

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 1**

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**PRESENT:** Cr Murray Coe (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Technical Services (Kevin Tighe), Acting Director Corporate Services (Stefan Murru) and Temporary Manager Communications & Community Services (Chris White) and Manager Regulatory Services (Michael Marks).

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

**Cr Coe took the chair**

**APOLOGIES:** Cr Peter Shinton and Director Corporate Services (Rebecca Ryan)  
**133/1314 RESOLVED** that in accordance with Resolution 20/1314 granting leave of absence, that the apologies of Cr P Shinton be accepted and **FURTHER** that the apologies of the Director Corporate Services also be accepted.

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

**10.01am**

Presentation by Council's external Auditor, Mr Paul Cornall of Forsyths, regarding Audit of 2012/2013 Financial Statements.

**10.59am**

Presentation finished.

**134/1314 RESOLVED** that standing orders be suspended to break for morning tea.

**C Sullivan/Clancy  
The motion was carried**

**11.21am**

**135/1314 RESOLVED** that standing orders be resumed.

**Capel/Schmidt  
The motion was carried**

**Declaration of Pecuniary and Non-Pecuniary Interest**

Cr Clancy and Cr Coe declared a pecuniary interest in Item 31 regarding Swimming Pools Inspection Program as pool owners.

**REPORTS**

**Item 1 Minutes of Special Council Meeting – 19 September 2013**

**136/1314 RESOLVED** that the resolutions contained in the Minutes of the Special Council meeting held on 19 September 2013 be endorsed.

**Capel/Schmidt  
The motion was carried**

**Item 2 Minutes of Ordinary Council Meeting – 19 September 2013**

**137/1314 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council meeting held on 19 September 2013 be endorsed.

**Schmidt/Capel  
The motion was carried**

**WARRUMBUNGLE SHIRE COUNCIL**

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AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 2**

---

**Item 3 Minutes of Traffic Advisory Committee Meeting – 26 September 2013**

**138/1314 RESOLVED:**

1. That Council accepts the Minutes of the Traffic Advisory Meeting held on 26 September 2013 at Coonabarabran
2. That Sacred Heart Catholic Church direction signs be erected, as per Australian Standard, at the intersections of Binnia Street and Charles Street and, Charles Street and Church Street, Coolah.
3. That request by Dubbo City Council to conduct the Toyota Tour de OROC Bike Ride along the Newell Highway, MR129 and various town streets within Coonabarabran and Baradine on 7-8 October 2013 be approved subject to compliance with RMS and NSW Police Force guidelines.
4. That request by Coonabarabran RSL to close John Street and Dalgarno Street between 11.00 am and 11.15 am on 11 November 2013 to conduct the annual Remembrance Day Service be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.
5. That request by Coolah Lions Club to close Binnia Street between 4.30 pm and 9.00 pm on 14 December 2013 to conduct the Annual Christmas Parade be approved subject to compliance with Council's Road Closure Policy and approval from RMS and NSW Police Force.
6. That Billy Kings Creek Crossing No 1 causeway on Purlewaugh Road be better delineated through the use of advance warning signs and guideposts.

**Schmidt/Capel**  
**The motion was carried**

**Item 4 Minutes of the Audit and Risk Management Committee Meeting – 5 September 2013**

**139/1314 RESOLVED:**

1. That Council accepts the Minutes of the Audit and Risk Management Committee meeting held on 5 September 2013 at Coonamble;
2. That the progress on action list items be noted;
3. That the Internal Audit Report as amended be noted;
4. That the action items list be updated to reflect completion dates for Management Letter Points.

**Todd/Capel**  
**The motion was carried**

**Item 5 Minutes of the Baradine Memorial Hall Advisory Committee**

**140/1314 RESOLVED** that the minutes of the Baradine Advisory Committee held on 30 July 2013 be accepted.

**Todd/Clancy**  
**The motion was carried**

**WARRUMBUNGLE SHIRE COUNCIL**

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AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 3**

---

**Item 6 Responses to Questions from last meeting**

Received.

**Item 7 Brick Bats and Bouquets**

Received.

**Item 8 Pecuniary Interest Returns**

**141/1314 RESOLVED** that Council note the tabling of the Register of Disclosures.

**C Sullivan/Todd**

**The motion was carried**

**Item 9 Council Resolutions Report September 2012 – September 2013**

Received.

**Item 10 LGNSW Annual Conference 2013**

Received.

**Item 11 Restart NSW Cobbora Transition Fund**

**142/1314 RESOLVED** that Council will form and lead a community committee to formulate and investigate submissions to the NSW Restart Cobbora Transition Fund.

**Capel/R Sullivan**

**The motion was carried**

**143/1314 RESOLVED** that an application be submitted to the committee for part of the \$1,000,000 already allocated to Warrumbungle Shire Council from NSW Restart Cobbora Transition Fund be used for investigation and a feasibility study of proposal for connection of Dunedoo to the natural gas supply and possible submission as a major project.

