

WARRUMBUNGL SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 21 MAY 2009
COMMENCING AT 1.01PM**

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PRESENT: Cr Peter Shinton (Chairman), 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).

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD ON 16 APRIL 2009

378 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 16 April 2009 be endorsed.

Coe/Todd
The motion was carried

CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD ON 21 APRIL 2009

379 RESOLVED that the minutes of the special meeting of the Warrumbungle Shire Council held on 21 April 2009 be endorsed.

Lewis/Coe
The motion was carried

CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD ON 7 MAY 2009

380 RESOLVED that the minutes of the special meeting of the Warrumbungle Shire Council held on 7 May 2009 be endorsed.

Coe/ Schmidt
The motion was carried

1.06pm

Councillor Campbell joined the meeting.

CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD ON 13 MAY 2009

381 RESOLVED that the minutes of the special meeting of the Warrumbungle Shire Council held on 13 May 2009 be endorsed.

Coe/Powell
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGL AERODROMES ADVISORY COMMITTEE MEETING HELD ON 27 APRIL 2009

382 RESOLVED that the minutes of the Aerodromes Advisory Committee meeting held on 27 April 2009 be adopted.

Powell/Campbell
The motion was carried

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ADOPTION OF THE RECOMMENDATIONS OF THE YULUWIRRI KIDS ADVISORY COMMITTEE MEETING HELD ON 2 APRIL 2009

383 RESOLVED that the minutes of the Yuluwirri Kids Advisory Committee meeting held on 2 April 2009 be adopted.

**Campbell/Schmidt
The motion was carried**

ADOPTION OF THE RECOMMENDATIONS OF THE SOCIAL SERVICES ADVISORY COMMITTEE MEETING HELD ON 12 MAY 2009

384 RESOLVED that the minutes of the Social Services Advisory Committee meeting held on 12 May 2009 be adopted.

**Campbell/Schmidt
The motion was carried**

385 RESOLVED that representatives from Forsyths (Council's Auditors) be requested to address Council's June 2009 meeting to inform Council on progress with the financial statements and audit.

**Sullivan/Powell
The motion was carried**

ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 30 APRIL 2009

386 RESOLVED that the minutes of the Traffic Advisory Committee meeting held on 30 April 2009 be adopted.

**Lewis/Schmidt
The motion was carried**

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

Noted

ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 6 MAY 2009

387 RESOLVED that the minutes of the Warrumbungle Shire Tourism and Economic Development Advisory Committee Meeting held on 6 May 2009 be adopted with the exclusion of Recommendation 21.

**Campbell/Schmidt
The motion was carried**

GENERAL MANAGER'S REPORT

1.1 DRAFT CODE OF MEETING PRACTICE

388 RESOLVED that Council endorse the following Code of Meeting Practice.

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Management Procedures 5.3

Code of Meeting Practice

This Code of Meeting Practice has been prepared in accordance with Section 360 of the Local Government Act 1993, and, subject to giving public notice and exhibition as required by Section 361 of the Act, will apply to all meetings of Council and committees of Council of which all the members are Councillors. Further the Code of Meeting practice as set out within the text also apply to Advisory Committees of Council

The Code incorporates the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's own decisions (Meeting Notices, etc.).

As required by the Local Government Act 1993 (Section 10), all meetings of Council, Committees of Council and Advisory Committees of Council will be, as far as possible, open to the public, however, Council reserves the right (under Sections 10 (2) and 373) in accordance with current legislation to resolve itself into Committee and exclude the press and public to consider any matter of a confidential nature as determined from time to time.

INTRODUCTION

In determining this Code of meeting Practice a distinction has been made between those committees that come under the provisions of Clauses 259 and 260 of the Local Government (General) Regulations and its consequent implications and other committees called 'Advisory Committees'.

The committees of Council that come under Clause 259 of the Regulations are those committees of which all the members are Councillors.

Advisory Committees are those committees which have at least one staff member or one community representative as part of its membership. This Code of Meeting Practice also covers Advisory Committees and details of that application are set out in this Code.

Definitions

1 In this Code:

Act, refers to the Local Government Act, 1993;

Amendment, in relation to an original motion, means a motion moving an amendment to that motion;

chairperson,

(a) in relation to a meeting of a council - means the person presiding at the meeting as provided by Section 369 of the Act; and

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(b) in relation to a meeting of a committee of a council - means the person presiding at the meeting as provided by Clause 267 of the Regulation (also see clause 36 of this Code);

Committee, in relation to a council, means a committee established under Clause 260 of the Regulation or the Council when it has resolved itself into a committee of the whole;

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partner of the person referred to in paragraph (a) above

the Code means the Warrumbungle Shire Council Code of Meeting Practice; and the **Regulation** means the Local Government (General) Regulation 2005.

2 Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Act and Regulation

- 3. (1) This Code is made pursuant to Section 360(2) of the Act.
- (2) It incorporates relevant provisions of the Regulation and Act.
- (3) In the event of any inconsistency between this Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Note to Text

- 4. Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

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1 REQUIREMENT TO MEET (Sections 365 and 366 and Council Resolution)

- 1.1 The Council is required to meet at least ten (10) times each year, each time in a different month.
- 1.2 The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.

The Council will meet on the third Thursday of each month for the purpose of holding its ordinary meetings.

Council meetings will alternate between Coonabarabran and Coolah and incorporate one meeting per year being held at Goolhi.

- 1.3 The Mayor may call extraordinary meetings of the Council.
- 1.4 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extra-ordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.
- 1.5 For the purpose of subsection (4), a working day is a day that is not a Saturday, Sunday or public holiday.
- 1.6 Council Committees and Advisory Committees shall meet from time to time as determined.

2 NOTICE OF AND ATTENDANCE AT MEETINGS (Section 367 of the Act and Council Resolutions)

- 2.1 Written Notice, of Ordinary Meetings as well as Committee Meetings, (except as otherwise provided) of the business for consideration shall be posted or given to Members not later than the fifth day prior to the regular day for such meeting (Friday prior to the ordinary meeting day being a Thursday).
- 2.2 Written notice of Extraordinary Meetings and (except as otherwise provided) of the business for consideration shall be posted or given to Members:
 - (a) in ordinary circumstances - **not less than three days** prior to the proposed date of such meeting. and
 - (b) in circumstances which are urgent in the opinion of the Mayor - not less than 24 hours prior to the time of the commencement of such meeting.

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- 2.3 The written notice of all meetings must also specify the time, date and place at which the meeting will be held.
- 2.4 A notice under this section and the agenda for, and the business papers relating to, the meeting, may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.
- 2.5 A notice of a meeting of Council or of a committee of Council (of which all the members are councillors) must be published in a newspaper circulating in the area before the meeting takes place. The notice must specify the time and place of the meeting. Notice of more than one meeting may be given in the same notice. This requirement does not apply to an extraordinary meeting of Council or committee.
- 2.6 (i) Everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors, and
- (ii) a Council must ensure that all meetings of the Council and of such committees are open to the public.

