

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 18 JULY 2013 COMMENCING AT 10.01AM

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Director Environmental & Community Services (Tony Meppem).

In attendance: Manager Administration & Customer Service (S Morris) (minutes)

10.02am Forum

Nancy Wiese addressed the meeting concerning the Cemetery Wall Project aimed to be undertaken by the Coonabarabran Local & Family History Group Inc. Following investigation the Group now has 756 names to go on stainless steel plaques on the proposed double brick wall structure.

The Project is divided into 3 stages and the Group would like to complete all stages as soon as possible. They believe that the project will enhance the old cemetery environment, provide shelter and provide information for visitors.

The Group is seeking from Council landscaping and levelling of site and assistance with purchase of bricks.

10.10am Ken Smith

Presentation by Ken Smith of background regarding State Road Safety Award and presentation of trophy to the Mayor for the 'Free Cuppa for the Driver' Scheme (driver fatigue program).

10.23am

Warwick Giblin provided an overview of the Cobbora Coal Project and the demise of the Coal Project.

01/1314 RESOLVED that given the State Government's indefinite deferment of the Cobbora Coal Project, Warrumbungle Shire Council ('Council') is most concerned at the direct and indirect costs that have already been transferred to its residents and ratepayers, caused by the Project's 32,500 ha land purchase.

Council calls on the State Government to compensate the Shire community for the loss of population, loss of agricultural productivity and the adverse economic consequences that have flowed to local service suppliers as a result of the land buy out.

In addition, Council calls on the State Government to agree to Council playing a pivotal role in decisions and management regarding:

- a) The scope, preparation and implementation of the Integrated Site Management Plan (ILMP);

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- b) The quantum and scope of the fund to be established to deliver the ILMP; and
- c) The identification of possible regional infrastructure upgrade works.
- d) The proposed means of ensuring local RFS brigades are adequately staffed.

Capel/ Todd
The motion was carried

11.47am

02/1314 RESOLVED that standing orders be suspended to break for morning tea.

Capel/Todd
The motion was carried

12.02am

03/1314 RESOLVED that standing orders be resumed.

C Sullivan/Andrews
The motion was carried

APOLOGIES: Cr Clancy

04/1314 RESOLVED that in accordance with Resolution 350/1213 granting leave of absence, that the apologies of Cr Clancy be accepted.

Andrews/Todd
The motion was carried

The Mayor 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.

Councillor Schmidt declared a pecuniary interest in Item 2C - Claim for Provision of Sewer Junction to be considered in closed committee
The Director Technical Services, Mr Kevin Tighe, declared a non-pecuniary interest in Item 27 – Gift of Land - Baradine Tennis Courts
There were no further declarations made at this time.

REPORTS

Item 1 Minutes of Ordinary Council Meeting – 20 June 2013

05/1314 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 20 June 2013 be endorsed.

Todd/Schmidt
The motion was carried

Item 2 Minutes of Traffic Advisory Committee Meeting - 27 June 2013

06/1314 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Meeting held on 27 June 2013 at Coolah.
2. That request for installation of a 40kph speed zone in Goddard Street near Coolah Hostel is refused as vehicle movements are not sufficient to warrant creation of a 40kph zone. Furthermore, pedestrian access ramps at Central Lane are referred to Urban Services for investigation and possible upgrade.