**Todd/C Sullivan**

**The motion was carried**

**Item 12 Human Resources Report on Activities**

Received.

**Item 13 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors**

**144/1314 RESOLVED** that the Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors as amended by Council at the October 2013 meeting incorporating the new Tax Determination tables in TD2013/16, be placed on public exhibition, providing public notice of the intention to adopt a policy, and seek public submissions. **FURTHER** that the Policy and any submissions received be considered at the November 2013 Council meeting.

**Schmidt/Todd**

**The motion was carried**

**Item 14 Bank Reconciliation for month ending 30 September 2013**

**145/1314 RESOLVED** that Council accept the Bank Reconciliation Report for the month ending 30 September 2013.

**Capel/C Sullivan**

**The motion was carried**

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 4**

---

**Item 15 Rates Report for Month Ending 30 September 2013**

Received.

**Item 16 Investments and Term Deposits**

**146/1314 RESOLVED** that Council accept the Investments Report for the month ending 30 September 2013.

**Capel/Schmidt  
The motion was carried**

**Item 17 Local Infrastructure Renewal Scheme – Round 3**

**147/1314 RESOLVED** that this matter be deferred for consideration at November 2013 meeting.

**Schmidt/Andrews  
The motion was carried**

**Item 18 Warrumbungle Quarry**

**148/1314 RESOLVED** that Council accepts the 2012/13 Income Statement for the Quarry business.

**Andrews/Schmidt  
The motion was carried**

**Item 19 Coonabarabran Men's Shed request for new Licence on Lot 1 DP 1171050**

**149/1314 RESOLVED** that Council offer a three (3) year licence to the Coonabarabran Men's Shed Incorporated with the option to extend to a six (6) year Licence and that the lease be drawn up to include the extra space requested.

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

**Item 20 Bushfire Surveillance Camera**

**150/1314 RESOLVED** that Council allow this project to proceed using Council's auditable accounting system and approves the General Manager to sign the MOU.

**Clancy/Capel  
The motion was carried**

**1.13 pm**

**151/1314 RESOLVED** that standing orders be suspended to break for lunch.

**Andrews/Schmidt  
The motion was carried**

**11.48pm**

**152/1314 RESOLVED** that standing orders be resumed.

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

**Item 21 2014/15 Regional Road REPAIR Program**

**153/1314 RESOLVED** that Council's priority for REPAIR programme funding in 2014/15 and forecast programme is as follows:

**WARRUMBUNGLE SHIRE COUNCIL**

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AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 5**

Project No.	Project Description	Total Project Cost			
		2014/15	2015/16	2016/17	2017/18
1	Mow Creek, MR396 Construction of a new bridge over Mow Creek including realignment of vertical and horizontal approaches.	\$800,000			
2	MR55 Segments 64,63,62,61(north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.		\$800,000		
3	MR55 Segments 60,59,58 (north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.			\$800,000	
4	MR55 Segments 69,68,67 (north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.				\$800,000
<b>Total</b>		<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>

**Andrews/Clancy**  
**The motion was carried**

**Item 22 2013/14 Technical Services Works Program – Road Operations, Urban Services & Water Services**

Report noted as information only.

**154/1314 RESOLVED that the recommendations in the following Items be endorsed:**

**Item 23 DHS Agency Services**

That Council accepts the 2012-2013 Financial Statements and review of the DHS agency.

**Item 24 Connect Five Children's Services Review**

That Council accepts the 2012-2013 Financial Statements and review of Connect Five Children's Services.

**Item 25 Coonabarabran After School and Vacation Care (OOSH) Review**

That Council accepts the 2012-2013 Financial Statements and review of Coonabarabran After School and Vacation Care.

**Item 26 Warrumbungle Community Care 2012-2013 Review**

That Council accepts the 2012-2013 Financial Statements and review of Warrumbungle Community Care.

**Item 27 Castlereagh Family Day Care 2012-2013 Review**

That Council accepts the 2012-2013 Financial Statements and review of Castlereagh Family Day Care.

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 6**

---

**Item 28 Youth Development Program Review**

That Council accepts the 2012-2013 Financial Statements and review of Youth Development Program.


**Item 29 Yuluwirri Kids Preschool and Long Day Care Centre 2012-2013 Review**

That Council accepts the 2012-2013 Financial Statements and review of Yuluwirri Kids Preschool and Long Day Care Centre.

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

**Item 30 Street Stall Policy**

**155/1314 RESOLVED** that Council adopt the new Street Stall Policy as follows:

	<b>Street Stall Policy</b>
	<b>Strategic</b>

**Purpose**

The purpose of this policy is to give clear guidelines as to Council's requirements and expectations for the use of public footpath areas for activities such as street stalls and raffle ticket selling.