3 PROCEDURE FOR CLOSING MEETINGS TO THE PUBLIC AND REPRESENTATIONS BY MEMBERS OF THE PUBLIC – closure of part of meeting (Section 10A of the Act and Clause 252 of Regulation)

- 3.1 Copies of the business paper for Council and Committee meetings shall be available at the Council Chambers for inspection by the public from the morning on the day prior to the meeting being held. Written representations, by members of the public, on whether items proposed to be considered in committee should be closed to the public will be accepted by the General Manager up until the commencement time of the meeting as set out in the business paper.
- 3.2 After a motion to close part of the meeting has been moved and seconded the Mayor or chairman will then ask the General Manager if there are any written representation's from the public on the proposed closure. The General Manager will read out any such written representations.
- 3.3 Council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting would be closed.
- 3.4 A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.

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- 3.5 That period is fixed by this code of meeting practice at 5 minutes. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.
- 3.6 The Chairman will then ask if any person wishes to make verbal representations concerning the closure of the meeting. Each person who wishes to comment and has not made written representation will be invited to do so and will be selected at random to speak. The time limit allowed will be 2 minutes per person on the motion before Council.
- 3.7 The Council or the Committee will in light of the representations made then determine what parts of the meeting will be considered in committee, if any.
- 3.8 In urgent cases the Council or committee may close a part of the meeting without prior notice where it becomes apparent during the course of debate that a matter should be considered in a closed meeting, and the matter is decided, by resolution of the council or committee, to be too urgent to defer. Such resolution to close the meeting will not be put to the vote until the public have been allowed to make verbal representations of the proposed closure.
- 4 QUORUM** (Section 368 of the Act and Clause 233 of Regulation)
- 4.1 The quorum for a meeting of the Council or Committee of Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.
- 4.2 A meeting of a Council or Committee must be adjourned if a quorum is not present:
- (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.
- 4.3 In either case, the meeting must be adjourned to a time, date and place fixed
- (a) by the chairperson, or
 - (b) in his or her absence - by the majority of the Councillors present, or
 - (c) failing that, by the General Manager.
- 4.4 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council or Committee, together with the names of the Councillors present.

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5 PRESENCE AT COUNCIL MEETINGS AND LEAVE OF ABSENCE (Clauses 235 and 235A Regulation)

- 5.1 A Councillor cannot participate in a meeting of a Council or Committee unless personally present at the meeting.
- 5.2 Councillors present at meetings are expected to refrain from leaving the meeting room during the course of the meeting, unless the concurrence of the Chair is obtained or they are absenting themselves because of a conflict of interest. Where any Councillor leaves the meeting while it is in progress the time at which they left, and the time at which they returned is to be recorded in the minutes of the meeting.
- 5.3 A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.
- 5.4 A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

6 MEETING CHAIRMAN (Section 369 of Act and Clause 236 Regulation)

- 6.1 The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor shall preside at meetings of the Council or Committee.
- 6.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present will preside at a meeting of the Council or Committee.
- 6.3 If no chairperson is present at a meeting of a Council or Committee of Council, at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election must be conducted
 - (a) by the General Manager, or in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
 - (c) if, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
 - (d) for the purposes of subclause (c), the person conducting the election must:
 - (i) arrange for the names of the candidates who have equal numbers of

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votes to be written on similar slips, and

(ii) then fold the slips so as to prevent the names from being seen, mix the slips and drawn one of the slips at random.

(e) the candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

7 MOTIONS - CHAIRPERSON'S DUTIES (Clause 237, 238, 246 and 247 of Regulations)

7.1 When the chairperson rises during a meeting of a Council or Committee:

(a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and

(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7.2 It is the duty of the chairperson at a meeting of a Council or Committee to receive and put to the meeting any lawful motion that is brought before the meeting.

7.3 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

7.4 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

7.5 A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling of the motion to be seconded. (Mayoral/Official Minutes and a motion that the question be now put are excepted.)

7.6 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

7.7 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.

7.8 It is permissible to debate the motion and an amendment concurrently.

7.9 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

8 MOTIONS OF DISSENT (Clause 248 Regulation)

8.1 (a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must

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suspend the business before the meeting until a decision is made on the motion of dissent.

- (b) If a motion of dissent is carried, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the business paper and proceed with it in due course.
- (c) Only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

9 VOTING ENTITLEMENTS (Sections 370 and 371 of the Act)

- 9.1 Each Councillor is entitled to one vote.
- 9.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
- 9.3 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council or Committee.

10 BUSINESS PAPER (Clause 240, 242 and 244 of Regulation)

- 10.1 The General Manager is to ensure that an Agenda for any Ordinary Meeting of Council or Committee of Council states
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council or committee, and
 - (b) if the Mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- 10.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 10.3 The Agenda for a meeting of the Council or a committee of the Council is to be prepared as soon as practicable before the meeting.
- 10.4 The General Manager must ensure that the details of any item of business to which section 9(2a) [*see annexure*] of the Act applies are included in a business paper for the meeting concerned.
- 10.5 Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulations.

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- 10.6 If a confidential business paper is prepared, the business must be referred to in the ordinary agenda prepared for the same meeting.
- 10.7 The grounds on which a meeting of the Council or Committee of Council is closed to the Public must be specified in the decision to close the meeting and recorded in the minutes or report of the meeting.
- 10.8 The General Manager must ensure that the agenda for an extraordinary meeting of Council or Committee of Council deals only with the matters stated in the Notice of Meeting.
- 10.9 Despite subclause 10.8, business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- 10.10 Only the mover of a motion referred to in subclause 10.9 can speak to the motion before it is put.
- 10.11 When a report of a Departmental representative has been presented to a meeting of a council in accordance with Section 433 of the Act, the Council must ensure that the report:
- (a) is laid on the table at the meeting; and
 - (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

11 ORDER OF BUSINESS (Clause 239 Regulation)

- 11.1 The general order of business at a meeting of Council or Committee of Council will be fixed by council from time to time and in accordance with this Code of Meeting Practice. Business will be listed by the General Manager as follows:
- (i) Opening of ordinary meeting
 - (ii) Forum
 - (iii) Apologies

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- (iv) Endorsement of Minutes of Previous Council Meeting/s and adoption or acceptance of Committee meeting minutes
 - (v) Matters arising from the Minutes
 - (vi) Mayoral/Official Minutes
 - (vii) Reports to Council by General Manager and relevant staff
 - (viii) Reports to Closed Council
 - (ix) The General Manager advises the meeting of the Resolutions from the Closed Meeting

11.2 The order of business may be altered if a motion to that effect, which can be moved without notice, is carried. Only the mover of such a motion may speak to it before it is put.

12 NOTICE OF BUSINESS (Clause 241 Regulation)

12.1 In order for business to be transacted at a meeting of Council or Committee of Council:

- (a) A Councillor must give notice in writing of any business he/she wants discussed by the Monday, of the week prior to the Ordinary Meeting or Committee Meeting day to allow inclusion in the agenda. Matters requiring investigation should be lodged as early as possible.
- (b) Notice of the business must be sent to Councillors in accordance with the provisions of Section 367 of the Act.