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3. That within the parking area adjacent Lot 3, DP787413, two unbroken lines are painted on the surface of the car park at the entrance to the property. Furthermore, to reduce the risk of overtaking vehicles colliding with right turning vehicles accessing the property, a single unbroken centre line is installed in Binnia Street between the creek and a point adjacent the 50 kph speed limit sign.
4. That request by Baradine & District Progress Association to prohibit the use of skateboards, scooters and bicycles on footpaths in Wellington Street is refused on the basis that responsible use of skateboards, scooters and bicycles should be promoted. Furthermore, Council's Road Safety Officer will implement an education campaign on responsible use to school aged children and the wider Baradine community
5. That the request by the Coolah Caravan Park to install direction signs to the caravan park is approved for the following locations;
 - Eastern approach to Coolah
 - Intersection of Campbell Street and Binnia Street (it was noted that there are two direction signs at the intersection of Cunningham Street and Binnia Street and that one of these signs could be transferred to Campbell Street).
6. That approval by RMS for the installation of double unbroken centre lines on the Newell Highway south of Jack Halls Creek is noted.
7. That the following actions are taken to reduce the risk of driver confusion at the intersection of Charles Street and Binnia Street.
 - Removal of the black chevron sign.
 - Relocate direction sign to northern side of service station entrance.
 - Install edge lines on pavement in Binnia Street between Queensborough Street and Booyamurra Street.
8. That request for Wool Road intersections signs on the Oxley Highway are referred to the RMS.
9. That request by Coonabarabran Pony Club to close John Street for annual street parade between 2.45 pm and 3.30 pm on the 27 September 2013 is approved subject to the following conditions;
 - A B Double route along Edwards Street and Namoi Street is created by notice in the Government gazette.
 - The relevant application form is completed
 - A traffic control plan is completed and presented to the next meeting of the traffic committee
 - A public liability insurance policy of \$20m is in place
 - Road closure details forwarded to RMS Traffic Operations Manager
10. That proposal by Road Safety Officer to install roadside banners with safety messages about fatigue and speed is approved subject to signs being installed in accordance with guidelines and that the Committee is provided with details about final location of each sign.

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11. That request by Baradine Junior Sports Club to close Darling Street, between Walker Street and Masman Street, on the following dates is approved subject to compliance with road closure guidelines; Saturday 13 July 2013, Saturday 24 August 2013.
12. That information received from the National Heavy Vehicle Regulator about the commencement of the Heavy Vehicle National Law on the 1 September 2013 is noted.

Capel/Schmidt
The motion was carried

Item 3 Minutes of Robertson Oval Advisory Committee Meeting – 19 June 2013
07/1314 meeting held on 19 June 2013 at Dunedoo.

C Sullivan/Coe
The motion was carried

Item 4 Minutes Bushfire Appeal Advisory Panel – 13 June 2013
08/1314 RESOLVED:

1. That Council endorse the recommendations of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 13 June 2013
2. That the Warrumbungle Shire Mayors Bushfire Appeal allocate \$5,000 each to the four (4) local agencies being ADRA, Barnardos, Centacare and St Vincent de Paul to issue to residents who incurred infrastructure damage at their properties.
3. That Warrumbungle Shire Mayors Bushfire Appeal Panel allocate \$10,000 in Phase 4 of funding for plant hire for BlazeAid with a restriction that a local contractor is hired to complete the work.
4. That the Warrumbungle Shire Mayors Bushfire Appeal allocates \$2,000 for consumables for BlazeAid being \$1,000 each for a credit account at Coonabarabran Rural Supplies and Pursehouse Rural Supplies.
5. That the Warrumbungle Shire Mayors Bushfire Appeal accept tied donations for the National Parks and Wildlife Services nesting box program.

Schmidt/Capel
The motion was carried

Item 5 Minutes Bushfire Appeal Advisory Panel – 8 July 2013
09/1314 RESOLVED:

1. That Council endorse the recommendations of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 13 June 2013
2. That for reporting purposes the funds allocated for the Roadside and Internal Fencing Programs be combined.

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3. That The Home Dislocation Payment and DPI Fodder Drive Programs be expired as at 31 July 2013 and advertised as such to ensure eligible families may apply for remaining funds.
4. That in principle support be given to reserve the available funds left from the Home Dislocation Program allocation when expired to maintain the BlazeAid Project Camp operating costs until August 2013 and **FURTHERMORE** an amount of \$751 to be allocated to the DPI Fodder Drive allocation to enable closure of this program.
5. That the Community Renewal and Rejuvenation Program Guidelines and Application Form be accepted.
6. That the Warrumbungle Shire Mayors Bushfire Appeal allocate \$5,000 to Barnardos for the Rob Gordon Recovery Presentation.

Schmidt/Capel
The motion was carried

Item 6 Minutes of Baradine Community Consultation Meeting – 9 April 2013

10/1314 RESOLVED that Council accept the minutes from the Baradine Community Consultation Meeting held on 9 April 2013 at Baradine.

Todd/Capel
The motion was carried

Item 7 Minutes of Binnaway Community Consultation Meeting – 1 May 2013

11/1314 RESOLVED that Council accept the minutes from the Binnaway Community Consultation Meeting held on 1 May 2013 at Binnaway FURTHER that Item 18 (Sewerage scheme) of the General Business section of the Minutes be amended to show that 'A speaker stated that the majority of people do not want it to go ahead'.

