

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 11 MARCH 2010 COMMENCING
AT 11.00AM PAGE 1

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

In attendance: S Morris (minutes).

The Mayor welcomed members of the gallery to the ordinary Council meeting.

11.02am

FORUM

Sergeant Scott Tanner addressed Council regarding the removal of and relocation to Mudgee of one sergeants position from Coonabarabran Police station and replacement with a constable position which would have direct impact on the community. Sgt Tanner explained that the senior position was the focal point for contact by business leaders, youth and Indigenous representatives. Sgt Tanner is seeking support from Council in opposing this situation.

11.10am

Carol Richard addressed Council on difficulties faced by Coolah Youth and Community Centre. Ms Richard informed Council that the provision by Council of a Youth Development Officer to assist in coordination of youth services would assist the Centre and she also spoke of the impact of the rates and charges on the Centre and the difficulty the committee have in meeting those expenses.

11.22am

Merryn Spencer, Regional Arts Development Officer, Orana Arts addressed council on the programs undertaken by Orana Arts within the Shire over the past year and spoke briefly of the planned activities for this year. Merryn stressed that the participation of members of our communities in activities was excellent.

11.38am

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGLE SHIRE COUNCIL HELD ON 18 FEBRUARY 2010

296 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 18 February 2010 be endorsed.

Todd/Coe
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 25 FEBRUARY 2010

297 RESOLVED that the minutes of the Traffic Advisory Committee meeting held on 25 February 2010 be endorsed.

Lewis/Campbell
The motion was carried

WARRUMBUNGL E SHIRE COUNCIL

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298 RESOLVED that in relation to agenda item regarding proposed installation of layby adjoining Lot 272 DP753378 River Road, that the applicants be required to lodge with Council a \$2,000 security bond.

Sullivan/Schmidt
The motion was carried

MINUTES OF THE WARRUMBUNGL E SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 16 FEBRUARY 2010

Noted.

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGL E SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 24 FEBRUARY 2010

299 RESOLVED that the minutes of the Warrumbungle Shire Tourism and Economic Development Advisory Committee meeting held on 24 February 2010 be adopted.

Schmidt/Campbell
The motion was carried

12.09pm

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.

The General Manager 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.

The Mayor Councillor Shinton, declared a pecuniary interest in item 2.5 due to his relationship with the applicant.

GENERAL MANAGER'S REPORT

1.1 NOTICE OF MOTION

A motion was moved by Councillor Lewis seconded by Councillor Todd that owners of cattle grids on rural roads be formally notified of their responsibilities as to the upkeep of these structures.

300 An amendment was moved by Councillor Sullivan seconded by Councillor Powell that Council seek legal advice regarding Council's liability regarding unsafe condition of grids on council roads and a report be submitted to Council for further consideration.

The amendment was put and carried.

The amendment became the substantive motion and was put and carried.

1.2 STREET SEATING – JOHN STREET

301 RESOLVED that Council give consideration during the 2010/2011 budget deliberations to the placement of four (4) seats in John Street and two (2) in Dalgarno Street

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Coonabarabran and **FURTHER** that Council write to the Chamber of Commerce and/or shop owners regarding the agreed location in front of or adjacent to their shop.

Schmidt/Campbell
The motion was carried

1.3 NOTICE OF MOTION – Number 1 Break Road and the Newell Highway

This item was set aside and considered as part of Item 1.4 below.

1.4 NOTICE OF MOTION

302 RESOLVED that the Warrumbungle Shire Traffic Advisory Committee investigate with the Roads and Traffic Authority about upgrading the intersection of the No1 Break Road and the Newell Highway north of Coonabarabran.

Todd/Campbell
The motion was carried

1.5 COONABARABRAN 150 YEAR CELEBRATIONS

303 RESOLVED that Council support the request by the Committee organising the Coonabarabran 150 year celebrations, by contributing an additional \$2,500 and that the funds be provided by way of supplementary vote.

Schmidt/Dissanayake
The motion was carried

1.6 INTERGRATED PLANNING AND REPORTING

304 RESOLVED that Council undertake a process for the development of a Community Strategic Plan and **FURTHER** advertise for proposals to assist in the development of a Plan in sufficient time to provide a clear indication of costs for the 2010/2011 budget.