12.2 Subclause 12.1 does not apply to the consideration of business at a meeting if the business:

- (a) is already before, or directly relates to a matter that is already before the council, or
- (b) is the election of a chairperson to preside at the meeting as provided by clause 236(1), or
- (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
- (d) is a motion for the adoption of recommendations of a committee of the council.
- (e) reports of Committees of the Council;

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- (f) reports from officers which in the opinion of the Chairperson or the General Manager are urgent; and
 - (g) reports from officers placed on the business pursuant to a decision of a Committee that additional information be provided to the Council in relation to a matter before the Committee.
- 12.3 Business may be transacted at a meeting of Council or Committee of Council when due notice has not been given to Councillors, but only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the motion is one that can be moved without notice, and
 - (c) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- 12.4 Only the mover of a motion referred to in (12.3) can speak to the motion before it is put.
- 13 MAYORAL/OFFICIAL MINUTES** (Clause 243 Regulation)
- 13.1 If the Mayor (or Deputy Mayor if acting for the Mayor) is the chairperson of a meeting of a Council, he or she is, by way of minutes signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or Committee of which the Council has official knowledge.
- 13.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's Agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) (or the Deputy Mayor if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- 13.3 A recommendation made in a minute of the chairperson (being the Mayor) (or Deputy Mayor if acting for the Mayor) or in a report made by a council employee is, so far as adopted by the Council, a resolution of the Council.
- 14 MINUTES** (Section 375 of the Act and Clauses 254 and 266 of Regulations)
- 14.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council or Committee.
- 14.2 The correctness of the Minutes of every preceding meeting, including extraordinary meeting, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such Minutes may be confirmed.
- 14.3A motion or discussion with respect to such Minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

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14.4 Minutes may be confirmed at an extraordinary meeting of the Council.

14.5 The minutes must, when they have been confirmed at a subsequent meeting of the Council or Committee, be signed by the person presiding at that subsequent meeting.

14.6 The General Manager must ensure that the following matters are recorded in the Council's Minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

15 RESCINDING OR ALTERING RESOLUTIONS (Section 372 of Act)

15.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and Council's Code of Meeting Practice.

15.2 a) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

(b) Where a notice of motion to rescind has been given at a meeting, formal notice must be submitted to the General Manager within three (3) working days and if no such notice is received, the resolution may be carried into effect.

(c) At any time after the meeting at which it is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.

15.3 If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.

15.4 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

15.5 If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three (3) months. This provision may not be evaded by substituting a motion differently worded, but in principle the same.

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15.6 A motion to which this provision applies may be moved on the report of a committee of the council or advisory committee of council and any such report must be recorded in the minutes of the meeting.

15.7 The provisions of this section concerning negatived motions do not apply to motions of adjournment.

16 NOTICE OF MOTION - ABSENCE OF MOVER (Clause 245 of Regulation)

16.1 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a council or Committee:

(a) any other Councillor may move the motion at the meeting, or

(b) the chairperson may defer the motion until the next meeting of the council or committee at which the motion can be considered.

17 NOTICES OF MOTION – MINIMUM NOTICE REQUIRED

17.1 A formal Notice of Motion by a Councillor, not being the Mayor, which is to be included in the General Manager's report in a business paper, should be submitted in writing to the General Manager seven days before the meeting at which it is to be resolved; unless the matter is of an urgent nature.

17.2 If the Mayor wishes, because of importance or urgency, he/she may include the matter in a Mayoral minute. If the Mayor refuses to accept the motion for inclusion in a Mayoral minute, such a refusal shall be noted and recorded in the minutes of the meeting.

17.3 Staff, through the General Manager, may comment on a Councillor's Notice of Motion, but shall not make a recommendation.

17.4 Presentation of the Notice of Motion shall not be delayed beyond the next Ordinary meeting of Council without the consent of the Mayor and the Councillor lodging the Notice of Motion, or the Council in meeting.

17.5 The Mayor may, at the request of the Councillor giving notice of motion or with his consent, present the Notice of Motion to Council as a Mayoral minute.

18 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES (Clause 249 Regulation)

18.1 A Councillor:

(a) may, through the chairperson, put a question to another Councillor; and

(b) may, through the Chairperson and the General Manager, put a question to a council employee.

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- 18.2 However, a Councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 18.3 The Councillor must put every such question directly, succinctly and without argument.
- 18.4 The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or council employee under this section.
- 18.5 Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

19 LIMITATION AS TO NUMBER OF SPEECHES (Clause 250 Regulation)

- 19.1 A Councillor who, during a debate at a meeting of a council or committee, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 19.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 19.3 A Councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 19.4 Despite subclauses 19.1 and 19.2, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it or no Councillor expresses an intention to speak against it; or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 19.5 The chairperson must immediately put to the vote, without debate, a motion moved under subclause 19.4. A seconder is not required for such a motion.
- 19.6 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 19.1.

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19.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

19.8 Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

20 VOTING AT COUNCIL MEETINGS (Clause 251 Regulation)

20.1 A Councillor who is present at a meeting of a council or committee but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This does not apply to a Councillor who has declared a pecuniary interest in the matter before Council.

20.2 If a Councillor who has voted against a motion put at a council or committee meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.

20.3 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.

20.4 When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.

20.5 Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for the Mayor or Deputy Mayor is to be by secret ballot.

20.6 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

21 QUESTIONS OF ORDER (Clause 255 Regulation)

21.1 The chairperson, without the intervention of any other Councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

21.2 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

21.3 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

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- 21.4 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

22 ACTS OF DISORDER (Clause 256 Regulation)

- 22.1 A councillor commits an act of disorder if the councillor, at a meeting of a council or committee of a council

- (a) contravenes the Act or any regulation in force under the Act or this Code
- (b) assaults or threatens to assault another councillor or person present at the meeting
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter
- (d) insults or makes personal reflections on or imputes improper motives to any other councillor
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.

- 22.2 The chairperson may require a councillor

- (a) to apologise without reservation for an act of disorder referred to in subclause 22.1 (a) or (b)
- (b) to withdraw a motion or an amendment, referred to in subclause 22.1 (c) and , where appropriate, to apologise without reservation
- (c) to retract and apologise without reservation for an act of disorder referred to in subclause 22.1 (d) or (e).

- 22.3 A council or a committee of a council may, by resolution, expel from a meeting a councillor who fails to comply with a requirement made under subclause 22.2. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

23 HOW DISORDER AT A MEETING MAY BE DEALT WITH (Clause 257 Regulation)

- 23.1 If disorder occurs at a meeting of a council or committee of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

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- 23.2 A member of the public may, as provided by Section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

24 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION (Clause 258 Regulation)

- 24.1 If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

(a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or

(b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion – immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

25 COMMITTEE OF THE WHOLE (Clauses 259 Regulation)

- 25.1 The Council may resolve itself into a committee of the whole to consider any matter before the Council.
- 25.2 All the provisions of this Regulation relating to meetings of a council or committee, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- 25.3 The General Manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 25.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.
- 25.5 A council committee must keep minutes. This, and section 12(1) of the Local Government Act, will ensure that committee recommendations or decisions (made under delegated power) are available for public inspection.
- 25.6 When a council committee passes a resolution or makes a recommendation during a closed meeting or part of a meeting, the chairperson must make public the

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resolution or recommendation as soon as practicable after the meeting or part has ended. The resolution or recommendation must then be reported to the next council meeting. This will enable the public to be aware of the committee's recommendations or decisions.

