

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 1

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

In attendance: S Morris (minutes).

11.09am

At this time Mr Paul Cornall of Forsyths presented his Audit Report for the 2008/2009 financial year.

12.03pm

Mr Cornall finished his presentation.

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

Campbell/Lewis
The motion was carried

1.01pm

182 RESOLVED that standing orders be resumed.

Campbell/Lewis
The motion was carried

At this time Cr Coe joined the meeting.

APOLOGIES

183 RESOLVED that the apologies of the Director Corporate Services (Carolyn Upston) be accepted.

Sullivan/Powell
The motion was carried

184 RESOLVED that the request for leave of absence from the December 2009 Council meeting lodged by Cr Dissanayake, be approved and **FURTHER** that a report be provided to Council regarding policy for leave of absence.

Sullivan/Powell
The motion was carried

1.09pm

The Mayor welcomed members of the gallery to the meeting.

Forum

1.10pm

Mrs Lola Dowsett addressed the meeting concerning the change in name of Racecourse Road to Bingie Grumble Road.

1.22pm

185 RESOLVED that the matter be investigated and a report brought back on the matter of the change of name of Racecourse Road to the next Council meeting.

Lewis/Campbell
The motion was carried

WARRUMBUNGLA SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 2

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGLA SHIRE COUNCIL HELD ON 19 NOVEMBER 2009

186 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 19 November 2009 be endorsed.

Coe/Campbell
The motion was carried

BUSINESS ARISING

Resolution 169

187 RESOLVED that an invitation be extended to a representative of the Central West Catchment Management Authority to address Council's February meeting to discuss the purpose of the nomination of significant environmental assets.

Sullivan/Coe
The motion was carried

188 RESOLVED that a half day workshop be held prior to the commencement of the January meeting to develop an action plan regarding Integrated Planning and Reporting.

Coe/ Sullivan
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA AERODROMES ADVISORY COMMITTEE MEETING HELD ON 17 NOVEMBER 2009

189 RESOLVED that the minutes of the Aerodromes Advisory Committee meeting held on 17 November 2009 be adopted.

Campbell /Powell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 18 NOVEMBER 2009

190 RESOLVED that the minutes of the Warrumbungle Shire Tourism and Economic Development Advisory Committee meeting held on 18 November 2009 be adopted.

Campbell/Schmidt
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE YULUWIRRI KIDS ADVISORY COMMITTEE MEETING HELD ON 3 DECEMBER 2009

191 RESOLVED that the minutes of the Yuluwirri Kids Advisory Committee meeting held on 3 December 2009 be adopted.

Campbell/Schmidt
The motion was carried

WARRUMBUNGLA SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 3

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 3 SEPTEMBER 2009

192 RESOLVED that the minutes of the Warrumbungle Shire Council Occupational Health & Safety Advisory Committee meeting held on 3 September 2009 be adopted.

Schmidt/Coe
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLA SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 25 NOVEMBER 2009

193 RESOLVED that the minutes of the Warrumbungle Shire Council Occupational Health & Safety Advisory Committee meeting held on 25 November 2009 be adopted.

Schmidt/Campbell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 26 NOVEMBER 2009

194 RESOLVED that the minutes of the Traffic Advisory Committee meeting held on 26 November 2009 be endorsed subject to the exclusion of Recommendation 40.

Lewis/Todd
The motion was carried

195 RESOLVED that the request by National Farmers Warehouse – Coonabarabran to operate B Double trucks in Dalgarno Street between Charles Street and Cowper Street, Coonabarabran be advertised seeking community comments.

Schmidt/Powell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE BARADINE FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE MEETING HELD ON 9 DECEMBER 2009

196 RESOLVED that the minutes of the Baradine Floodplain Management Advisory Committee meeting held on 9 December 2009 be adopted.

Todd/Campbell
The motion was carried

MINUTES OF THE CONSULTATIVE ADVISORY COMMITTEE SPECIAL MEETING HELD ON 7 OCTOBER 2009 FOR NOTATION

Noted.

MINUTES OF THE CONSULTATIVE ADVISORY COMMITTEE SPECIAL MEETING HELD ON 2 DECEMBER 2009 FOR NOTATION

Noted.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 4

2.03pm

GENERAL MANAGER'S REPORT

1.1 "C" DIVISION CONFERENCE (CM0003)

197 RESOLVED that Councillors Campbell, Coe, Lewis, Powell, Shinton, Sullivan and Todd attend the C Division conference in Warren on Thursday, 18 March 2010.

