

# **WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE FIRE CONTROL CENTRE, COONABARABRAN ON THURSDAY, 13 NOVEMBER 2008  
COMMENCING AT 9.04AM**

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

In attendance: S Morris (minutes)

**APOLOGIES:** Councillor Dissanayake (sought leave of absence) and Director Corporate Services (Carolyn Upston).

**118 RESOLVED** that the apologies of Cr Dissanayake and Director Corporate Services be received.

**Sullivan/Lewis**

The meeting was advised that there was a confidential business item for consideration and that, in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business item is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The following item - Tenders for Construction of three Bridges: Saltwater Creek No 1, Ulindah and Yearinan - is classified CONFIDENTIAL under Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

**119 RESOLVED**

- (a) that Council go into closed committee to consider business concerning Tenders for Construction of three Bridges: Saltwater Creek No 1, Ulindah and Yearinan, together with any late reports tabled at the meeting.
- (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) 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.

**Sullivan/Coe**

**9.05am**

Council closed its meeting. There were no members of the public in the meeting at that time.

**9.39AM**

**120 RESOLVED** Council moved out of closed council and into open council.

**Sullivan/Coe**

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

**121 RESOLVED:**

1. That the tender for the design and construction of the following three bridges be awarded to Fulton Hogan for the contract price as shown:

- Saltwater Creek No 1 - \$764,500 (incl GST) (note: this price includes the cost of constructing the piers parallel to the stream as advised 12 November 2008) less the discount of \$35,000 (incl GST) offered for awarding the three bridges as one contract package.
- Ulindah Bridge - \$731,350 (incl GST)
- Yearinan Creek Bridge - \$598,350 (incl GST).

2. That Digilah Road project be deleted from the 2008/2009 works programme and the funds for this project be allocated to the three bridge project.

3. The Digilah Road project be included in the 2009/2010 works programme and funded from the R2R programme. Further that consultation be undertaken with adjoining property owners on the proposed Digilah Road project in relation to fencing.

**Sullivan/Todd**

**122 RESOLVED** that Council establish an in principle policy that bitumen sealed roads will not be constructed with grids in future.

**Sullivan/Schmidt**

**123 RESOLVED** that Council contribute a one-off payment of \$1,500 to the Central Ranges Natural Gas & Telecommunications Association Inc. to assist with the update of the database information required for the application to construct laterals.

**Sullivan/Coe**

**CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF  
WARRUMBUNGLE SHIRE COUNCIL HELD ON 16 OCTOBER 2008**

**124 RESOLVED** that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 16 October 2008 be endorsed.

**Todd/Coe**

**ADOPTION OF THE RECOMMENDATIONS OF THE TRAFFIC ADVISORY  
COMMITTEE MEETING HELD ON 23 OCTOBER 2008**

**125 RESOLVED** that the minutes of the Traffic Advisory Committee held on 23 October 2008 be adopted.

**Lewis/Sullivan**

Business Arising

**126 RESOLVED** that a report be brought back to Council's December meeting concerning the proposal to develop a bicycle plan for the town of Coolah and construction of a shared cycleway/walkway along the river bank.

**Powell/Sullivan**

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## **ACCEPTANCE OF THE MINUTES OF THE BINNAWAY TOWN COMMITTEE MEETING HELD ON 20 OCTOBER 2008**

**127 RESOLVED** that the minutes of the Binnaway Town Committee meeting held on  
20 October 2008 be accepted.

Lewis/Sullivan

### Business Arising

Cr Lewis advised that the Christmas Party was now not going to be held at the pool and  
requested permission for closure of street.

**128 RESOLVED** that a Class 2 road closure be approved subject to Council's standard  
conditions for the part closure of Renshaw Street, Binnaway for the Annual Lions Christmas  
Carnival on 13 December 2008.

Lewis/Todd

## **ACCEPTANCE OF THE MINUTES OF THE BARADINE TOWN COMMITTEE MEETING HELD ON 20 OCTOBER 2008**

**129 RESOLVED** that the minutes of the Baradine Town Committee meeting held on  
20 October 2008 be accepted.

Todd/Campbell

### Business Arising

**130 RESOLVED** that the bin currently located at the Multi Purpose Centre be moved to a  
site in Wellington Street near the new bus stop.