26 RESOLUTIONS OF CLOSED MEETINGS TO BE MADE PUBLIC (Clause 253 Regulation)

- 26.1 When the Council passes a resolution during a meeting or part of a meeting, that is closed to the public, the chairperson must make public the resolution as soon as practicable after the meeting or part of the meeting has ended.
- 26.2 Obviously, in some circumstances, commercial or legal issues will determine when it is practicable to release details. However, as a general rule, the public should be kept informed of committee or closed session resolutions in an adequate and timely manner.

27 INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED

- 27.1 If a meeting or part of a meeting of a council or a committee of a council is closed to the public in accordance with Section 10A of the Act, a person must not, without authority of the council or the committee, disclose, otherwise than to the council or to a councillor, information with respect to the discussion at, or the business of, the meeting.
- 27.2 This clause does not apply
- (a) to the report of an advisory committee of council when represented to the council, or
 - (b) to the disclosure of information referred to in subclause 27.1 by a councillor or employee of the council in the course of the councillor's or employee's duties.

28 INSPECTION OF THE MINUTES OF COUNCIL, COMMITTEES OR ADVISORY COMMITTEES (Clause 272 Regulation)

- 28.1 An inspection of the minutes* of a council, committee of a council or advisory committee is to be carried out under the supervision of the General Manager or an employee of the council designated by the General Manager to supervise inspections of those minutes.
- 28.2 The General Manager must ensure that the minutes of the council and any minutes of a committee of the council or advisory committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

* Section 12 of the Act confers a right to inspect the minutes of a council or committee of a council.

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29 ACCESS TO RECORDS

- 29.1 The General Manager may allow or refuse to allow any councillor to inspect any record of the council that the councillor requests to see.
- 29.2 If the General Manager refuses to allow a councillor to inspect any such records, the councillor may, at a meeting of the council, move for the production of the document. However, the councillor must give notice of intention to move the motion.
- 29.3 If the council passes a motion for the production of a council record, the General Manager must ensure that the record
- (a) is produced immediately and laid on the table for inspection by the councillors, and
 - (a) is made available for inspection by any councillor on reasonable notice to the General Manager during the council's ordinary office hours on any day that is within one (1) month after the passing of the motion.
- 29.4 Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.

30 TAPE RECORDING OF MEETING OF COUNCIL, COMMITTEE OR ADVISORY COMMITTEE PROHIBITED WITHOUT PERMISSION (Clause 273 Regulation)

- 30.1 A person may use a tape recorder to record the proceedings of a meeting of a council, a committee of a council or advisory committee only with the authority of the council, the committee or advisory committee.
- 30.2 A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- 30.3 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering, that place.
- 30.4 In this clause "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

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31 COUNCIL MAY APPOINT ADVISORY COMMITTEES

(Clause 260 Regulation)

31.1 Council may, by resolution, appoint or establish such advisory committees as it considers necessary.

31.2 Advisory committees are bound by the provisions of this Code of Meeting Practice except for:

Clause 3 relating to procedures to go into closed committee, and

Clause 2.3 relating to the requirement to advertise meeting dates times and places

31.3 Advisory committees are to consist of such number of councillors, council employees and outside representatives, as the council decides.

31.4 In all instances, except where specifically resolved by Council, Council employees shall have no voting rights.

31.5 The quorum for a meeting of an advisory committee is to be such number of members as the council decides, or

if the council has not decided a number - a majority of the members of the advisory committee.

32 FUNCTIONS OF ADVISORY COMMITTEES (Clause 261 Regulation)

32.1 Council will specify the functions of each of its advisory committees when the advisory committee is appointed or established, but may from time to time amend those functions.

33 NOTICE OF ADVISORY COMMITTEE MEETING TO BE GIVEN

(Clause 262 Regulation)

33.1 The General Manager must send to each advisory committee member, at least **seven (7)** days before each meeting of the advisory committee, a notice specifying

(a) the time and place at which and the date on which the meeting is to be held, and

(b) the business proposed to be transacted at the meeting.

33.2 However, notice of less than five (5) days may be given of an advisory committee meeting called in an emergency.

34 NON-MEMBERS ENTITLED TO ATTEND ADVISORY COMMITTEE MEETINGS (Clause 263 Regulations)

34.1 A councillor who is not a member of an advisory committee of a council is entitled to attend, and speak at, a meeting of the committee but is not entitled to vote at, a meeting of the advisory committee.

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34.2 The General Manager (or his representative), when all his nominees are at the advisory committee meeting, is entitled to attend and speak at, but is not entitled to vote at, a meeting of the advisory committee.

34.3 However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting

35 PROCEDURE IN ADVISORY COMMITTEES (Clause 265 Regulation)

35.1 Each advisory committee of a council may regulate its own procedure but must have regard to this code of meeting practice

35.2 Without limiting subclause 35.1, an advisory committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.

35.3 Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

36 CHAIRPERSON AND DEPUTY CHAIRPERSON OF ADVISORY COMMITTEES (Clause 267 Regulation)

36.1 The Chairperson of each advisory committee of the council must be

- (a) The Mayor, or
- (b) if the Mayor does not wish to be the chairperson of an advisory committee - a member of the committee elected by the council, or
- (c) if the council does not elect such a member - a member of the advisory committee elected by the advisory committee.

36.2 A council may elect a member of an advisory committee of the council as deputy chairperson of the advisory committee. If the council does not elect a deputy chairperson of such an advisory committee, the advisory committee may elect a deputy chairperson.

36.3 If neither the chairperson nor the deputy chairperson of an advisory committee of a council is able or willing to preside at a meeting of the advisory committee, the advisory committee must elect a member of the committee to be acting chairperson of the advisory committee.

36.4 The chairperson is to preside at a meeting of an advisory committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy

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chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

- 36.5 The mayor is, by virtue of holding that Office, a member of each advisory committee of the Council except for the Occupational Health and Safety Advisory Committee and the Consultative Advisory Committee where there are legislative requirements concerning membership.

37 ABSENCE FROM ADVISORY COMMITTEE MEETINGS (Clause 268 Regulation)

- 37.1 A member (other than the mayor) ceases to be a member of an advisory committee if the member:

- (a) has been absent from three (3) consecutive meetings of the advisory committee without having given reasons acceptable to the advisory committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the advisory committee held during the immediately preceding year* without having given to the advisory committee acceptable reasons for the member's absences.

** The expression "year" means the period beginning 1 July and ending the following 30 June.*

38 REPORTS OF ADVISORY COMMITTEES (Clause 269 Regulation)

- 38.1 If in a report of an advisory committee of the council, distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- 38.2 The recommendations of an advisory committee of the council are, so far as adopted by the council, resolutions of the council.
- 38.3 If an advisory committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended,
 - (b) report the resolution or recommendation to the next meeting of the council.

