

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE EXTRAORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 4 SEPTEMBER
2014 COMMENCING AT 1.00 PM**

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PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr C Sullivan, Cr R Sullivan, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Director Development Services (Leeanne Ryan).

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

The Mayor welcomed the Gallery and declared the meeting open, noting that this is an Extraordinary Meeting of Council called at the request of two Councillors. Adding this meeting may only establish Notices of Motion for the next meeting, which will enable time for public exhibition and preparation of reports if required, unless as Chairperson he deemed a matter that was of great urgency requiring a Council decision.

REPORTS

Item 1E Horse and Rider Club Yards

Question 1

Councillor R Sullivan questioned the General Manager why was Council's decision made at the July 2014 Meeting (**Resolutions 31/1415** and **32/1415**) not upheld.

The General Manager advised that Council had written to the Horse and Rider Club the very next day with the exact wording of the Council Resolution, and reiterated that a full report regarding the events that followed will be brought to the September Council meeting. Council requested that the General Manager seek legal opinion to test the jurisdiction and the rights of Council as Interim Trustee of the Coonabarabran Showground over equipment at the Showground that is under dispute.

Question 2

Councillor R Sullivan asked the General Manager did he know where the proceeds were from the sale of the Horse and Rider Yards?

The General Manager advised that he had no knowledge of where the money is or where the Horse and Rider Yards are.

Councillor R Sullivan foreshadowed a Notice of Motion

The foreshadowed Notice of motion was moved Councillor Ron Sullivan that Council resign from being Trustee of the Showground and Council enter into a ten (10) year Memorandum of Understanding or Lease Agreement with the new Trust to manage the Cross Country ground at the Racecourse.

Item 2E Coonabarabran Showground Interim Reserve Trust

Question 3

Councillor Clancy asked the General Manager why was a member of staff, being the Manager Property and Risk sitting in the Council Chambers?

The General Manager responded that he had invited both the Manager Property and Risk and the Manager Urban Services, as members of the Council's Reserve Trust to attend the meeting, however the Manager Urban Services was not available. He added that it is quite normal for staff to sit in on Council meetings when matters regarding their

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responsibility area are being discussed, further that these costs are not claimable by Council to Crown Lands for the oversight of Council's management of 74 Public Reserves.

Question 4

Councillor Sullivan asked the General Manager why were long standing volunteers who were doing maintenance work at the Coonabarabran Showground told by a member of Council staff that they had to leave and were not permitted to be at the Showground anymore?

The General Manager responded that he was unaware of this matter and requested that Councillor Sullivan provide more details of the incident so that he may investigate.

Question 5

Councillor Clancy tabled an email from Gunnedah Community Corrections asking the General Manager why Mr John Hughes could not provide the supervision of these people required to undertake Community Service hours at the Coonabarabran Showground?

The General Manager responded that whilst Crown Lands had advised that waste collection and minor repairs and maintenance would be paid for by the Crown, there was no provision of funds and Council has no budget for the employment of a Caretaker.

Question 6

The General Manager requested that Councillor Clancy email to him the tabled document to Council so that the correspondence could be dealt with properly.

Councillor Clancy advised that he would forward the email when he got home.

Councillor Clancy foreshadowed a Notice of Motion

The foreshadowed Notice of motion was moved Councillor Clancy that Council establish whether it is able to engage John Hughes as interim caretaker of the Coonabarabran Showground on the basis he will provide a better service than Council.

Councillor R Sullivan foreshadowed a Notice of Motion

The foreshadowed Notice of motion was moved Councillor Ron Sullivan that Council resign as Interim Trustee of the Coonabarabran Showground effective immediately.

Item 3E Code of Meeting Practice

Councillor Clancy foreshadowed a Notice of Motion

The foreshadowed Notice of motion was moved Councillor Clancy that Council discuss the inclusion of Matters of Concern being permitted by Councillors acknowledging that all provisions in the Code of Meeting Practice must be adhered to.

Item 4E Transparency Issues

Withdrawn

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Question 7

Councillor Coe asked the Mayor would it be out of order for Council to hear from the Gallery.

The Mayor responded that it would be out of order and that Council will not hear from the Gallery, noting that there are a number of foreshadowed motions that would be presented to the September Council meeting at which time there would be an opportunity during the Public Forum to hear from any members of the Public.

APOLOGIES: Cr Todd

69/1415 RESOLVED that the apology of Councillor Todd be accepted.

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

1.58 pm

The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest

Councillor Schmidt and Rebecca Ryan (Director Corporate Services) declared a non pecuniary interest in the Item 5E next before Council and left the room.

1.59 pm

70/1415 RESOLVED that:

- (a) Council go into closed committee to consider business relating to alleged contraventions of code of conduct
- (b) 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)(i) as outlined above
- (c) 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.

**Capel / Andrews
The motion was carried**

2.15pm

71/1415 RESOLVED that Council move out of closed Committee.

**Capel/Andrews
The motion was carried**

2.15pm

Councillor Schmidt and Rebecca Ryan (Director Corporate Services) returned to the room.

Item 5E Code of Conduct Determination

The General Manager announced that there was no resolution from the matter discussed in confidence.

There being no further business the meeting closed at 2.16pm.

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CHAIRMAN