

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL
HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 19 FEBRUARY 2009
COMMENCING AT 1.04PM**

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

In attendance: S Morris (minutes).

The Mayor advised the meeting of the passing of Sir John Fuller who was a former member of the Coolah Shire Council during the period 1955 to 1965. The meeting observed one minutes' silence in memory of Mr Fuller.

The Mayor welcomed members of the gallery to the meeting.

1.05pm FORUM

Mrs Pattison addressed Council concerning the rates charged in relation to land leased and also the issue of a development application.

1.10pm

Mr Len Guy addressed Council concerning the issue of a sewerage scheme for Binnaway and indicated that community supports the idea and asked that Council make every effort to access funds to achieve the best result for Binnaway and Shire

1.18pm

At this time it was announced to the public that the next item before Council being a presentation by Department of Planning representatives Lois Gray (Regional Manager) and Wayne Garnsey (Contact Officer) regarding Council's proposed LEP was an item considered confidential because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and was required to be considered in closed committee. The members of the gallery left the meeting.

219 RESOLVED

- (a) that Council go into closed committee to receive a presentation from Department of Planning Staff and to discuss Council's proposed LEP.
- (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) as outlined above.
- (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.

**Lewis/Powell
The motion was carried.**

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2.00pm

220 RESOLVED that Council move out of closed Council and into open Council.
FURTHER that standing orders be suspended to break for afternoon tea.

Powell/Lewis
The motion was carried.

2.10pm

221 RESOLVED that standing orders be resumed.

Lewis/Powell
The motion was carried.

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGLE SHIRE COUNCIL HELD ON 15 JANUARY 2009

222 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 15 January 2009 be endorsed.

Todd/Coe
The motion was carried.

BUSINESS ARISING

The Mayor determined that the issues of Dump Points in the Shire were a matter of urgency and agreed that the matter be brought forward.

223 RESOLVED that a report be brought back for Council's consideration concerning Dump Points within the Shire.

Schmidt/Tilak
The motion was carried.

The Mayor determined that the issue of sand in the causeway over Teridgerie Creek at Baradine was a matter of urgency and agreed that the matter be brought forward.

224 RESOLVED that a report be brought back for Council's consideration concerning the removal of sand from causeway over Teridgerie Creek, Baradine.

Todd/Sullivan
The motion was carried.

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 3 DECEMBER 2008

225 RESOLVED that the minutes of the Warrumbungle Shire Tourism and Economic Development Advisory Committee meeting held on 3 December 2008 be adopted with the exclusion of Recommendations 10, 11 and 12 which are to be referred for 2009/2010 budget consideration.

Campbell/Schmidt
The motion was carried.

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE COUNCIL OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING HELD ON 22 JANUARY 2009

226 RESOLVED that the minutes of the Occupational Health & Safety Committee meeting held on 22 January 2009 be adopted.

Sullivan/Schmidt
The motion was carried.

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MINUTES OF THE CONSULTATIVE ADVISORY COMMITTEE SPECIAL MEETING HELD ON 22 JANUARY 2009

Received.

2.34pm

GENERAL MANAGER'S REPORT

1.1 DRAFT CODE OF MEETING PRACTICE

227 RESOLVED that the order of business at a meeting of Council or Committee of Council set out in Clause 11.1 of the draft Code of Meeting Practice be amended to provide that any items for a closed meeting will be dealt with at the end of the ordinary meeting. **FURTHER** that Council endorse the draft Code of Meeting Practice and that the draft be placed on public exhibition for 28 days seeking community comment.

Sullivan/Powell
The motion was carried.

1.2 PECUNIARY INTEREST RETURNS

228 RESOLVED that Council note that the Register of Pecuniary Interest Returns was tabled.

Todd/Schmidt
The motion was carried.

1.3 NOTICE OF MOTION - DONATION

3.17pm

The General Manager advised the meeting that the next item before Council was a matter dealing with the personal hardship of a resident and the meeting should move into closed committee.