Andrews/Todd
The motion was carried

Item 8 Minutes of Coolah Community Consultation Meeting – 30 April 2013

12/1314 RESOLVED that Council accept the minutes from the Coolah Community Consultation meeting held on 30 April 2013 at Coolah.

Capel/Todd
The motion was carried

Item 9 Minutes of Coonabarabran Community Consultation Meeting – 10 April 2013

13/1314 RESOLVED that Council accept the minutes from the Coonabarabran Community Consultation Meeting held on 10 April 2013.

Andrews/Capel
The motion was carried

Item 10 Minutes of Dunedoo Community Consultation Meeting – 29 April 2013

14/1314 RESOLVED that Council accept the minutes from the Community Consultation Meeting held on 29 April 2013 at Dunedoo.

C Sullivan/Coe
The motion was carried

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Item 11 Minutes of Mendooran Community Consultation Meeting – 8 April 2013

15/1314 RESOLVED that Council accept the minutes from the Mendooran Community Consultation Meeting held on 8 April 2013.

**Capel/Todd
The motion was carried**

Item 12 Responses to Questions from last meeting

Received.

Item 13 Adoption of 2013 Agency Information Guide

16/1314 RESOLVED that Council endorse and adopt the 2013 Agency Information Guide.

**Coe/Schmidt
The motion was carried**

Item 14 Human Resources Activities Report

Received.

Item 15 Freedom of the Shire of Warrumbungle

17/1314 RESOLVED:

1. That Warrumbungle Shire Council introduces an award 'Freedom of the Shire of Warrumbungle' to be granted in recognition of the exceptional impact a person or group has had on the shire or town or towns in the Shire. The person does not have to be a citizen of the shire. **FURTHER** that the Mayor and General Manager be authorised to affix the Council Seal to the Award.

2. That Laurie Dawson, Blazeaid Co-ordinator at Coonabarabran, be nominated to receive the award 'Freedom of the Shire of Warrumbungle'.

**Shinton/Capel
The motion was carried**

Item 16 Water extension to Yeulba Street Binnaway

18/1314 RESOLVED that a report be prepared including costings and brought back for consideration regarding Warrumbungle Shire Council extending the water main from Bullinda Street to the end of Yeulba Street Binnaway.

**Andrews/Todd
The motion was carried**

Item 17 Orana Education Centre (OEC)

19/1314 A motion was moved by Councillor Schmidt seconded Councillor Andrews that Warrumbungle Shire Council look at implementation of a community based project in conjunction with Orana Education Centre to provide suitable work 2 days per week for a 52 week trial period being cost neutral to Council, with the Old Power Station being a perfect starting point.

The motion was put and carried

Item 18 Orana Arts Board Meeting Report

Noted

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20/1314 RESOLVED that Council accepts the notification from Councillor Shinton and grants a Leave of Absence from the Ordinary October 2013 Council meeting.

Coe/ C Sullivan
The motion was carried

Item 45 Request for Leave of Absence – Councillor Ron Sullivan

21/1314 RESOLVED that Council accepts the notification from Councillor Ron Sullivan and grants a Leave of Absence from the Ordinary August 2013 Council meeting.

Coe/Capel
The motion was carried

Item 20 Brick Bats and Bouquets

Received.

Item 21 LGNSW Annual Conference 2013

22/1314 RESOLVED that Council send Councillor Capel and Councillor C Sullivan to the LGNSW Annual Conference 2013.

Todd/R Sullivan
The motion was carried

Item 22 LGNSW Annual Conference 2013 Business sessions - Call for Council Input

23/1314 RESOLVED that the following motions be submitted for consideration:

Issue 1

Heading: Environmental Offsets of Land

Details of issue: The current system of offsetting environmental damage caused by large projects requires the proponent's of those projects to acquire additional land which is often rateable and then donate that land to the NSW government for management thus making it not able to be rated in most cases. It appears this practice is adhoc and not targeted to a specific environmental goal and only increases the financial burden on the National Parks and Wildlife Service at a time when the service struggles to fund its existing portfolio of land.

Motion: That the association request the NSW Government to cease the practice of encouraging applicants for significant development to tie up productive rateable land for environmental offsetting and instead to encourage developers to make monetary contributions to the National Parks and Wildlife Service to assist them to manage their existing lands more effectively or to purchase lands already targeted on their preservation register.