Todd/Campbell

## **ACCEPTANCE OF THE MINUTES OF THE MENDOORAN/MERRYGOEN TOWN COMMITTEE MEETING HELD ON 21 OCTOBER 2008**

**131 RESOLVED** that the minutes of the Mendooran/Merrygoen Town Committee meeting  
held on 21 October 2008 be accepted.

Lewis/Sullivan

## **ACCEPTANCE OF THE MINUTES OF THE DUNEDOO TOWN COMMITTEE MEETING HELD ON 21 OCTOBER 2008**

**132 RESOLVED** that the minutes of the Dunedoo Town Committee meeting held on 21  
October 2008 be accepted.

Coe/Todd

## **ACCEPTANCE OF THE MINUTES OF THE COOLAH TOWN COMMITTEE MEETING HELD ON 21 OCTOBER 2008**

**133 RESOLVED** that the minutes of the Coolah Town Committee meeting held on 21  
October 2008 be accepted.

Powell/Coe

### Business Arising

**134 RESOLVED** that an appropriate function for the dedication of the Bruce Rindfleish  
Centre be organised in conjunction with the Coolah District Development Group.

Powell/Sullivan

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The Mayor, Cr Peter Shinton, advised the meeting of his attendance at the OROC meeting at which discussions were held on the Code of Conduct Committees and membership; electricity contract and pricing for street lighting and GWAHS.

**10.15am**

## **GENERAL MANAGER'S REPORT**

### **1.1 LEAVE OF ABSENCE**

**135 RESOLVED** that the request for leave of absence from the November 2008 Council meeting, lodged by Cr Dissanayake, be approved.

**Sullivan/Powell**

### **1.2 SURPLUS STREET PAVERS**

**136 RESOLVED** that Council advise the Coonabarabran High School that it cannot agree to its request for supply of used pavers.

**Campbell/Schmidt**

### **1.3 COOLAH ROCK'N AT THE RACECOURSE**

**137 RESOLVED** that Council provide a one-off donation of \$500.00 towards the Rock'n at the Racecourse event to be held at Coolah and that the funds be provided from the Donations – Other budget.

**Powell/Todd**

**A motion was moved by Councillor Powell seconded by Councillor Schmidt** that Council mow the racecourse area and empty bins during the event.

**The motion was withdrawn.**

### **1.4 STAFF CHRISTMAS BREAK UP FUNCTION**

**138 A motion was moved by Councillor Schmidt seconded by Councillor Campbell** that Council provide an amount of \$3,000 to assist in the costs of the end of year staff Christmas function from the Donations – Other budget.

**An amendment was moved by Councillor Powell** that Council provide an amount of \$2,000 to assist in the costs of the end of year staff Christmas function.

**This amendment lapsed for want of a seconder.**

**The motion was put and carried.**

**Councillor Sullivan foreshadowed a motion** that the costs associated with the staff end of year function be provided in the budget as an annual amount.

**10.47am**

**Councillor Lewis declared a non pecuniary interest in the next matter** with his interest extending to his membership of the Binnaway Progress Association. Cr Lewis abstained from voting.

### **1.5 BINNAWAY PROGRESS ASSOCIATION**

**139 RESOLVED** that Council provide an amount of \$530.00 to the Binnaway Progress Association to assist two people to travel to Dorriggo to receive the Tidy Towns award and

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**FURTHER** that Council congratulate the Binnaway and Leadville communities on their success in the Tidy Towns Awards.

Sullivan/Powell

## **1.6 BINNAWAY PROGRESS ASSOCIATION**

**140 RESOLVED** that Council provide \$639.00 by way of a supplementary vote from General Fund being the amount of the Development Application fees paid by the Association in connection with the development of a primitive camping area and amenities block in Binnaway.

Sullivan/Todd

## **1.7 FLUORIDATION OF TOWN WATER SUPPLIES**

**141 RESOLVED** that Council invites Mr John Irving from the Department of Health to address the December 2008 meeting. After that presentation if Council wants to proceed with fluoridation, it undertakes a community information campaign and consultation programme with a concluding report to be brought back to the 19 March 2009 meeting.