39 DISORDER IN ADVISORY COMMITTEE MEETINGS (Clause 270 Regulation)

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- 39.1 The provisions of the Act and of the Regulation relating to the maintenance of order in council meetings apply to meetings of advisory committees of the council in the same way as they apply to meetings of the council.

40 ADVISORY COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETING (Clause 271 Regulation)

- 40.1 If a meeting or part of a meeting of an advisory committee of a council is closed to the public in accordance with Section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by Section 10 (2) (a) or (b) of the Act.

- 40.2 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place, and, if necessary, restrain that person from re-entering, that place.

41 COUNCIL DECISIONS (Section 374 Local Government Act)

- 41.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or committee member, or
- (c) any defect in the election or appointment of a Councillor or committee member, or
- (d) a failure of a Councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of/or vote on, the relevant matter, at a council or committee meeting in accordance with Section 451, or
- (e) a failure to comply with the code of meeting practice.

42 COUNCIL SEAL (Clause 400 Regulation)

- 42.1 The seal of a council must be kept by the mayor or the general manager, as the council determines.

- 42.2 The seal of a council may be affixed to a document only in the presence of:

- (a) the mayor and the general manager, or
- (b) at least one councillor (other than the mayor) and the general manager, or
- (c) the mayor and at least one other councillor, or
- (d) at least 2 councillors other than the mayor

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- 42.3 The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause 43.2) attest by their signatures that the seal was affixed in their presence.
- 42.4 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 42.5 For the purposes of subclause 42.4, a document in the nature of a reference or certificate of service for an employee does not relate to the business of the council.

Annexure

Extracts from Local Government Act

Section 9 provides:

That a council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.

Section 9 (2) and (2A) provides:

A Council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.

This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public or to any correspondence or reports in a business paper that, in the opinion of the General Manager, are likely to be the subject of a resolution that they be treated as confidential.

Copies are to be available to the public as nearly as possible to the time they are available to councillors and copies are to be available free of charge.

Section 10A (2) provides:

- (2) A council or a committee of the council of which all the members are councillors, may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:
- (a) personnel matters concerning particular individuals (other than councillors)
 - (b) the personal hardship of any resident or ratepayer

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Sections 10A (3) and (4) provides:

- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council or a committee of a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.”

**Schmidt/Dissanayake
The motion was carried**

1.2 CHANGES TO ORGANISATIONAL STRUCTURE

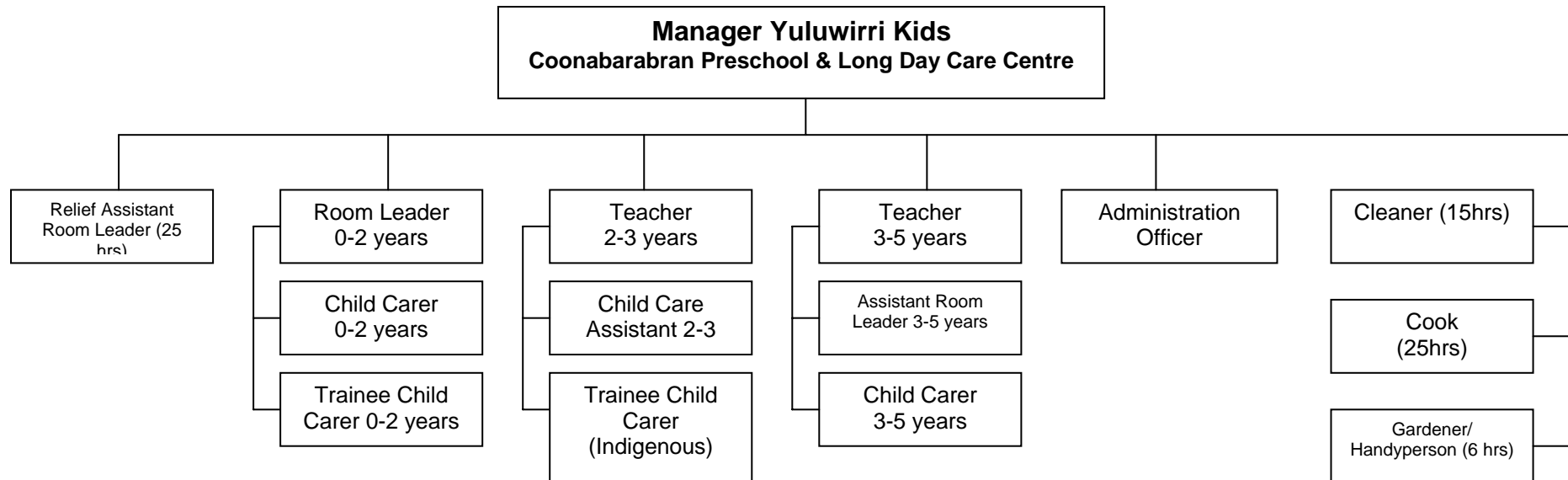
389 RESOLVED that Council endorse the following amended Childcare Centre Structure showing where the Trainee Child Carer 2-3 Years is placed.

**Sullivan/Campbell
The motion was carried**

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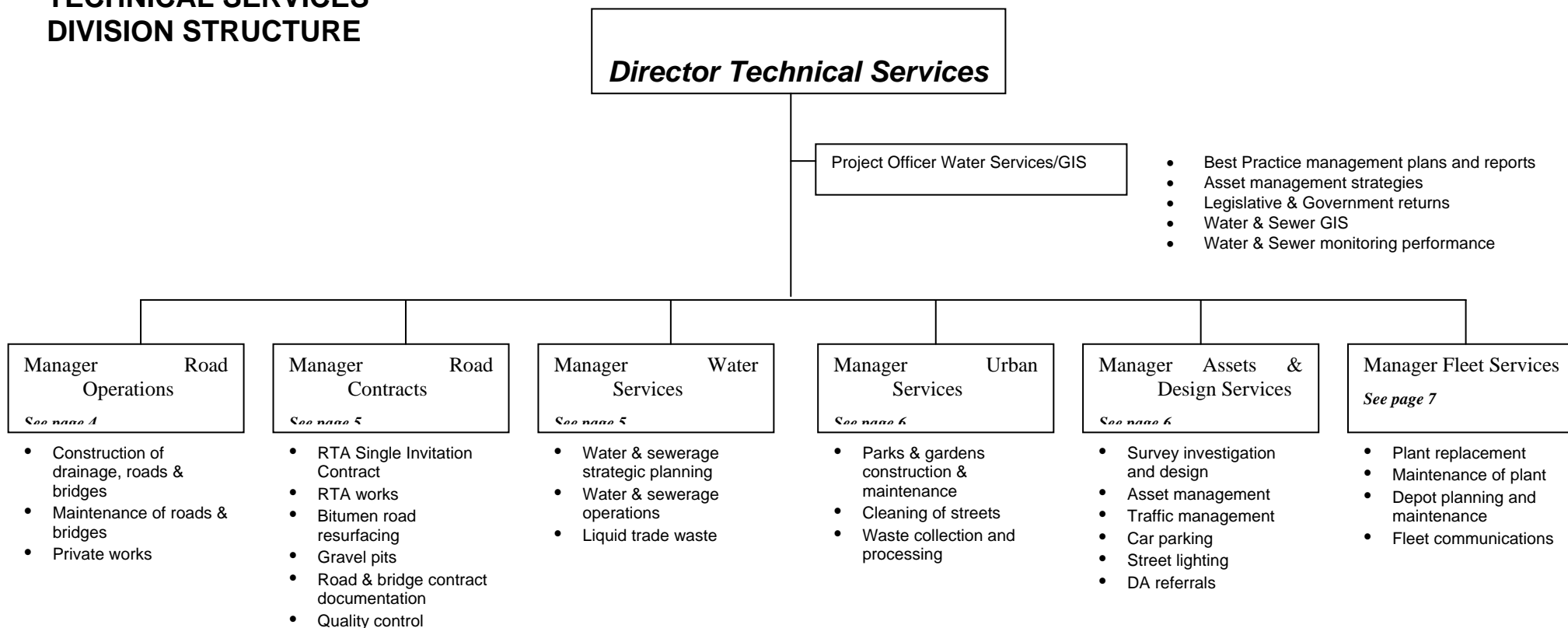
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390 RESOLVED that Council endorse the following amended Technical Services Structure showing where the proposed Project Officer will be placed.