**Objectives of the Policy**

This policy will ensure that street stall activities do not adversely impact on residents or business operators, whilst at the same time provides an equitable opportunity for fundraising for all appropriate organisations.

**Policy Scope**

This policy applies to all street stalls and raffle ticket selling conducted within the Warrumbungle Shire.

**Policy Statement**

- i. All applications for a street stall shall be made with Council's application form and submitted at least 14 days prior to the proposed date of the activity and must indicate the times required.
- ii. Any organisation using a public footpath must keep effective public liability insurance cover for a minimum of \$20 million which indemnifies the organisation conducting the fundraising activity and Warrumbungle Shire Council against any claims for injury to person, or damage to property as a result of the fundraising activity.
- iii. Evidence of the public liability insurance cover must be provided with every application.
- iv. Consideration for street stalls will only be given to those located within the central business district of each town and village within the Shire.

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 7**

---

- v. Consideration of street stall applications shall include affected shop owners, safety, pedestrian access and amenity.

**Responsibilities**

The policy will be enforced by staff within the Environmental Services Department.

**Associated Documents**

Application to Place Articles & Items on the Footpath

**Getting Help**

The staff member who can assist with enquiries about the policy;

*Position:* Environmental Administration Officer

*Department:* Environmental Services

**Version Control**

Staff Member Responsible for Review: Manager of Regulatory Services

This policy is subject to regular review at a maximum interval of two years.

<b>Policy Name</b>	<b>Action</b>	<b>Resolution No.</b>	<b>Date</b>
Local Approvals Policy	Adopted		
Street Stalls Policy	Draft		

**Schmidt/Andrews**  
**The motion was carried**

**2.02pm**


Cr Clancy declared a pecuniary interest in the next item before Council regarding swimming pools inspection program as a pool owner and left the room.

Cr Coe declared an interest as a pool owner but remained in the meeting.

**Item 31 Swimming Pools Inspection Program**

**156/1314 RESOLVED:**

- That Council adopt the draft Swimming Pool Barrier Inspection Program.
- That Council agree to place the document on public exhibition for 28 days.
- Council add to its fees and charges a fee of \$150 for each initial swimming pool inspection.
- Council add to its fees and charges a fee of \$100 for each additional swimming pool inspection.

 warrumbungle SHIRE COUNCIL	<b>Swimming Pool Barrier Inspection Program</b>
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AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM PAGE 8

---

### **1. Background**

The Swimming Pools Act 1992 requires Council to develop and adopt a program for the inspection of swimming pool located within the Warrumbungle Shire. To fulfil its statutory obligation under this Act Council must inspect swimming pools in accordance with this program.

### **2. Purpose**

- To ensure Council meets its obligations under the Swimming Pools Act 1992,
- To set guidelines for the inspection program to ensure pools and pool owners comply with relevant legislation,
- To promote awareness within the Warrumbungle Shire of the requirements of the Swimming Pools Act 1992.

### **3. Scope**

This inspection program applies to all swimming pools and spas located within the Warrumbungle Shire that are capable of being filled with water to a depth greater than 300mm. Swimming pools and spas may be located indoor or outdoor and be above ground, inground or inflatable. This program does not apply to swimming pools or spa located on premises occupied by the Crown or a public authority.

### **4. Inspection Program**

The inspection program will be implemented in two stages based on risk and to best utilise Council's limited resources. Inspections will be carried out by Council staff and where compliant with the Act a Certificate of Compliance will be issued.

#### **4.1. Stage 1**

The first stage of the inspection program will commence from 29 October 2013 for the following circumstances.

- When Council is made aware of swimming pool barriers that do not comply with the Swimming Pools Act;
  - during inspections of other works, such as from an approval, or
  - when a complaint is received by Council. Under Section 29A of the Act Council must investigate these matters within 72 hours of receiving the complaint, or
  - when a Notice is received under Section 22E of the Act from an Accredited Certifier who has inspected a pool and believes the requirements of the Act have not been met.
- When an inspection request is received by Council;
  - prior to the sale or lease of properties where a swimming pool is located (mandatory after 29 April 2014), or
  - when a voluntary request for inspection is made under Section 22C of the Act.

Inspections for these pools will be carried out within 10 days from the date of the request.
- For swimming pools located at visitor and tourist accommodation premises or premises with more than 2 dwellings. These premises are required to be



inspected at least once every 3 years. The first inspection of these premises must occur before 29 April 2014.

#### **4.2. Stage 2**

The second stage of inspections is not mandatory under the Act and therefore will be commenced after the completion of Stage 1. The swimming pools identified in Stage 2 will be inspected using a risk based approach, with regards to child safety. The following pools will form part of Stage 2;

- Pools that are registered and the owner has identified that the pool barrier is non-compliant,
- Pools with an exemption under the Act,
- Pools without a valid Certificate of Compliance,
- Pools which have not been inspection within 10 years.