229 RESOLVED

(a) that Council go into closed committee to consider matters relating to the personal hardship of a resident.

(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)(b) as outlined above.

(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.

Todd/Dissanayake
The motion was carried.

3.30pm

230 RESOLVED that Council move out of closed Council and into open Council.

Dissanayake/Todd
The motion was carried.

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The following motion and outcome while the meeting was closed to the public, was reported to the meeting by the General Manager:

231 A motion was moved by Councillor Schmidt seconded by Councillor Lewis that the \$400.00 fee being charged to Mr Wallace and his family by Council for the costs associated with the approval for demolition, be waived.
The motion was put and LOST.

1.4 NOTICE OF MOTION – PARKING ARRANGEMENTS

A motion was moved Councillor Schmidt seconded by Councillor Sullivan that Council look at a design change to improve and increase the current parking facility at the tourist information centre and that the changes be costed for future budget considerations.

232 An amendment was moved by Councillor Powell seconded by Councillor Campbell that the parking facilities at the Tourist Information Centre not be altered and that a report be brought back to Council for further consideration on the availability of land on the highway within the Coonabarabran CBD area which could be utilised for parking as a stopping point for caravans, motor homes and travelers.
The amendment was put and carried.
The amendment became the substantive motion and was put and carried.

1.5 NOTICE OF MOTION – COMMUNITY GARDEN

A motion was moved Councillor Schmidt seconded by Councillor Lewis that Council investigate its current land holding, with a view to allowing a community garden project to begin on an allotted section of council owned land.
This motion was withdrawn

233 RESOLVED that a committee be formed of people interested in the idea of a community garden and that representatives of that committee be invited to address Council.

Sullivan/Powell
The motion was carried.

1.6 NOTICE OF MOTION – TOILET FACILITY COONABARABRAN CBD

A motion was moved Councillor Schmidt seconded by Councillor Lewis that Council cost the construction of a public toilet facility, male, female, disabled in the Dalgarno Street car park between Timor Street and Dalgarno Street.
This motion was withdrawn

234 RESOLVED that this matter be held over to the March meeting for further consideration following a site inspection by Councillors.

Sullivan/Schmidt
The motion was carried.

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1.7 NOTICE OF MOTION –COONABARABRAN SWIMMING POOL

235 A motion was moved Councillor Schmidt seconded by Councillor Powell that Council acknowledge the Coonabarabran Swimming Pool committee and will seek funding for the construction of a swimming complex similar to the plans presented to council at its previous meeting.

The motion was put and LOST.

1.8 NOTICE OF MOTION – PUBLIC ATTENDANCE AT MEETINGS

236 A motion was moved Councillor Todd seconded by Councillor Lewis that the Mayor have the right under Council Rules to eject any visitor to Council meetings that are disruptive, abusive or attempt to influence councillors during any stage of a meeting with the right of barring such persons from attending any further meeting.

The motion was put and carried.

1.9 NOTICE OF MOTION – GENERAL BUSINESS

237 A motion was moved Councillor Todd seconded by Councillor Schmidt that the Warrumbungle Shire Council return the General Business section to their monthly meetings or introduce another section where Councillors can check progress and / or air grievances on any situation.

The motion was put and LOST.

1.10 NOTICE OF MOTION – DONATION TO COOLAH RSL SUB-BRANCH

238 A motion was moved Councillor Powell seconded by Councillor Dissanayake that Council donate \$500 to the Coolah Sub-Branch of RSL for the purposes of restoring and framing memorabilia of the First World War. The donation to be made from funds available in the Coolah Town Improvement Fund.

The motion was put and carried.

1.11 NOTICE OF MOTION – DONATION FOR WASTE ART PROJECT

239 A motion was moved Councillor Powell seconded by Councillor Dissanayake that Council donates an amount of \$400 to the Coolah District Development Group for the purposes of supplying cement for the Coolah Tip Waste Art project, such funds to be allocated from the Coolah Town Improvement Fund.