Sullivan/Schmidt
The motion was carried

TECHNICAL SERVICES DIVISION STRUCTURE



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1.3 NOTICE OF MOTION – Mow Rock and Loughlan’s Gully Causeways

A motion was moved by Councillor Lewis seconded by Councillor Dissanayake that plans be drawn up for causeways at Mow Rock and Loughlan’s Gully.

391 An amendment was moved by Councillor Sullivan seconded by Councillor Todd that consideration of an amount of \$10,000 being included in the 2009/2010 budget for investigation of the structure required at the Mow Rock causeway be referred for further discussion at the final budget deliberations.

The amendment was put and carried.

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

1.4 NOTICE OF MOTION – Piambra Road

392 A motion was moved by Councillor Lewis seconded by Councillor Todd that the remaining funds in this year’s budget (2008/2009) be used to seal the newly formed and gravel resheeted section of the Piambra Road.

The motion was put and LOST.

1.5 NOTICE OF MOTION – COONABARABRAN CBD TOILET BLOCK SITE

393 A motion was moved by Councillor Schmidt seconded by Councillor Sullivan that Council consider the site for a new toilet block in Dalgarno Street near the Coonabarabran Times Office and **FURTHER** that a report be prepared and submitted for Council’s consideration outlining the results of site investigation and costings.

The motion was put and carried.

1.6 NOTICE OF MOTION – ALCOHOL FREE ZONE

394 A motion was moved by Councillor Lewis seconded by Councillor Todd that the Len Guy Park in Binnaway be designated an “alcohol free area”.

The motion was put and carried.

1.7 QUESTIONS WITHOUT NOTICE

395 A motion was moved by Councillor Powell seconded by Councillor Lewis that Warrumbungle Council reintroduce the practice of questions without notice sessions and that said sessions are carried out as “best practice” in accord with the guide lines as laid down by Mr. Gerry Holmes, Consulting Barrister to the Shires Association of New South Wales.

The motion was put and LOST.

1.8 COUNCIL CHAMBERS EXTENSION

396 RESOLVED that Council adopt the draft plan as tabled as a design proposal and if unsuccessful with the application under the Regional and Local Community Infrastructure Strategic Projects Program that immediately a cost is sought for that plan. The plan adopted is set out below.

Sullivan/Schmidt
The motion was carried

WARRUMBUNGLE SHIRE COUNCIL

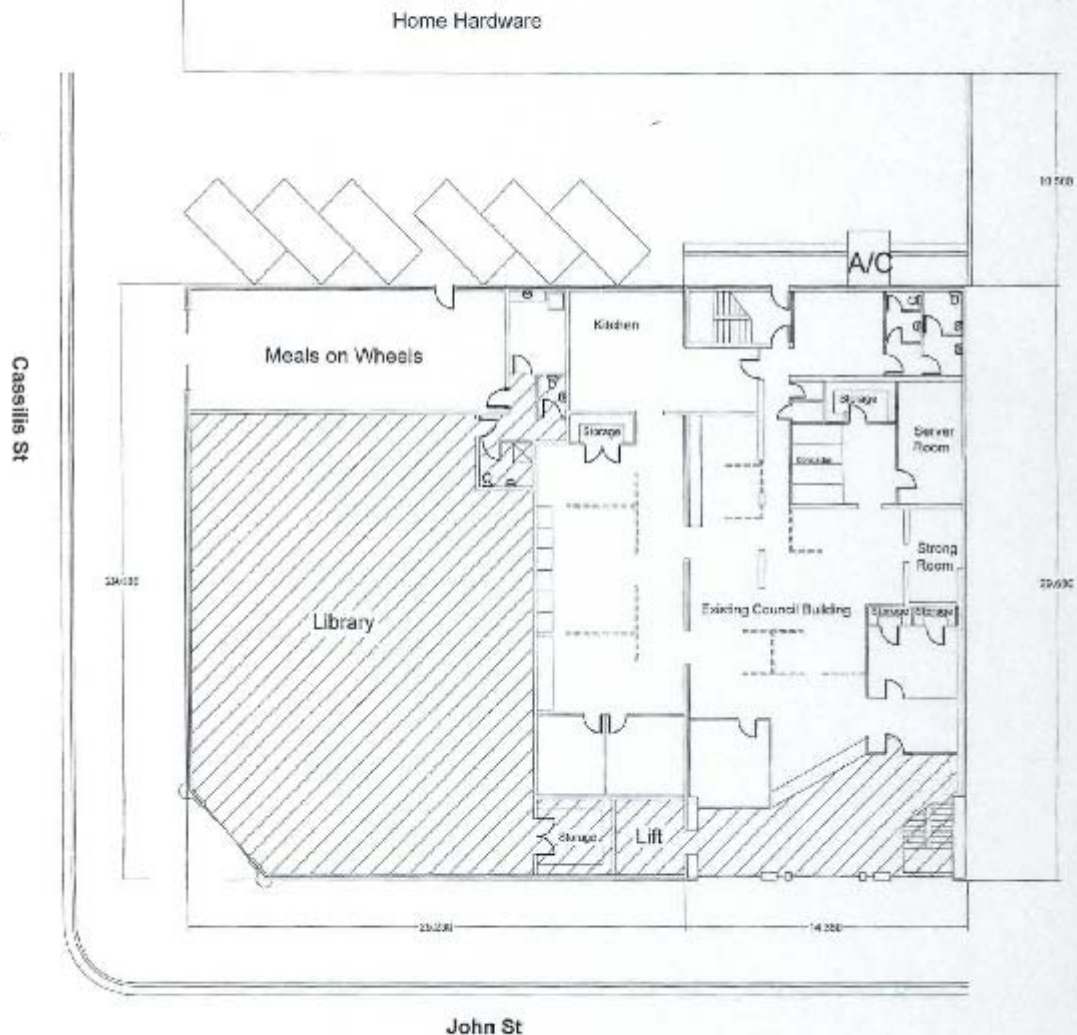
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Warrumbungle Shire Council