FURTHER that the March Council meeting be held on 11 March 2010 and **FURTHER** that this matter be referred to the January meeting for consideration of motions to be submitted to the Conference.

Sullivan/Lewis
The motion was carried

1.2 NOTICE OF MOTION (GW0001)

A motion was moved by Councillor Todd seconded by Councillor Powell that Council investigate the upgrade of the road between Coonabarabran and Mungindi as a road of significance and pursue funding opportunities for its upgrade, in conjunction with the Narrabri and Walgett Shires from the Federal and State Government.

198 An amendment was moved by Councillor Sullivan seconded by Councillor Campbell that a review be undertaken of all roads of significance and a report submitted to the January meeting.

The amendment was put and carried.

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

1.3 POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS (GW0001)

199 RESOLVED that Council endorse the following Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Strategic 1.1

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

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

Part 1 - INTRODUCTION

Title and Commencement of the Policy

1.1 This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors and is effective from 17 December 2009.

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 5

Purpose of the Policy

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

Objectives and Coverage of the Policy

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

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

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

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

Basis of this Policy

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

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

WARRUMBUNGL SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 6

-
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
 - (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
 - (4) *A council may from time to time amend a policy under this section.*
 - (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

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

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 7

428(pt) Annual reports

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

Local Government (General) Regulation 2005

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
 - (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*
 - (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) *the attendance of councillors at conferences and seminars,*
 - (iv) *the training of councillors and the provision of skill development for councillors,*
 - (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 8

(vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,
(viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,

403 Payment of expenses and provision of facilities

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

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

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

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

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

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

Other Government Policy Provisions

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 9

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

Part 2 - PAYMENT OF EXPENSES

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

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

2.1 Councillors' Fees

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

2.2 Establishment of Monetary Limits and Standards

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

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

2.3 Requirement for receipts

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 10

2.4 Payment of Reimbursed claims

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

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

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

2.5 Accommodation and meal expenses

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

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

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

2.6 Incidental Expenses

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

Council will not meet any expenses for alcohol, cigarettes or personal requirements. Council will not fully fund any activity where the Councillor is not in attendance for at least 90% of the specified activity. Other than in the most exceptional circumstances, where Councillor's expenses have been met by Council but the Councillor does not attend

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 11

at least 90% of the activity, that Councillor will be required to show cause why they should not reimburse Council for any costs incurred.

2.7 Payment of expenses for spouses, partners and accompanying persons

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

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

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

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

2.8 Payments in advance

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

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

2.9 Approval arrangements

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 12

2.10 Attendance at seminars and conferences

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

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

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

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

Council will meet the costs of conference / seminar registration fees including the costs of related official lunches and dinners and associated tours where they are relevant to the business and interests of the Council. Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the conference and Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course.

2.11 Registration fees

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

2.12 Travel Expenses

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

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

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

- Date and place of departure
- Date and place of arrival

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 13

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

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

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

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

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

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

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

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

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

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

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM**

PAGE 14

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

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

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

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

2.13 Attendance at dinners and other non-council functions

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

No payment shall be made by Council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit. Any expenses to be incurred that would be directed towards such events and activities will not be approved for payment.

2.14 Gifts

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

2.15 Training and Educational expenses

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

2.16 Telephone and internet expenses

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

2.17 Mobile telephone

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

WARRUMBUNGL SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 15

2.18 Internet

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

2.19 Insurance Provisions

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

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

2.20 Legal Expenses and Obligations

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

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

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

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM**

PAGE 16

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

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

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

2.21 Special requirements of Councillors – Care and Other Related Expenses

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

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

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

Part 3 – PROVISION OF FACILITIES

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

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

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

3.1 Mayoral Expenses, Facilities, Equipment and Services

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

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

WARRUMBUNGLA SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 17

paid monthly in arrears.

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

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

3.2 Elected Members – Facilities, Equipment and Services

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

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

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 18

3.3 Bluetts Handbook

Provide all Councillors with a copy after their election.

3.4 Policies

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

Part 4 – OTHER MATTERS

4.1 Acquisition and return of equipment and facilities by Councillors

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

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

4.2 Status of the Policy

This Policy was prepared having regard to Department of Local Government Circular No. 07-22 dated 28 May 2007 “Updated Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors” and Department of Local Government Circular No. 09-36 dated 7 October 2009. This is the first version of the Policy to be based on Circular No. 07-22 and Circular No. 09-36. This Policy replaces the previous version of the Policy adopted by Council on 18 May 2006, Minute No. 393.