Issue 2

Heading: Rating of Mining Land

Details of issue: Mines enter areas and place additional demands on Council infrastructure that isn't able to be absorbed by existing ratepayers due to rate pegging. At present the system used as a means to cover these costs requires the mine proponent to enter into voluntary planning agreements with Councils to fund these increased short term costs. The VPA process is uncertain and costly to negotiate and a much simpler system of meeting these costs would be to allow mining rate income to be considered outside the

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rate pegging limits. In using this system the existing ratepayers will not be required to fill the void left in revenue after a mine ceases operation unexpectedly.

Motion: That the association request that the new Local Government Act be drafted to allow Council's to rate land in the mining category as a supplementary rate in excess of the limits set by rate pegging to provide a viable alternative for a Council to increase revenue whilst the mines are impacting communities to fund mining impacts while they occur and to prevent rating increases of other rateable lands to frill the revenue void once mines close.

Issue 3

Heading: Costs of operating childcare centres

Details of issue: All levels of government are concerned about the increasing cost of childcare to parents and yet at the same time those same governments mandate increasing costs to operators of centres by increasing qualification levels of carers and thus wage costs and reducing ratio's of carer to child therefore increasing wage costs again in an industry where employee costs form the majority of expenses which need to be passed onto parents in higher fees.

Motion: That the association call on the federal and state governments to urgently review planned reductions in carer/child ratios and increased teacher qualifications for childcare due to be implemented from January 1 2014 with the aim of minimising the costs of operating childcare centres and family day care to avert increased cost of care to parents and reduced availability of childcare places.

Capel/Andrews
The motion was carried

Item 23 A R Bluett Memorial Award 2012 / 2013

24/1314 RESOLVED that Council submit an entry for the A R Bluett Memorial Award 2012/2013.

R Sullivan/Schmidt
The motion was carried

Item 24 General Manager Key Performance Indicators 2013/2014

Received.

Item 25 Legal Assistance Mid-Western Regional Council

25/1314 RESOLVED that Council contribute \$2,780.41 to Local Government NSW to support Mid-Western Regional Council legal costs for the matter before the Land and Environment Court for Categorisation of Land as Mining for Ratings Purposes and **FURTHER** that a supplementary vote of \$2,780.41 be provided.

Schmidt/Coe
The motion was carried

Item 26 NSW Community Building Partnership Program

26/1314 RESOLVED that Council endorse the application to the NSW Community Building Partnerships for \$8,000 for the Bowen Oval Cricket Pitch Project.

Capel/Schmidt
The motion was carried

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The Director Technical Services, Kevin Tighe, informed the meeting of a non-pecuniary interest in the next item due to his involvement with the Church.

Item 27 Gift of Land - Baradine Tennis Courts

27/1314 RESOLVED That Council accepts the offer from the Catholic Church Coonabarabran (St Lawrence's) to gift the ownership of the Baradine Tennis Court to Warrumbungle Shire Council being Lot 9 and 10, Section 11, DP758051 **FURTHERMORE** that Council authorise the Mayor and General Manager to affix the Council seal and execute the Land Transfer and Contract of Sale. Subject to the following;

1. That Council does not incur any legal expenses for the land transfer
2. That a Licence Agreement with the Baradine Tennis Club be executed.

**R Sullivan/Schmidt
The motion was carried**

Item 28 Regional Development Australia Fund (RDAF) Round 5

28/1314 RESOLVED that Council endorse the proposed projects as follows and lodge a funding application under the Regional Development Australia Fund Round 5 for \$347,783 as per the guidelines and criteria for the following projects:

Mendooran Recreation/Sporting Oval Fence	\$ 20,000
Milling Park Playground Softfall and Shade	\$ 50,000
Len Guy Park Softfall and Shade	\$ 30,000
Yuluwirri Kids – Bike Track Project	\$ 35,000
Coonabarabran Pool Concourse Repairs	\$ 20,000
Baradine Oval Canteen	\$ 52,783
Baradine Tennis Courts – Resurface 2 Courts	\$ 60,000
Baradine Hall - Rewiring/Roof Project	\$ 20,000
Baradine Pool Playground and grass Shade	\$ 25,000
Bowen Oval Stage 3 - Mini Field	\$ 35,000

**Schmidt/R Sullivan
The motion was carried**

Item 29 Committee Representative

29/1314 RESOLVED that Council accept the nomination of Ms Narelle Wood as a community representative on the Baradine Memorial Hall Committee.


