gym equipment.

The motion was put and LOST.

QUESTIONS FOR NEXT MEETING

Councillor Shinton raised the following:

Attendance at a PORTS Project (Promote our Region, Towns and Shires) meeting to be held in Parkes on 9 November by the Mayor.

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Councillor Lewis raised the following:

Inclusion of Neilrex Road in correspondence to Minister regarding deteriorating condition of road due to transport of grain by road.

Councillor Schmidt raised the following:

Review of Tender process for Shire – Meeting was informed that a Tender/Procurement Policy is being developed and it is expected that this draft Policy will be submitted to Council's November meeting.

Councillor Campbell raised the following:

Outcome of application for black spot funding for works to be undertaken on curve on Baradine Coonamble Road.

The Director of Technical Services raised the following:

Discussions currently being undertaken with RTA regarding speed limits on Trunk Road 55 and Flags Rockedgiel Road.

2.45pm

150 RESOLVED

- (a) that Council go into closed committee to consider business relating to the new LEP, personnel matters and Tenders
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(a) and (c) as outlined above
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Sullivan/Coe
The motion was carried

3.14pm

151 RESOLVED Council move out of closed Council and into open council.

Campbell/Coe
The motion was carried

The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the General Manager:

1C Minimum Lot Size for Rural Land in New LEP

152 RESOLVED that Council advise GHD Pty Ltd that in relation to the issue of a minimum lot size in rural lands for agricultural use Council wishes to retain the 500Ha and 600Ha minimum lot sizes that currently apply in each Local Environmental Plan.

Powell/Lewis
The motion was carried

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2C Dunedoo Garden Group – Request for Review of Private Works Account

It was noted that this matter was dealt with earlier in the meeting.

3C Warrumbungle Shire Council Information Technology Services

153 RESOLVED that Council appoint Andor Systems (Aus) Pty Ltd as their technology partner to provide Council with an Information Technology Managed Services Solution, the expense of which is covered in the current budget allocation for Information Technology. **FURTHER** that Council endorse any necessary organisational restructure arising from that appointment, subject to consultation with the Consultative Committee.

Schmidt/Powell

The motion was carried

There being no further business the meeting closed at 3.16pm.

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CHAIRMAN