This Policy was adopted by Warrumbungle Shire Council at its meeting held on 17 December 2009, Minute No. 199. The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

Powell/Lewis
The motion was carried

1.4 COONABARABRAN COMMUNITY GARDEN (CM0018)

200 RESOLVED that Council continue to facilitate with the Coonabarabran Community Garden Committee the production of a detailed Plan of Management and draft Licence Agreement that is brought back to Council for determination.

Campbell/Schmidt
The motion was carried

1.5 LEAVE OF ABSENCE (GW0001)

Received – this matter was considered earlier.

1.6 DUNEDOO WAR MEMORIAL HOSPITAL (CP0005)

201 RESOLVED that Council proceed to negotiate with NSW Health and Land and Property Management Authority to acquire the former Dunedoo War Memorial Hospital site under the Land Acquisition (Just Terms Compensation Act) at a notional value.

Lewis/Powell
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 19

1.7 NOTICE OF MOTION (CP0007)

202 RESOLVED that this notice of motion be withdrawn and referred for consideration at the January meeting following investigation. **FURTHER** that this matter be referred to the Tourism and Economic Development Advisory Committee for consideration.

Powell/Schmidt
The motion was carried

1.8 QUESTIONS AND MATTERS OF URGENCY (GW0001)

203 RESOLVED that Council place on the monthly Business Paper an item, Questions and Matters of Urgency with guidelines for practice and Councillor obligation as determined by Councils Code of Meeting Practice and the NSW Local Government (General) Regulations 2005.

Lewis/Coe
The motion was carried

DIRECTOR OF CORPORATE SERVICES

204 RESOLVED that Council write to the Minister regarding the impact of irrigation within the Shire on the various town water supplies and in particular the Dunedoo/Mendooran area and on the Castlereagh River.

Lewis/Coe
The motion was carried

3.00pm

Councillor Powell left the meeting.

2.1 BANK ACCOUNTS AND INVESTMENTS AS AT 31 OCTOBER, 2009

205 RESOLVED that the Bank Listing be accepted and that the Restricted List be corrected to balance.

Sullivan/Campbell
The motion was carried

Attached is an amended report.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 20

2.1 BANK ACCOUNTS AND INVESTMENTS AS AT 31ST OCTOBER 2009

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 9,856,638.18	\$ 1,408,000.00	\$ 3,968,638.18
Future Capital Upgrading		\$ 2,520,000.00	
Employees Leave Liability		\$ 770,000.00	
External Grants for Specific Projects		\$ 980,000.00	
Development Sec 94 & 64 Contb'ns		\$ 210,000.00	
TOTALS	\$ 9,856,638.18	\$ 5,888,000.00	\$ 3,968,638.18
WATER FUNDS	BANK	RESTRICTED	BALANCE
Baradine Water Bank	\$ 490,435.06		\$ 490,435.06
Binnaway Water Bank	\$ 532,869.30	\$ -	\$ 532,869.30
Coonabarabran Water Bank	\$ 1,165,417.68	\$ 179,230.45	\$ 986,187.23
Coolah Water	-\$ 562,180.94		-\$ 562,180.94
TOTALS	\$ 1,626,541.10	\$ 179,230.45	\$ 1,447,310.65
SEWERAGE FUNDS	BANK	RESTRICTED	BALANCE
Coonabarabran Sewerage	\$ 2,528,132.67	\$ 836,510.08	\$ 1,691,622.59
Baradine Sewerage	\$ 291,322.51	\$ 332,320.00	-\$ 40,997.49
Coolah Sewerage	\$ 1,290,379.36	\$ 563,170.00	\$ 727,209.36
TOTALS	\$ 4,109,834.54	\$ 1,732,000.08	\$ 2,377,834.46
TUST FUND			
Trust Fund	\$ 103,003.57	\$ 103,003.57	\$ -
	\$ 103,003.57	\$ 103,003.57	\$ -
SUMMARY	BANK	RESTRICTED	BALANCE
General Fund	\$ 9,856,638.18	\$ 5,888,000.00	\$ 3,968,638.18
Water Fund	\$ 1,626,541.10	\$ 179,230.45	\$ 1,447,310.65
Sewerage Fund	\$ 4,109,834.54	\$ 1,732,000.08	\$ 2,377,834.46
Trust Fund	\$ 103,003.57	\$ 103,003.57	\$ -
TOTALS	\$ 15,696,017.39	\$ 7,902,234.10	\$ 7,793,783.29