**Todd/Capel
The motion was carried**

Item 30 Strategic Policy – Council Chambers and Meeting Rooms - Usage

30/1314 RESOLVED that Council endorses the following Council Chambers and Meeting Rooms – Usage Policy to be included in the Strategic Policy Register.

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	Council Chambers and Meeting Rooms - Usage
	Strategic

1. Purpose

The purpose of this policy is to identify the usage and access to the Council Chambers as a meeting room.

2. Objectives of the Policy

The objective of this policy is to clarify the usage and access to the Council Chambers and Public Access Only Meeting Rooms for the purposes of meetings, conferences and training as a meeting room.

3. Policy Scope

The policy applies to both the Coonabarabran and Coolah Administration Buildings Council Chambers and Public Access Only Meeting Room.

4. Background

The Council Chambers have been used in the past as a meeting room by many different community groups. While this has offered a service to the community whilst there were no other meeting venues, the practice raised security and risk issues.

There are many Council associated public meetings however that a designated staff member is attending and may accept responsibility for security, in particular after hours.

5. Policy Statement

That the meeting rooms at both the Coonabarabran and Coolah Chambers be used only for directly related Council committee or community meetings, meetings of councillors and/or staff with community representatives.

Meeting rooms may only be provided to both NSW and Federal Government Agencies, Higher Education, Australian Astronomical Observatory or visiting Members of Parliament upon request, subject to availability and purpose or otherwise as resolved by Council.

For any after hours use a designated staff member needs to be in attendance at the meeting at all times and be responsible for security and control of public access within the building.

6. Associated Documents

Warrumbungle Shire Council Meeting Code of Practice

7. Reviews and Version Control

Review Date: As needed

Staff Member Responsible for Review: Executive Assistant to General Manager

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Policy	Version	Resolution	Date
Council Chambers Usage	1	33	14 August 2007
Council Chambers and Meeting Rooms Usage	2	30/1314	18 July 2013

Capel/R Sullivan
The motion was carried

Item 31 Strategic Policy – Statement of Business Ethics

31/1314 RESOLVED that Council endorses the following Statement of Business Ethics to be included in the Strategic Policy Register.

	Statement of Business Ethics
	Strategic

1. Purpose

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.

2. Objectives of the Policy

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.

3. Policy Scope

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.

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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.

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.

4. Legislative Requirements

The Local Government Act 1993

Local Government (General) Regulation 2005

The Independent Commission Against Corruption Act 1988

5. Policy Statement

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.

5.1. Procedure and Obligations

5.1.1 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

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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.

5.1.2 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.

5.2 What is the impact of Business Ethics

5.2.1 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

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

5.2.2 Impact for Council officials

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

- formal investigation
- disciplinary action
- dismissal
- potential criminal charges

5.2.3 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 and 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.

5.2.4 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 the 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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5.2.5 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.

5.2.6 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.

5.2.7 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.

5.2.8 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.

5.2.9 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

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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, Strategic Policy 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.

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
- 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?

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

6. Associated Documents

Council's Policy Register, Strategic policy titled "Protected Disclosures Act and Internal Reporting Policy

7. Reviews and Version Control

Review Date: Within 12 months of ordinary election - by September 2018


Staff Member Responsible for Review: Executive Assistant to General Manager

Policy	Version	Resolution	Date
Statement of Business Ethics	Version 1	132	21 October 2010
Statement of Business Ethics	Version 2	31/1314	18 July 2013

**R Sullivan/Schmidt
The motion was carried**

Item 32 Strategic Policy – Vision, Mission and Values

32/1314 RESOLVED that Council endorses the following Vision, Mission and Values Policy to be included in the Strategic Policy Register.

	Vision, Mission and Values
	Strategic

1. Purpose

Council resolved to develop a vision for the future of Warrumbungle Shire Council that would include the generation of an agreed set of values, principles and goals, by which the future direction and strategies of council would be guided and governed.

2. Objectives of the Policy

A shared vision developed by Council, staff and the community should form the foundation of Council's strategic approach and guide long term policy and decision making to sustain the community. Council's mission is a statement about the organisation's reason for existence. The mission statement should be unique to Warrumbungle Shire Council and one that is recognised by everybody in the organisation.