John St Coonabarabran

Discussion Plan 4c



John St

▨ = Public Access

Ground Floor

Scale 1:200

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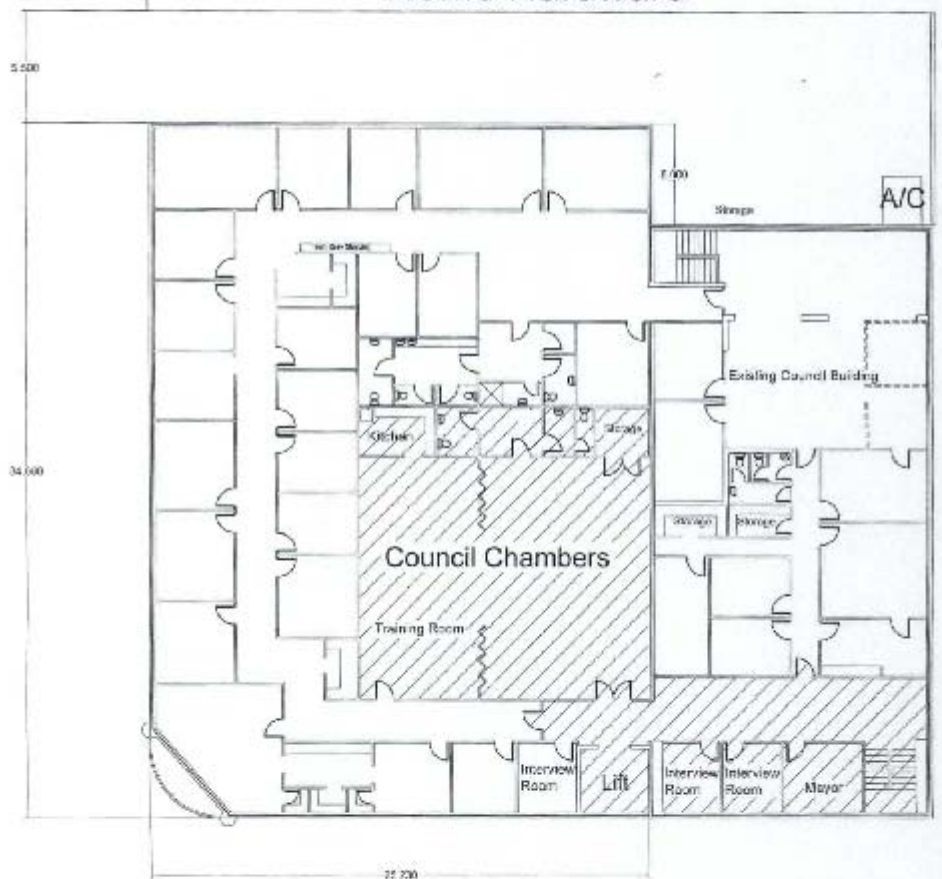
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Warrumbungle Shire Council

John St Coonabarabran

Discussion Plan 4c

Home Hardware



▨ = Public Access

First Floor

Scale 1:200

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1.9 INDUSTRIAL LAND COONABARABRAN

397 RESOLVED that Council write to the Department of Local Government and Minister seeking a review of the procedure required to reclassify land from community to operational and **FURTHER** that Council investigate the current classification of the playing field at Ulan Street Coonabarabran.

Schmidt/Campbell
The motion was carried

1.10 MANAGEMENT PLAN REPORT – MARCH 2009

398 RESOLVED that a report on the installation of water meters for the Kenebri water supply be prepared and presented to Council for further consideration.

Todd/Schmidt
The motion was carried

399 RESOLVED that the Management Plan report for the third quarter 2008/2009 be received.

Todd/Powell
The motion was carried

DIRECTOR OF CORPORATE SERVICES

The Director of Corporate Services presented additional information and reports to the meeting in relation to Bank balances and reconciliation. Ms Lisa Grammer was asked to address the meeting on progress of reconciling the bank statements to the ledger.

2.1 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – 30 APRIL 2009

**DUE BY THE BANK TO THE FOLLOWING FUNDS AS AT
30 April 2009**

Received.

2.2 STATEMENT OF INVESTMENTS AS AT 30 APRIL 2009 INVESTMENT REGISTER

Received.

2.3 RATES AND CHARGES COLLECTION REPORT UP TO AND INCLUDING END APRIL 2009

Received.

2.4 RESULTS OF TENDERING PROCESS FOR SALE AND REMOVAL OF HOUSE AT LOT 1 NEWELL HWY, COONABARABRAN

400 RESOLVED that Council:

- a) Accept the tender of David Poyser to buy and remove the three bedroom vinyl-clad home owned by Council and located at Lot 1 Newell Highway, Coonabarabran;
- b) That a contract for this sale and removal based on the tender be prepared and

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- c) That the General Manager (and Mayor if required) be authorised to act on Council's behalf.

Powell/Dissanayake
The motion was carried

2.5 MARCH BUDGET REVIEW 2009

A motion was moved by Councillor Todd that a report be prepared on the utilisation of the existing pump on the river at Mendooran to provide water to the Mendooran Park. The motion was withdrawn.

401 RESOLVED that the third quarterly review of the budget as at 30 March 2009 for the year 2008/2009 as presented be endorsed.

Schmidt/Campbell
The motion was carried

4.48pm

DIRECTOR OF TECHNICAL SERVICES

3.1 RESPONSE TO FISH PASSAGE PROPOSAL ON MERRYULA ROAD

402 RESOLVED that Council defer acceptance of the funding agreement with the Central West Catchment Management Authority for modification of the concrete causeway on Merryula Road over Castlereagh River until the concerns of property owners upstream that have a licence to pump water are addressed by the Department of Primary Industries. **FURTHER** that Council is not interested in construction of holes in the river bed and if another fish ladder concept could be created Council would further consider the matter.

Sullivan/Todd
The motion was carried

3.2 APPLICATION TO CLOSE PUBLIC ROAD OFF RIVER ROAD IN COONABARABARAN

403 RESOLVED that the application by the owners of Lots 16 and 17 DP753378 to close the adjoining public road be refused on the basis that the following criteria have not been met.

- Use of the public road for access sometime in the future is foreseeable.
- Adjoining property owners have not consented to the road closure

FURTHER that the applicant be informed that they could investigate leasing of the land.

Lewis/Schmidt
The motion was carried

3.3 REQUEST BY THE OWNER OF 'BLYTHWOOD' TO ACQUIRE PUBLIC ROAD

404 RESOLVED that Council agree in principle to the closure of an unused public road that runs through the property 'Blythwood' subject to the following conditions:

1. There is no cost to Council associated with the closure of the road.
2. That a sale price is agreed upon by Council.

Schmidt/Powell
The motion was carried

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DIRECTOR OF ENVIRONMENTAL SERVICES

4.1 HERITAGE ACTION PLAN 2008/2009

405 RESOLVED that Council adopts the report on the Heritage Advisory Service for 2008/2009 and adopts the 2009/2012 draft Heritage Strategy.