2.2 BANK ACCOUNTS AND INVESTMENTS AS AT 30 NOVEMBER, 2009

206 RESOLVED that the Bank Listing be accepted and that the Restricted List be corrected to balance.

Sullivan/Campbell
The motion was carried

Attached is an amended report.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 21

2.2 BANK ACCOUNTS AND INVESTMENTS AS AT 30th NOVEMBER 2009

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 11,550,390.62	\$ 1,408,000.00	\$ 5,662,390.62
Future Capital Upgrading		\$ 2,520,000.00	
Employees Leave Liability		\$ 770,000.00	
External Grants for Specific Projects		\$ 980,000.00	
Development Sec 94 & 64 Contb'ns		\$ 210,000.00	
TOTALS	\$ 11,550,390.62	\$ 5,888,000.00	\$ 5,662,390.62

WATER FUNDS	BANK	RESTRICTED	BALANCE
Baradine Water Bank	\$ 503,869.85		\$ 503,869.85
Binnaway Water Bank	\$ 541,826.80	\$ -	\$ 541,826.80
Coonabarabran Water Bank	\$ 1,189,733.88	\$ 179,230.45	\$ 1,010,503.43
Coolah Water	-\$ 688,002.78		-\$ 688,002.78
TOTALS	\$ 1,547,427.75	\$ 179,230.45	\$ 1,368,197.30

SEWERAGE FUNDS	BANK	RESTRICTED	BALANCE
Coonabarabran Sewerage	\$ 2,551,402.11	\$ 836,510.08	\$ 1,714,892.03
Baradine Sewerage	\$ 304,754.90	\$ 332,320.00	-\$ 27,565.10
Coolah Sewerage	\$ 1,303,107.94	\$ 563,170.00	\$ 739,937.94
TOTALS	\$ 4,159,264.95	\$ 1,732,000.08	\$ 2,427,264.87

TUST FUND			
Trust Fund	\$ 107,671.37	\$ 107,671.37	\$ -
TOTALS	\$ 107,671.37	\$ 107,671.37	\$ -

SUMMARY	BANK	RESTRICTED	BALANCE
General Fund	\$ 11,550,390.62	\$ 5,888,000.00	\$ 5,662,390.62
Water Fund	\$ 1,547,427.75	\$ 179,230.45	\$ 1,368,197.30
Sewerage Fund	\$ 4,159,264.95	\$ 1,732,000.08	\$ 2,427,264.87
Trust Fund	\$ 107,671.37	\$ 107,671.37	\$ -
TOTALS	\$ 17,364,754.69	\$ 7,906,901.90	\$ 9,457,852.79

2.3 INVESTMENTS HELD AS AT 31 OCTOBER 2009

Received.

2.4 INVESTMENTS HELD AS AT 30 NOVEMBER 2009

Received.

207 RESOLVED that Council seek an opinion from an independent professional regarding the terms and conditions of Council's investments, particularly can the terms of these investments be legitimately offered.

Coe/Sullivan
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 22

**2.5 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – AS AT
31 OCTOBER 2009**

Received as information.

**2.6 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – AS AT
30 NOVEMBER 2009**

Received as information.

**2.7 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END
NOVEMBER 2009**

Received as information.

**2.8 PRESENTATION OF FINAL AUDITED STATEMENTS 2008-2009 (CM0001)
208 RESOLVED** that Council receive the final audit report from Forsyths for the 2008-
2009 Financial Statements (General Purpose Financial Report, Special Purpose Financial
Report and Special Schedules).

**Sullivan/Schmidt
The motion was carried**

2.9 VIDEO MONITORING OF COUNCIL PROPERTY (IT0001)

209 RESOLVED that the report investigating the use of video surveillance to deter
vandalism on Council property be presented to the January 2010 meeting.

**Schmidt/ Sullivan
The motion was carried**

2.10 WARRUMBUNGLE SHIRE COUNCIL RESTRICTED ASSETS (FM0010)

210 RESOLVED that Council accept in principle the report and seek a detailed report on
funds committed in 2009/2010 financial year.