Corporate values define the acceptable standards which govern the behaviour of individual employees within the organisation.

3. Policy Scope

The policy applies to Warrumbungle Shire Council

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4. Legislative Requirements

Nil

5. Policy Statement

Vision

Excellence in Local Government

Mission

We will provide:

Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.

Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.

Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

We Value

Honesty

Frank and open discussion, taking responsibility for our actions

Integrity

Behaving in accordance with our values

Fairness

Consideration of the facts and a commitment to two way communication

Compassion

Working for the benefit and care of our community and the natural environment

Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully

Transparency

Open and honest interactions with each other and our community

Passion

Achievement of activities with energy, enthusiasm and pride

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Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill

Opportunity

To be an enviable workplace creating pathways for staff development

6. Associated Documents

Statement of Business Ethics

7. Reviews and Version Control

Review Date: As needed

Staff Member Responsible for Review: Executive Assistant to General Manager

Policy	Version	Resolution	Date
Vision Mission and Values	Version 1	246/1112	19 January 2012
Vision Mission and Values	Version 2	32/1314	18 July 2013

Schmidt/Capel
The motion was carried

12.43pm

Item 33 Organisation Restructure

Held over for consideration in Committee.

Item 34 Local Government Week 2013

33/1314 RESOLVED that Council endorse the celebration of Local Government Week 29 July to 2 August 2013 as an opportunity to create awareness of local government careers to the Youth and as an organisation operating as a business providing services to the communities across the Warrumbungle Shire.

Schmidt/Capel
The motion was carried

Item 35 Council Resolutions Report September 2012 – June 2013

Received.

Item 36 Bank Reconciliation for month ending 30 June 2013

34/1314 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 30 June 2013.

R Sullivan/Capel
The motion was carried

Item 37 Investments and Term Deposits

35/1314 RESOLVED that Council accept the Investments Report for the month ending 30 June 2013.

Capel/Schmidt
The motion was carried

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Item 38 Rates Report for Month Ending 30 June 2013

Received.

Item 39 Stocktake Visitor Information Centre Stocks – Jan /June 2013

36/1314 RESOLVED that Council notes the results of the January to June 2013 Stocktake at the Coonabarabran Visitor Information Centre and approve a stock write-off of \$43.50.

R Sullivan/Schmidt

The motion was carried

Item 40 Authorisation of Weight of Load Officers to Operate in the Warrumbungle Local Government Area

37/1314 RESOLVED that the General Manager is authorised to sign a staff authorisation agreement with the North West Weight of Loads Committee and that Council's Common Seal is used to formalise the agreement.

R Sullivan/Todd

The motion was carried

Item 41 Warrumbungle Shire Council Road Safety Steering Committee

38/1314 RESOLVED that Council nominates Councillor Shinton to act as Council representative on the Warrumbungle Shire Council Road Safety Steering Committee.

Andrews/R Sullivan

The motion was carried

Item 42 2013/14 Technical Services Works Program - Road Operations & Urban Services

Received.

Item 43 Extension of Macquarie Regional Library Agreement

39/1314 RESOLVED that Council confirm its intention to participate in a new Macquarie Regional Library agreement upon the expiry of the current agreement in August 2014.

Andrews/Capel

The motion was carried

Item 44 Development Applications

40/1314 RESOLVED that Council note the Applications Approved during June 2013 under Delegated Authority.

R Sullivan/Schmidt

The motion was carried

1.05pm

41/1314 RESOLVED that standing orders be suspended to break for lunch.

Todd/Andrews

The motion was carried

1.50pm

42/1314 RESOLVED that standing orders be resumed.

Schmidt/Capel

The motion was carried

Director Technical Services, Mr Kevin Tighe, did not return to the meeting.

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QUESTIONS AND MATTERS OF CONCERN

C Sullivan

- Congratulations on the reduction of glare through the roof and thanks for the cap

Cr Andrews

- Café in Binnaway has informed Cr Andrews that dogs of a night time are being released and get into rubbish bins. Different bins are required and a new bin in front of café for garbage.

Cr Capel

- Could Council hold public meeting in Dunedoo to let community know what is happening with Cobbora coal mine.
- Roads complaints received from retired Councillor Arthur Williams have been passed on to Director Technical Services.