The motion was put and carried.

1.12 BOUNDARY ADJUSTMENT

240 RESOLVED that Council welcomes the proposal by the eleven property owners on the eastern boundary to either jointly or individually transfer to Warrumbungle Shire Council area and **FURTHER** that the Council provide all necessary support to facilitate the transfer.

Lewis/Powell
The motion was carried.

1.13 COMMUNITY TRANSPORT GARAGE

241 RESOLVED that a section of the Essex Street Depot along Castlereagh Street being the southern side of the property in between a brick structure and the western

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boundary be provided as a secure access and that Council take all necessary steps to allow subdividing, demolishing or clearing of the site for the construction of the community transport garage and **FURTHER** that the property be temporarily removed from sale.

**Sullivan/Campbell
The motion was carried.**

1.14 NOTICE OF MOTION BOOM GATE – TRUNK ROAD 55

242 A motion was moved Councillor Sullivan seconded by Councillor Powell that Council apply for funding as part of the \$42 billion Nation Building and Jobs Plan to install flashing lights at the high risk rail crossing at Trunk Road 55.

The motion was put and carried.

1.15 MENDOORAN & DISTRICT DEVELOPMENT GROUP

This matter was withdrawn.

1.16 COUNCIL COMMITTEES

243 RESOLVED that Council accept and thank the following nominees:

Medical Services Advisory Committee

Mr Peter Munns – Baradine

Mr Leon Roach - Coonabarabran

Mr Kenneth Pellow - Coolah

Shire Halls Advisory Committee

Ms Barbara Swan (Day) - nominee

Mr Len Guy – alternate

Warrumbungle Shire Tourism and Economic Development Advisory Committee

Ms Sharon Bowen - nominee

Mr Glen Halliday – alternate

Mrs Sue Stoddart – nominee

Ms Wendy Hill – alternate

Mrs Jennie Kubowicz – alternate

Mrs Debbie O'Connor – (stand by)

**Campbell/Powell
The motion was carried.**

4.37pm

244 RESOLVED that standing orders be suspended to break for afternoon tea.

**Powell/Dissanayake
The motion was carried.**

4.52pm

245 RESOLVED that standing orders be resumed.

**Dissanayake/Powell
The motion was carried.**

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1.17 COUNCIL CHAMBERS EXTENSION

246 RESOLVED that no shops be included in the specifications for the new Council building on the corner of John Street and Cassilis Street.

Sullivan/Campbell
The motion was carried.

247 RESOLVED that the wall in the car park area at the rear of the current council chambers be removed and rebuilt on the northern side of the rear of the chambers to close access to the lane way at the back of the shops fronting John Street. This will allow for parking and turning circle at the rear of the new Council building.

Sullivan/Coe
The motion was carried.

1.18 AUSTRALIA DAY

248 RESOLVED that this matter be held over for consideration at the March meeting.

Powell/Schmidt
The motion was carried.

1.19 BREAST CANCER AND KIDS CANCER RESEARCH FUND RAISING EVENT

249 A motion was moved by Councillor Sullivan seconded by Councillor Campbell that Council donate \$200.00 towards sponsorship of the trip.
The motion was put and LOST.

1.20 BARADINE COUNTRY RURAL FIRE BRIGADE

250 RESOLVED that Council allow a lease agreement to be drawn up between Mr Ross Miller and the Warrumbungle Shire Council which enables a brigade station to be erected on Mr Miller's property "Ercourt" near Kenebri. **FURTHER** that the Mayor and General Manager be authorized to sign all necessary documentation.

Sullivan/Campbell
The motion was carried.

1.21 VICTORIAN BUSHFIRES

251 RESOLVED that Council provide a supplementary vote of \$10,000 to provide wages to a maximum of one week in lieu of the requirement to take annual leave for staff who are volunteers registered on the Emergency Attendance List and attend as a fire fighting volunteer the bushfires in Victoria.