**Sullivan/Lewis
The motion was carried**

2.11 SALE OF LAND FOR UNPAID RATES (RV0012)

211 RESOLVED that the following report providing details of the outcome of the sale be
received:

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM**

PAGE 23

Owner or Person(s) having interest in the land	Description of Land (lot, Section, DP and Street Address)	Total Debt to Council including interest calculated to 11th December, 2009	Sale Price @ Auction 11/12/09	Approximate Write Off / Surplus
Cafast Pty Ltd	Lot 5 DP 758051 26-28 Lachlan Street, Baradine 2396	\$32,287.36	\$29,000.00	-\$3,287.36
Mary Ayre & Michael A Ayre	Lot 3 DP 658691 47-53 Wellington St, Baradine 2396	\$25,453.59	\$20,000.00	-\$5,453.59
Terry Pye	Lot 168 DP 750246 Worrigal Street, Baradine 2396	WITHDRAWN FROM AUCTION PAYMENT RECEIVED		
Arthur Pye	Worrigal Street, Baradine 2396	WITHDRAWN FROM AUCTION PAYMENT RECEIVED		
Gloria A Thomspson & Terry B Thompson	Lot 169 DP 754959 Ropers Rd Binnaway 2395	\$6,841.67	\$6,000.00	-\$841.67
Christopher Bilton	Lot 20 DP 7934 7 David Street, Binnaway 2395	\$12,202.78	\$6,500.00	-\$5,702.78
Estate of the Late Mary Cantle	Lot 3 DP 758113 31 Renshaw St, Binnaway 2396	\$15,353.00	\$16,500.00	\$1,147.00
Darcy Goodwin	Lot A DP 350125 1 Watt St, Binnaway 2395	\$20,820.69	\$6,000.00	-\$14,820.69
Cameron J Johnstone	Lot 4 DP 19389 9 Watt Street, Binnaway	\$12,350.04	\$6,000.00	-\$6,350.04
Suada B Jadjuri & Giorgio Marin	Lot 31 DP 862704 Honeypot Rd Coonabarabran 2357	\$13,206.31	\$43,000.00	\$29,793.69
Sophia R Crane & Norman E Crane	Lot 2 DP 13163 38 Cassilis St, Coonabarabran 2357	\$12,497.36	\$500.00	-\$11,997.36
Michael Davies	Lots 10,11,12 DP 840963 Gardener St, Coonabarabran 2357	WITHDRAWN FROM AUCTION PAYMENT RECEIVED		

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM**

PAGE 24

Owner or Person(s) having interest in the land	Description of Land (lot, Section, DP and Street Address)	Total Debt to Council including interest calculated to 11th December, 2009	Sale Price @ Auction 11/12/09	Approximate Write Off / Surplus
William C Mathews	Lot 1 DP 996530, John St Coonabarabran 2357	WITHDRAWN FROM AUCTION PAYMENT RECEIVED		
Julia Szabo	Lot 1 DP 865908 Racecourse Rd Coonabarabran 2357	\$11,146.61	\$15,000.00	\$3,853.39
David J Cook	Lot 32 DP 596812 4 Short Street Coonabarabran 2357	\$22,278.52	\$52,000.00	\$29,721.48
Helen L Taber	Lot 17 DP750294 Baradine Road Kenebri 2396	\$12,884.02	\$7,000.00	-\$5,884.02
Helen L Taber & Les J Anderson	Lot 18 DP 750294 Baradine Rd, Kenebri 2396	\$12,040.98	\$7,000.00	-\$5,040.98
Gladys Moore	Lot 22 DP 750294 Baradine Rd Kenebri 2396	\$12,894.46	\$3,000.00	-\$9,894.46
Cecil W Brown	Lot 3 DP 759016 Ulamambri St Ulamambri 2357	\$3,960.00	\$6,000.00	\$2,040.00
David Potbury	Lot 9 DP 758276 52-54 Binnaway St, Coolah 2843	\$15,070.59	\$13,500.00	-\$1,570.59
Owen E & Christine M McDonald	Lot 10 DP 2649 Cnr Garland St & Robinson St, Leadville 2844	\$4,210.21	\$5,500.00	\$1,289.79
TOTAL		\$245,498.19	\$242,500.00	

**Sullivan/Lewis
The motion was carried**

2.12 USER PAYS SEWERAGE CHARGES (RV0002)

212 RESOLVED that this report not be accepted and that consideration of this matter be deferred to the January 2010 meeting

**Sullivan/Todd
The motion was carried**

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 25

3.28pm

DIRECTOR OF TECHNICAL SERVICES

3.1 APPLICATION TO LEASE ADJOINING ROAD RESERVE (P93482)

213 RESOLVED that the application by the owner of Lot 272 DP753378 to lease adjoining unused road reserve be refused on the basis that intended use of the land is not stated. Furthermore, Council will only consider another application if it is supported by a plan of management for the five(5) year lease period.