Coe/Sullivan
The motion was carried

4.2 REQUEST TO REMOVE RESTRICTIVE COVENANT – LOT 19 DP 1136569 TAMBAR SPRINGS ROAD, PREMIER

406 RESOLVED:

- i. That Council remove the restriction upon the title of lot 19 DP 1136569 which restricts the construction of any building for habitable use within the restricted area of the lot.
- ii. That Council resolve to affix its Common Seal to the necessary legal documents involved in this process where necessary
- iii. Any legal costs involved in the removal or variation of the restrictive covenant be at the landowners' expense.

Schmidt/Dissanayake
The motion was carried

4.3 NATIVE GROVE CEMETERY – BURIALS POLICY

407 RESOLVED that Council adopts the following policy in all dealings relating to the reservation of grave sites in lawn cemeteries within Warrumbungle Shire effective immediately:

- (a) The right of burial reservation fee must be paid at the time of acquisition of the reservation, and
- (b) Burial rights (reservations) at all lawn cemeteries will only occur when a funeral is to take place, at this time a second adjacent site may be booked, i.e., a maximum of two (2) sites can be reserved with one to be used immediately. In the case of the burial of a child (under 18) two (2) sites immediately adjacent to the deceased child may be reserved, and
- (c) Double depth grave sites be encouraged by Council through appropriate concessional rates for the second interment within a grave site in Council's fees and charges structure.

Sullivan/Coe
The motion was carried

4.4 WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF APRIL 2009

Received.

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DIRECTOR OF COMMUNITY SERVICES

5.1 BINNAWAY SOLDIERS MEMORIAL HALL DRAFT CONSERVATION MANAGEMENT STRATEGY

408 RESOLVED that Council accepts the draft Binnaway Memorial Hall Conservation Management Strategy dated March 2009.

Campbell/Schmidt
The motion was carried

5.2 CENTRELINK TRANSFER OF DEFICIT 2007/2008

409 RESOLVED that Council approve the transfer from the external Restricted Asset ACIS \$9,000 to fund the 2008/2009 Centrelink Agency operations deficit.

FURTHERMORE that a report be provided following negotiations and discussion with Centrelink and stakeholders for a longer term sustainable option post 30 June 2009.

Sullivan/Campbell
The motion was carried

5.3 COONABARABRAN AFTER SCHOOL HOURS AND VACATION CARE

410 RESOLVED that Council approve the transfer from the external Restricted Assets totalling \$31,228 being from \$6,682 held as Youth Council, \$3,002 held as Vacation Care and \$21,544 held as ACIS to enable refurbishment works to be completed at 14 Robertson Street Coonabarabran.

Sullivan/Schmidt
The motion was carried

5.4 DUNEDOO FIRE SHED - LEASE OF RAILWAY LAND FOR RURAL FIRE SERVICE AT LOT 1 WHITELEY STREET DUNEDOO

411 RESOLVED that Council proceed in negotiating the lease of the block of land at Lot 1 Whitley Street Dunedoo for the Dunedoo SES and RFS Shed, from the State Railway Authority once the Subdivision and DA has been approved.

Lewis/Coe
The motion was carried

5.5 LIBRARY SERVICES MENDOORAN AND BINNAWAY

412 RESOLVED that Council agree in principal to resolve the inequitable nature of the shires library service over the next 12 months by closing both Mendooran and Binnaway Library Service Points, with hours to be transferred to Dunedoo and Coonabarabran respectively, gaining consensus with each community as to alternative solutions be that a Mobile Library Service or Deposit Station in order to retain a library service of some kind.

Lewis/Dissanayake
The motion was carried

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5.6 PURLEWAUGH RURAL FIRE SERVICE (RFS) SHED

413 RESOLVED that Council approves the additional \$2,300 to the Purlewaugh RFS project for the purpose of connecting power to the RFS shed which is offset by the contribution received from RFS.

Campbell/Sullivan
The motion was carried

5.7 LICENCE AGREEMENT – SIDING SPRING OBSERVATORY

414 RESOLVED that Council authorise the Mayor and General Manager to sign and attach the Council seal to the Lease Agreement .

Schmidt/Powell
The motion was carried

5.15 PM

Confidential Items

415 RESOLVED

- (a) that Council go into closed committee to consider matters concerning personal hardship of ratepayers and a matter of commercial basis
- (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) and (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.

Coe/Schmidt
The motion was carried

5.15 PM

Council closed its meeting to the public.

5.26pm

Councillor Dissanayake declared an interest in item 4C and left the room.

5.43 PM

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

Coe/Schmidt
The motion was carried

Councillor Dissanayake returned to the meeting.

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

1C SALE OF LAND FOR UNPAID RATES

417 RESOLVED that Council:

- d) Appoint Davidson Cameron & Co of Coonabarabran to conduct the auction.

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- e) The date for the auction be changed to a date in September to be arranged in cooperation with the appointed Auctioneer.
- f) That the properties owned by the following persons be excluded from the proposed Auction:
 - Allan Paul KNIBBS (Property Address: Liverpool Street, Baradine)
 - Cameron James JOHNSTON (Property Address: Oram Street, Binnaway)

**Schmidt/Powell
The motion was carried**

2C SALE OF LAND FOR UNPAID RATES

Item 2C (a)

418 RESOLVED that in relation to CI & GH Stuart that an extension of time be granted for the payment of outstanding rates with full payment to be received by Council by 31 December 2009 and that no further sale of land for unpaid rates be considered until 31 March 2010.

**Schmidt/Dissanayake
The motion was carried**

Item 2C (b) and (c)

419 RESOLVED that no action be taken in relation to the request by TJ Pye and AJ Pye to exclude their properties from sale of land for overdue rates.

**Schmidt/Powell
The motion was carried**

3C REQUEST TO WAIVE LEGAL FEES OF \$319.00 – ASSESSMENT 3281

420 RESOLVED that the owner be advised that legal fees to an amount of \$300.00 only will be waived in relation to request regarding Assessment Number 3281 and that the owner will be required to pay the balance of the remaining legal fees amounting to \$19.00.

**Powell/Sullivan
The motion was carried**

5.26pm

Councillor Dissanayake declared an interest in the next item before Council and left the room.

4C REQUEST TO CASUALLY RENT COUNCIL OWNED RESIDENTIAL PROPERTY IN COOLAH

421 RESOLVED that Coolah Arya United Health be offered a lease of the premises 137 Martin Street, Coolah at a weekly rental of \$145.00 for a period of 52 weeks and **FURTHER** that Arya United Health pay the power, water and sewerage charges during the period of the lease.

**Schmidt/Lewis
The motion was carried**

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It was noted that the June meeting is to be held at Coolah on 18 June 2009.

There being no further business the meeting concluded at 5.45 PM.

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CHAIRMAN