Schmidt/Campbell
The motion was carried

1.7 CENTRAL WEST CATCHMENT MANAGEMENT AUTHORITY

305 RESOLVED that Council's representative to the Central West Catchment Management Authority be Councillor Sullivan.

Powell/Dissanayake
The motion was carried

1.8 RESTRICTED ASSETS – OTHER FUNDS

306 RESOLVED that Council adopt the following restrictions:

Baradine Sewerage		292,320
	To contribute to finalisation of	
Loan Sinking Fund	loan Sept 2010	132,320
Mains Upgrade	Replace pots as needed	30,000
Pump Station Repairs	For pumpstaion and mains	120,000
Interest Free Community Loans	To assist in getting all people on connections	10,000

WARRUMBUNGLA SHIRE COUNCIL

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Coona Sewerage			1,558,000
Mains Replacements	To line existing mains	51,150	
Treatment Plant	For constuctn of new works	1,500,000	
Connections	Connections to new properties	6,850	
Coolah Sewerage			828,800
Coolah Reuse Scheme	Exfluent reuse strategy	428,800	
Dunedoo Town Network	Commence to expand coverage	400,000	
Coona Water Supply			914,150
Treatment Works Upgrade	Finalise plant upgrades needed	14,150	
	Commence provision to increase		
Timor Dam Upgrade	hieght of wall	900,000	

1.17pm

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

Campbell/Dissanayake
The motion was carried

1.45pm

308 RESOLVED that standing orders be resumed.

Campbell/Sullivan
The motion was carried

DIRECTOR OF CORPORATE SERVICES REPORTS

2.1 BANK ACCOUNTS AND INVESTMENTS AS AT 28 FEBRUARY, 2010

Received.

2.2 INVESTMENTS HELD AS AT 28 FEBRUARY 2010

Received.

2.3 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – AS AT 28 FEBRUARY 2010

Received.

2.4 RATES AND CHARGES COLLECTION REPORT UP TO and INCLUDING FEBRUARY 2010

Received.

1.55pm

Councillor Shinton declared a pecuniary interest in the next item to be considered by Council due to his relationship with the applicant and left the room

Councillor Coe took the Chair.

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2.5 REQUEST FOR PERMISSION TO WAIVE INTEREST ON WATER USAGE CHARGES ON ASSESSMENT NO: 02137-0

309 RESOLVED that an arrangement be made with the owner of the property (Assessment No: 01237-0) for payment of water usage and that interest not be charged as long as the account is settled within the terms of the arrangement.

Sullivan/Schmidt
The motion was carried

2.02pm

Councillor Shinton returned to the meeting and assumed the Chair.

2.6 REQUEST TO ENGAGE AN IT REVIEW SPECIALIST CONTRACTOR

310 RESOLVED that the General Manager be authorised to engage the services of the contractor for a period of 4-6 weeks within the notified costs, to complete the required audit of Council's IT network and systems, prepare tender documents and at least commence work on a 5-10 years Information Technology Strategic Plan.

Lewis/Dissanayake
The motion was carried

2.04pm

DIRECTOR OF TECHNICAL SERVICES REPORTS

3.1 BARADINE FLOODPLAIN MANAGEMENT PLAN – PROCUREMENT OF CONSULTANT

311 RESOLVED:

1. That Council enters into a tendering process using the selective tendering method for engagement of a consultant for the Baradine Floodplain Management Plan project. The purpose of using the selective tendering method is that a more detailed and competitive submission is expected.
2. Evaluation of the Expressions of Interest received for the proposed consultancy is undertaken by a panel comprising the Director Technical Services, Director Environmental Services, the relevant officer from the Department of Environment, Climate Change and Water, Councillor Kerry Campbell and Councillor Denis Todd. Furthermore, evaluation of the Expressions of Interest is undertaken in accordance with the following criteria;
 - Demonstrated understanding of what is required to produce a quality outcome.
 - Record of performance on similar works.
 - The quality of the consultant's team in terms of demonstrated experience in the field.
 - Methodology that will be used to achieve project outcomes.
 - The consultant's current capacity and resources.

Campbell/Todd
The motion was carried

WARRUMBUNGLA SHIRE COUNCIL

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ADOPTION OF THE RECOMMENDATIONS OF THE PLANT ADVISORY COMMITTEE MEETING HELD ON 11 MARCH 2010

312 RESOLVED that the minutes of the Plant Advisory Committee held on 13 March 2010 be adopted.

Sullivan/Coe
The motion was carried

2.09pm

DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 DEVELOPMENT APPLICATION APPROVAL TIMES

313 RESOLVED that Council note the information on development application processing times.

Powell/Schmidt
The motion was carried

4.2 CRITERIA FOR REPORTING DEVELOPMENT APPLICATIONS TO COUNCIL

314 RESOLVED that Council adopt the following instances as its criteria for determining when development applications are to be referred to Council for determination:

1. The development application is recommended for refusal.
2. The application has been notified to the public and a public submission is received with regard to the development application.
3. A Section 96 modification is received where the development application was originally approved by Council.
4. A request for a review on a development application assessed by Council Staff is received.

Sullivan/Dissanayake
The motion was carried

4.3 APPLICATIONS RECEIVED FOR MONTH OF FEBRUARY 2010

Received.