Sullivan/Coe
The motion was carried

3.2 APPARENT EXTRAORDINARY WATER CONSUMPTION AT TWO PROPERTIES IN BLIGH STREET BARADINE (P91305 and P93360)

214 RESOLVED:

1. That Council write off an amount of \$3,388.40 from the water account for Lot 3 DP758051 for the billing period ending 2 February 2009.
2. That Council write off an amount of \$1,914.60 from the water account for Lot B DP361026 for the billing period end 2 February 2009.

Lewis/Schmidt
The motion was carried

3.3 LICENCE AGREEMENT FOR RADIO TELECOMMUNICATION SITES ON CROWN LAND (ET0001)

215 RESOLVED that Council enters into a licence agreement with the Department of Lands for access to telecommunication sites on Crown Land and **FURTHER** that the General Manager be authorized to sign the agreement and use Council's common seal on the agreement.

Schmidt/Coe
The motion was carried

3.4 PROPOSED PICNIC SHELTER IN MENDOORAN PARK ADJACENT SKATE AREA (PR0001)

216 RESOLVED that application by the Mendooran & District Development Group Inc to construct a shelter immediately adjacent the skate board area in the Mendooran Park with a size of 3m x 4m be approved subject to it being constructed in the shape of picnic shelter and in accordance with requirements of the Director Technical Services.

Lewis/Schmidt
The motion was carried

3.5 REQUEST FOR EXEMPTION FROM PAYMENT OF WATER ACCESS CHARGE (P92840)

217 RESOLVED that the property Lot 3 DP255360 be no longer charged an access fee. Furthermore, the water service connection, Meter No 41320 is disconnected.

Schmidt/Campbell
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 26

3.6 OUTDOOR WORKFORCE – RETIREMENTS (SW0002)

218 RESOLVED that Council advertise for two (2) trainee plant operators for the Road Operations construction crew based in Coonabarabran, and **FURTHER** that these trainees be employed as Plant Operators at the completion of their traineeship.

Lewis/Todd
The motion was carried

3.44pm

ACTING DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 RE-CLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND (CP0003)

219 RESOLVED:

1. That Council receive and adopt the report from the public hearing into the reclassification of community land to operational land as described in Schedule 6 of the Draft Coonabarabran Local Environmental Plan 1990 (Amendment No 2)- Classification and Reclassification of Public Land

2. That Council prepare a Section 69 report requesting the Minister of Planning to make 'Draft Coonabarabran Local Environmental Plan 1990 (Amendment No 2)- Classification and Reclassification of Public Land' under the Environmental Planning and Assessment Act 1979 using the delegation granted to Council by the Director General of the Department of Planning on the 8th June 2009.

Schmidt/Campbell
The motion was carried

4.2 DEVELOPMENT APPLICATION FOR DETERMINATION – 126/0809 DIESEL STOP SERVICE STATION AND ASSOCIATED SIGNAGE (P92622)

220 RESOLVED that Council approve DA 126/0809 for operation of a self serve fuel facility at Lots 405 and 406 DP753378 Oxley Highway, Coonabarabran subject to the conditions of consent listed in schedule 1.

SCHEDULE 1

1. General

Development taking place generally in accordance with the outlined proposal indicated in the development application, except as modified by these conditions, Council's Development Control Plans, Engineering requirements and the requirements of the Environmental Planning and Assessment Act 1979.

(Reason: To ensure the development complies with this approval and the proposal which was considered.)

2. BCA Compliance

The building complying with the requirements of the Local Government Act 1993, the Building Code of Australia(BCA) and all relevant Australian Standards.

WARRUMBUNGL SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 27

(**Reason:** To ensure that the completed building complies with nationally adopted construction standards.)

3. Sanitary Facilities

The applicant is to provide disabled unisex sanitary facilities in association with the proposed development which are constructed in accordance with the Building Code of Australia. The amenities are to be available 24 hrs a day and regularly maintained in a sanitary condition by the owner/operator of the proposed facility for use by patrons of the facility.