Dissanayake/Sullivan
The motion was carried.

1.22 MANAGEMENT PLAN REPORT – December 2008

252 RESOLVED that this matter and Item 2.6 being the budget review be held over for consideration at a special meeting to be held on Thursday, 5 March 2009 at Coolah.

Sullivan/Schmidt
The motion was carried.

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DIRECTOR OF CORPORATE SERVICES

2.1 DUE BY THE BANK TO THE FOLLOWING FUNDS AS AT 31 JANUARY 2009

Received.

2.2 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – 31 JANUARY 2009

Received.

2.3 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2009 INVESTMENT REGISTER

Received.

2.4 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END JANUARY 2009

Received.

2.5 APPLICATION FOR CHANGE OF CATEGORY UNDER SECTION 525 OF THE LOCAL GOVERNMENT ACT (1993)

253 RESOLVED that Council approve a Change of Category under Section 525 of the Local Government Act (1993) for the Bugaldie General Store, Baradine Road, Bugaldie, from Village Business to Residential and that the rates be adjusted accordingly.

Lewis/Sullivan
The motion was carried.

2.6 BUDGET REVIEW – END OF DECEMBER

This matter was held over for consideration at a special meeting to be held on 5th March 2009 at Coolah.

DIRECTOR OF TECHNICAL SERVICES

3.1 PROPOSALS FOR NAMING OF NEW BRIDGE OVER BOMERA CREEK

254 RESOLVED that the proposal to name the bridge over Bomera Creek on the Purlewaugh Road as the 'Duncan Carson Bridge' be advertised and submissions invited.

Powell/Dissanayake
The motion was carried.

3.2 CONTRACT FOR CONSTRUCTION OF THREE BRIDGES; SALTWATER CREEK NO 1, ULINDAH AND YEARINAN.

255 RESOLVED that the General Manager and Mayor be authorised to sign the contract with Fulton Hogan Pty Ltd for construction of three bridges; Saltwater Creek No 1, Ulindah and Yearinan under Council's common seal.

Schmidt/Todd
The motion was carried.

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DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 DEVELOPMENT AND COMPLYING APPLICATION STATUS AS AT 04.02.2009

Received.

DIRECTOR OF COMMUNITY SERVICES

5.1 PRESCHOOL BUILDING – 14 ROBERTSON STREET COONABARABRAN

256 RESOLVED:

1. That Council agree to the relocation of Connect 5 and Castlereagh Family Day Care to 14 Robertson Street Coonabarabran with the intention of an Out Of School Hours (OOSH) and Vacation Care program being provided from this facility.
2. That Council agree to continue providing this building rent free to the children's service.
3. That Council continues to allocate funding for the payment of rates and building insurance costs for this building; with all user charges plus any associated costs of the service being funded by the operations of both Connect 5 and Family Day Care.

FURTHER that Council refer a request for a supplementary vote of \$20,000 to be made as a basis from which external grant applications will be submitted to fund building modifications and refurbishment works required to cater for this new service for consideration during Council's 2009/2010 budget deliberations on 5th March 2009.

Schmidt/Campbell
The motion was carried.

5.2 2-6 BANDULLA STREET COONABARABRAN - YULUWIRRI KIDS

257 RESOLVED that Council agree to allocating the annual budget for payment of rates and building insurance costs for 2-6 Bandulla Street, Coonabarabran with any user charges and all associated costs of the service being funded by the operations of Yuluwirri Kids.

Schmidt/Campbell
The motion was carried.

5.3 NSW GRANTS NETWORK EXPO 2009

258 RESOLVED that Council approves the request for the 2009 NSWGN Grants Expo to be held in Coonabarabran and **FURTHER** provide event management and organisation auspice for the event provided there is no cost or financial risk to Warrumbungle Shire Council.

Sullivan/Coe
The motion was carried.

There being no further business the meeting concluded at 6.59 pm.

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CHAIRMAN