2.16pm

DIRECTOR OF COMMUNITY SERVICES

5.1 STATE EMERGENCY SERVICES (SES) FUNDING 2009-2010

315 RESOLVED that Council accept Emergency Management NSW Assessment Notice (2009-2010) and facilitate payment of final quarterly instalment and **FURTHER** that a report be brought back to the May 2010 Council Quarterly Review meeting for actual budget adjustments with any supplementary vote request for RFS, NSWFB and SES.

Schmidt/Campbell
The motion was carried

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5.2 CASTLEREAGH MACQUARIE COUNTY COUNCIL (CMCC) - FRUIT FLY CONTROL

316 RESOLVED that Council acknowledges the CMCC request for payment for 2009-2010 Fruit Fly control in Warrumbungle Shire however refuse on the basis that no provision is made for additional expenses during the year.

Lewis/Todd
The motion was carried

5.3 LOCAL GOVERNMENT ROAD SAFETY PROGRAM – DEED OF VARIATION

317 RESOLVED that Council authorise the General Manager to sign the Deed of Variation for the RTA/Council Road Safety Officer Program Funding Agreement to extend the term of the Original Agreement to 30 June 2012.

Schmidt/Powell
The motion was carried

5.4 SMOKE FREE OUTDOOR AREAS – SPORTING FIELDS AND PLAYGROUNDS

318 RESOLVED that Council adopt the following Outdoor Smoke-free Areas Policy which includes banning smoking of in the following areas of Council land:

1. Within ten (10) metres of all children's playground equipment, youth centre facilities and children's services/childcare centres
2. Within the immediate areas of all sporting and playing fields.

Strategic 1.31

Outdoor Smoke-free Areas Policy

1. Policy Objective

*The objectives of Warrumbungle Shire Council banning smoking in various Council areas are
to;*

- *Improve the health of community members*
- *Improve public amenity and maintenance of Council property*
- *Raise community awareness of the issues associated with smoking*
- *Provide community leadership in taking measures to protect the health and social wellbeing of the community*
- *Minimise cigarette butt pollution on Council owned waterways, parks and other open space areas.*

1. Principles

This policy recognises that Council has:

- *An obligation to promote public health outcomes where council provides assets and services intended to be of benefit to children and other members of the community*

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- *A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces*
- *An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas*
- *An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.*

2. Related Legislation

Under the NSW Local Government Act 1993, (S632) Council has the power to:

- *Erect suitably worded and strategically placed notices in 'public places' (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the Local Government area of Warrumbungle Shire prohibiting smoking (specifically S632 (1) and (2)(e) of the Act).*
- *Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (Section 679 of the Act and clause 5-7 of, and Schedule 1 to the general Regulation)*
- *Demand by means of an authorised person the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (Section 680 of the Act)*
- *Remove by means of an authorised person from community land any person who fails to comply with the terms of any such notice (Section 681 of the Act)*
- *Otherwise prohibit smoking in any place within the Local Government area of Warrumbungle Shire in respect of which Council is the owner or occupier, as a condition of entry to that place.*

3. Policy statement

The defined public areas in which smoking is banned are:

- 1. Within ten (10) metres of all Council owned Children's Playgrounds, Youth Centre facilities, Children's Services and Childcare Centres*
- 2. Within the immediate areas of all Council owned or controlled Playing and Sporting Fields*

These areas will be signposted wherever practicable to provide smoke free zones.

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and relevant wording:

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4. Enforcement of Ban

In implementing Council's Smoke-free Policy, a program of community education and awareness, specifically targeting residents and visitors, is to be undertaken. Enforcement of this Policy will be supported by persuasion and self-policing rather than punitive enforcement.

5. History

Council currently bans smoking at all offices, libraries, buildings, depots, vehicles and plant where staff undertake their work. The Cancer Council has advised that some 45 Local Government Areas have implemented some form of smoking ban in outdoor areas. They also believe that self regulation is reasonably successful.

6. Related Policies

*Staff 4.13 Smoke Free Workplace Policy
Strategic 1.15 Public Pools Policy.*

Schmidt/Dissanayake
The motion was carried

5.5 HAIL DAMAGE 2008 - RSL BUILDING COONABARABRAN

319 RESOLVED that Council approves a supplementary vote of \$7,728 to undertake the 2008 storm damage repairs to the Coonabarabran RSL Sub Branch rooms and **FURTHER** a report be brought back to the March Quarterly Review as to expected claim monies received to offset this expense.

Lewis/Campbell
The motion was carried

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QUESTIONS WITHOUT NOTICE

There were no resolutions from matters raised during questions without notice.

There being no further business the meeting concluded at 3.46pm.

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CHAIRMAN