Prior to works commencing on site construction plans detailing the proposed location and construction methods are to be submitted to Council for assessment and approval.

(**Reason:** To provide sanitary facilities for users of the development to ensure sanitary conditions are maintained at all times.)

4. Specific Details to be Supplied

Prior to the release of the Construction Certificate the applicant shall submit full details (for Council's approval) of:

- the proposed exterior colour schemes
- landscaping plan
- Engineering Certification
- Detailed construction plans

(**Reason:** To ensure that the appearance of the building is compatible with the surrounding precinct and essential design features are achieved.)

5. Footpath Obstructions and Litter Control

No building materials are to be stored on the public footpath and all waste materials are to be stored on site in a secure enclosure capable of resisting wind disturbance. The Developer is to provide on site refuse collection facilities in sufficient number and size to ensure all refuse is adequately restrained and removed.

(**Reason:** To protect the public safety and amenity of the area)

6. Soil Erosion Control

All site works involving cut and fill or soil disturbance are to strictly adhere to Council's Soil Erosion and Sedimentation Policy ('Do It Right On-Site' pamphlet attached).

(**Reason:** to minimize soil erosion on the site.)

7. Site Disturbance

All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards and all excavations are to be properly guarded and protected to prevent them from being dangerous to property or life.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 28

(Reason: To ensure the safety of workers on site, the public and the protection of adjacent buildings.)

8. Construction Noise Management

Building and/or demolition works creating noise likely to interfere with the neighbouring amenity, are to be restricted to:

Monday to Friday: 7.00am to 6.00pm

Saturday: 8.00am to 6.00pm

Not to be carried out on Sundays or public holidays.

(Reason: To ensure the public amenity of the area is not unduly affected by noise.)

9. Noise Attenuation

All recommendations made in the Noise Assessment Report No. 4461 prepared by RSA Acoustics dated November 2009 accompanying the application must be complied with by the proponent of the development at their cost. Details of the proposed acoustical treatment is to be submitted to Council for approval prior to issue of a construction certificate and all acoustical treatment works are to be completed prior to the operation of the Diesel Stop Service Station.

(Reason: To ensure reasonable acoustic amenity for surrounding properties is maintained.)

10. Upward Light Spill

All external lighting is to be of a fully shielded design and directed in a downward position. Details of any illuminated advertising signs shall be provided to Council for referral to the Siding Springs Observatory prior to construction.

(Reason: To minimise upward light spill and to comply with the requirements of the Orana Regional Environmental Plan.)

11. Prevention of Scalding

Hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene (hand basins) purposes at a temperature not exceeding 50° C.

(Reason: To prevent accidental scalding.)

Notes:

- i) The installer should advise the owner/occupier that regular testing and maintenance of such valves is required for satisfactory operation.
- ii) Where tempering valves are installed a sign is to be permanently fixed on the hot water heater, adjacent to the tempering valve (where clearly visible) indicating:

‘A Tempering Valve has been installed to prevent scalding, this valve is to be renewed at intervals, as recommended by the valve manufacturer.’

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 29

12. Sewer Surcharge

The drainage service is to be provided with at least one overflow gully, the top level of which shall not be less than 150mm below the floor level of the building and not less than 75mm above the finished ground level.

(Reason: To enable sewage surcharge outside the building in case of a blockage in the sewer main.)

13. Water and Sewerage Service Work

Plumbing and drainage fixtures included in the building work are to be installed in accordance with Council's requirements. This work can only be carried out by a suitably licensed tradesman.

(Reason: To ensure compliance with AS3500 – National Plumbing and Drainage Code.)

14. Access and Egress Requirements

- (i) All accesses and internal service roads shall be bitumen sealed and maintained to provide a dust free surface over all trafficable areas of the development at the developers cost.
- (ii) The proposed two new accesses should be tapered to accommodate turning paths of largest class of vehicle requiring access. Any redundant accesses should be closed and concrete kerb and gutter reinstated.
- (iii) Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering and leaving the development.
- (iv) All activities including loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.
- (v) The design and content of any signage is to be in accordance with State Environmental Planning Policy No 64 – Advertising and Signage.
- (vi) Any signage is not to be within or overhang the road reserve and is not to form a traffic hazard itself. The advertising signage must not be a distraction to drivers, in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising signs.
- (vii) A Road Occupancy Licence is required prior to any works commencing within 3m of the travel lanes of the Newell Highway. This can be obtained by contacting Mr Paul Maloney on 6861 1686. Submission of a traffic control plan is required as part of this licence.
- (viii) All works associated with the development are to be at no cost to the RTA.