Todd

- There is a need for a toilet sign at the intersection of Worrigal and Darling Streets Baradine. Also need to have footpath as wheelchairs getting bogged.
- Concerns raised about wandering dogs.

Coe

- Contractors complaining about lack of work – not much work going on. Is lack of work going to be a problem for our own crews and contractors?
- The General Manager advised that a report to come back re workload.

Schmidt

- Report brought back on state of Napier Lane – road repairs upgraded, culverts redone
- Issues on road way (to include state of cattle grids and condition of road)
- Mark Coulton was in town on Tuesday, Chamber will probably host night with Santos. Questions regarding venue and also would Council want to send a representative from Council to reiterate Council's position.
- Still waiting for Specifications for solar lights – re lighting for RV area at Mendooran

Ron Sullivan

- Andrew Higgins - issues regarding erosion on property and payment for gravel taken.
- 3-5 tonne Treated grain tipped at road intersection of Main Road 129 and trunk road 55. Dangerous to birds and stock. Request that EPA be approached to let them know and let public know the dangers of this practice.
- DPS Society – Council to work with them regarding their work

Peter Shinton

- Ibara City (sister city) preparing to visit Warrumbungle shire

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2.20pm

43/1314 RESOLVED that Council move into closed committee

**Todd/Capel
The motion was carried**

3.43pm

44/1314 RESOLVED that Council move out of closed Council and into open Council.

**Todd/Capel
The motion was carried**

The General Manager announced the following resolutions to the general meeting.

1C Rental Relief for Tenant Dunedoo Medical Practice

45/1314 RESOLVED that Council rent the Medical Practice at 2 Digilah Street Dunedoo as per the draft 3x3x3 year Lease Agreement plus rates and charges at base year rate per annum, increasing the rent only component by CPI or minimum 3% on every 12 month anniversary and **FURTHER** that the General Manager negotiate lease arrangement to include sublet provisions.

**Andrews/Capel
The motion was carried**

Councillor C Sullivan recorded his vote against the motion

2.27pm

Councillor Schmidt declared a pecuniary interest in the next item as owner of the property and left the room.

2C Claim for Provision of Sewer Junction

46/1314 RESOLVED that Council agree to provide a sewer junction to the boundary of the lot shown as proposed lot 10 in the plan provided with DA136/0910 subject to the owner entering into a legally binding agreement at Council's costs to release Council from all future claims in relation to the approval of DA 47/2003 concerning the boundary location relative to the building approved.

**R Sullivan/Capel
The motion was carried**

2.38pm

Councillor Schmidt returned to the meeting.

3C Renewal of Coonabarabran Library Building Lease

47/1314 RESOLVED:

1. That Council advise the owner of the current library building that it does not wish to renew the lease for a further 15 years under the same terms and conditions as currently exists and further that the General Manager attempt to negotiate a new lease at more favourable terms to Council for further deliberation by Council.
2. That the General Manager make enquiries regarding the availability of other suitable property to either rent or purchase to house the library to enable potential savings in library operating costs to be considered.

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3. That Council confirms that it is not interested in relocating the library to the existing ground floor of the existing Council offices in John Street Coonabarabran due to the high cost of fit out and relocation costs.

**Andrews/Schmidt
The motion was carried**

4C Organisational Structure

Held over for consideration after Item 5c

**5C Drilling and Blasting, Screening and Crushing in Council's Hardrock Quarry
48/1314 RESOLVED:**

1. That the contract agreement with CZL Group to provide drilling and blasting, crushing and screening services is cancelled as the company is unable to comply with contract requirements **FURTHERMORE** options for recovery of costs associated with breach of contract are explored.

2. That Council engage the services of BMR Quarries to undertake drilling and blasting, screening and crushing services at Council's hardrock quarry to process product at their offered rates up to a total value of \$1,598,400.

**R Sullivan/Schmidt
The motion was carried**

4C Organisational Structure

Powerpoint presentation received.

49/1314 RESOLVED that Council endorse the proposed Organisational Structure **FURTHERMORE** that the General Manager be authorised to enter into consultation with the Consultative Committee and relevant Unions to progress the implementation of the new Warrumbungle Shire Council Organisational Structure as presented.

**Capel/R Sullivan
The motion was carried**

There being no further business the meeting closed at 3.43 pm.

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CHAIRMAN