#### **4.3. Fees**

For initial pool barrier inspections Council will charge an inspection fee in accordance with Clause 18A of the Swimming Pools Regulation 2008, currently \$150.

Should a further inspection be required, Council may charge an additional fee in accordance with Clause 18A of the Swimming Pools Regulation 2008, currently \$100.

Any further inspection beyond this will not incur any fees.

#### **4.4. Certificates of Compliance**

In order to obtain a Certificate of Compliance, under Section 22D of the Act, the swimming pool must:

- Be registered on the state wide Register of Swimming Pools
- Be inspected by Council's authorised officer or an Accredited Certifier, and
- Comply with the requirements of Part 2 of the Act

A Certificate of Compliance is valid for 3 years after the date of issue. Council will not inspect any swimming pools with a valid Certificate of Compliance, unless they become subject of a complaint or are deemed high risk by Council due to modifications made to the pool safety barrier after the Certificate of Compliance was issued. A Certificate of Compliance will cease to be valid if the pool safety barrier is then determined to be non-compliant and a direction is given under Section 23 of the Act to make the barrier compliant.

#### **4.5. Non Compliant Pool Barriers**

A Certificate of Compliance cannot be issued after an inspection if the pool barrier fails to meet the requirements of the Act. If upon inspection a barrier is found to be non-compliant then a notice will be issued to the owner, which will state the works required for a Certificate of Compliance to be issued. If the upgrade works are not performed within the timeframe specified, then a Penalty Infringement Notice may be issued and legal action may be taken (in accordance with the swimming pools legislation).

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 10**

---

**5. Version Control**

	<b>Version</b>	<b>Resolution No.</b>	<b>Date</b>
Swimming Pool Inspection Program			

**Schmidt/Capel  
The motion was carried**

**2.05pm**

Cr Clancy returned to the meeting.

**Item 32 Development Applications**

Received.

**Request for Leave of Absence – Councillor Fred Clancy**

**157/1314 RESOLVED** that Council accepts the notification from Councillor Fred Clancy and grants a Leave of Absence from the Ordinary November 2013 Council meeting.

**Andrews/C Sullivan  
The motion was carried**

**QUESTIONS AND MATTERS OF CONCERN**

**Councillor R Sullivan**

- Financials in on time – congratulations to staff and also Council's Auditors on work undertaken

**Councillor Schmidt**

- Request for review of paving outside OEC building
- Columbarium wall at cemetery – concerns for safety at cemetery due to isolated area with overgrowth
- Graffiti Policy – could it incorporate removal of graffiti within specific timeframe

**Councillor Andrews**

- Tree in preschool yard overhanging into lane is damaging car aerials

**Councillor Todd**

- Thanks from Alan and Adam Menz to Council for assistance over years.

**Councillor Clancy**

- Police house – request that Council investigate with the Department what the method of sale will be; inspect and assess building and land; could be used for cultural centre – report back
- Leadlight glass storage – General Manager informed meeting of current storage arrangements and progress on discussions for incorporation of glass into possible art works
- Councillor Clancy foreshadowed a motion that a letter be written to Essential Energy congratulating Essential Energy on the appointment of apprentices

**Councillor C Sullivan**

- Rejected VPA – what is outcome of discussion with Kevin Humphries – General Manager informed meeting of discussion held with Mr Kevin Humphries

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AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 OCTOBER 2013 COMMENCING  
AT 10.00AM** **PAGE 11**

---

- Questions regarding Dapper bushfire brigade – General Manager informed meeting that membership of the Brigade has been decimated and not enough members to conduct brigade duties
- Questions regarding amalgamation of lots into one unit for rating purposes

**Councillor Capel**

- Advised meeting that the business house meeting re windfarm was cancelled and is to be rescheduled
- Land holders getting close to signing agreements re windfarm
- Generosity shown for bushfire appeal – enquiry whether a document could be prepared of what was offered/provided/donated.
- Review of lighting policy – impact on observatory

**General Manager**

- VPA – rejection of VPA
- Remediation of Spring Ridge Road – currently a flurry of activity up Spring Ridge Road – wear and tear - \$378,000 repair work required – unacceptable response from company
- Letter from Director General – Department Planning – response regarding Cobbora Coal Project – Department proposing consultation on Integrated land management plan.

**Councillor Coe**

- Lost lifestyle blocks out of Dunedoo – pursue amendment to LEP and include a replacement of 25 lifestyle farms that were lost. General Manager to raise at meeting with Department of Planning.

There being no further business the meeting closed at 2.54 pm.

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**CHAIRMAN**