(Reason: To ensure safe movement to of vehicles using the site)

15. Connection to Council Services

Council's Department of Technical Services is to be fully advised of any works being carried out in relation to water/sewer connection/disconnection.

(Reason: To ensure adequate and properly connected services.)

WARRUMBUNGL SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 30

16. Protection of Council Infrastructure

Any damage to road pavements, footpath, kerb and gutter or utility services during construction shall be repaired at full cost to the applicant.

(Reason: To ensure adequate and properly connected services.)

17. Hoardings and Barriers

Site barriers are to be erected and maintained in accordance with WorkCover Authority and Council requirements.

(Reason: To ensure the safety of pedestrians and preservation of Council's assets.)

Note: The applicant will be responsible for reinstatement of the adjacent roads and footpath in the event of damage.

Councillors Campbell, Coe, Lewis, Schmidt, Shinton and Todd voted in favour of the motion approving the development application and **Councillor Sullivan** abstained from voting.

4.3 APPLICATIONS RECEIVED FOR MONTH OF NOVEMBER 2009

Received as information.

3.52pm

DIRECTOR OF COMMUNITY SERVICES

5.1 HEALTHY COMMUNITIES INITIATIVE LOCAL GOVERNMENT AREA GRANTS (GS0001)

221 RESOLVED that Council authorise the General Manager to submit an application for a Healthy Communities Coordinator position under the Commonwealth Department of Health and Ageing Healthy Community Initiative.

Sullivan/Schmidt
The motion was carried

5.2 COONABARABRAN TOWN HALL (CP0007)

222 RESOLVED that Council approve the allocation of capital funding towards the prioritising of the air-conditioning and floor finish projects at the Coonabarabran Town Hall and **FURTHERMORE** approve the removal and sale of the courtyard sliding glass doors.

Schmidt/Sullivan
The motion was carried

3.55pm

Councillor Ray Lewis left the meeting.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM

PAGE 31

Confidential Items

223 RESOLVED

- (a) that Council go into closed committee to consider tenders – information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (c)
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Schmidt/Cambell
The motion was carried

3.56pm

Council closed its meeting to the public.

4.06pm

224 RESOLVED Council moved out of closed Council and into open council.

Schmidt/Sullivan
The motion was carried

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

1C TENDER FOR SUPPLY AND DELIVERY OF BULK EMULSION (CM0024)

225 RESOLVED that Council accepts the recommendations by the tender evaluation panel and award the contract for supply and delivery of bitumen emulsion to Downer EDI for the period 1 December 2009 to 31 December 2011. Furthermore, that provision be allowed for a 12 month extension subject to satisfactory supply performance.

Todd/Coe
The motion was carried

2C TENDER FOR SUPPLY AND DELIVERY OF BULK CHEMICALS FOR WATER SUPPLY (CM0024)

226 RESOLVED that Council accept the tenders as detailed below for the following chemicals with the exception of the tender for supply of Soda Ash.

- Chlorine : Orica - \$380 / 70kg cylinder
- Aluminium Sulphate : Omega - \$202 / tonne
- Sodium Hypochlorite : Ionics - \$0.46 / litre
- Hydrochloric acid : Orica - \$865 / 1000 litres
- Aluminium Chlorohydrate solution (Alchlor AC): Omega - \$1,395 / 1,330 litres
- Powder Activator Carbon : Redox - \$1,846 / tonne

Sullivan/Schmidt
The motion was carried

WARRUMBUNGL E SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL
HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009
COMMENCING AT 11.08AM PAGE 32

Questions and Matters of Urgency

227 RESOLVED that a report be prepared and brought back to Council regarding rating issues on Leadville Hall, Bugaldie Hall, Ulamambri Hall and the various showgrounds.

Coe/Sullivan
The motion was carried

228 RESOLVED that a report be submitted to Council detailing up to date costs to Council of the hire of contractors and subcontractors and additional costs associated with the auditors to prepare the financial statements for 2008 and 2009.

Schmidt/Campbell
The motion was carried

The Mayor and General Manager wished Councillors and staff a merry Christmas and happy new year. The General Manager also thanked Rebecca Ryan and Kevin Tighe for acting in the position of General Manager during his absence.

There being no further business the meeting concluded at 4.28pm.

.....
CHAIRMAN