Campbell/Schmidt

## **1.8 CRANE BUILDING SITE**

**142 RESOLVED** that Council endorse the Mayor and General Manager's action and provide a supplementary vote of \$21,000 to cover the cost of works to the site.

Sullivan/Schmidt

## **1.9 C DIVISION CONFERENCE**

**143 RESOLVED** that Council submit the following motion for the "C" Division Conference and that further motions be determined at the December meeting and also the number of representatives it will have attending the Conference.

*That the Shires Association make representation to the State Government to have legislative change made to its policy to allow removal of sand from waterways.*

Lewis/Todd

Discussion concerning referral to C Division of motion detailing concerns regarding major financial institutions not paying interest on investments.

## **1.10 MANAGEMENT PLAN REPORT – September 2008**

**144 RESOLVED** that consideration of this matter be deferred to the end of the meeting.

Sullivan/Coe

## **DIRECTOR OF CORPORATE SERVICES**

### **2.1 DUE BY THE BANK TO THE FOLLOWING FUNDS AS AT 31 OCTOBER 2008**

Received.

### **2.2 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – 31 OCTOBER 2008**

Received.

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## **2.3 STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2008**

Received.

## **2.4 RATES AND CHARGES COLLECTION REPORT UP TO and INCLUDING END OCTOBER 2008**

Received.

## **2.5 BUDGET REVIEW – END OF SEPTEMBER**

**145 RESOLVED** that the first quarterly review of the budget as at 30<sup>th</sup> September 2008 for the year 2008/2009 as presented be endorsed and further that the following supplementary votes be endorsed:

Executive Services			0
Conferences	3,000	CR	
Subscriptions	3,000	DB	
Donations	4,699	CR	
Councillors Costs	4,699	DB	
			<hr/> Sullivan/Coe

**146 RESOLVED** that the following further supplementary votes be endorsed:

Connect 5			0
Long Day Care Grant Inc	42,355	CR	
Long Day Care Fees	17,250	CR	
Long Day Care Expenditure	59,605	DB	
Total Supplementary Votes	0		<hr/>
			Schmidt/Lewis

## **DIRECTOR OF TECHNICAL SERVICES**

### **3.1 REQUEST TO ASSUME CONTROL OF SHARED ROAD – PARISH OF TERRAWINDA**

**147 RESOLVED** that the request by the owners of 'Keadool' to convert the Crown Road share of Brooks Road that traverses their property to Local Government control be approved subject to no cost to Council.

Lewis/Sullivan

### **3.2 CROWN ROAD ACCESS OFF CASTLEREAGH HIGHWAY TO 'GUMBARLAH' – MENDOORAN.**

**148 RESOLVED:**

1. That any application to close the Crown Road access to 'Gumbarlah' off the Castlereagh Highway near Mendooran be refused.

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2. That any request by the owner of 'Gumbarlah' for Council to assume control or undertake works on the Crown Road access be refused.

**Sullivan/Coe**

### **3.3 USER PAY SEWERAGE**

**149 RESOLVED** that this matter be deferred for consideration following presentation by Mr Peter Starr.

**Coe/Campbell**

## **DIRECTOR OF ENVIRONMENTAL SERVICES**

### **4.1 PUBLIC LAND REGISTER AND CLASSIFICATION OF PUBLIC LAND**

**150 RESOLVED** that Council resolve to add the following three (3) parcels of land to its list of "Community Land" required to be reclassified as "Operational land" in a future amending Local Environmental Plan:

1. Multi-Purpose Building 38-40 Bolaro Street Dunedoo identified as lot 3 Section 2 DP 758364.
2. Water Reservoir, Rhodes Street Dunedoo identified as lot 2 DP 630792
3. Garbage Depot, Avonside Road Dunedoo identified as lots 177 & 178 DP 754291.

**Schmidt/Coe**

### **4.2 DA 17/2005 FINALISATION OF DEVELOPMENT CONSENT CONDITIONS - WOOLWORTHS SUPERMARKET COONABARABRAN**

**151 RESOLVED** that Council resolve to pursue the unfinished fencing and tree planting by way of the Orders Provisions contained in the Environmental Planning & Assessment Act, 1979.

**Sullivan/Powell**

### **4.3 PROPOSED EXTENSION OF THE COONABARABRAN NATIVE GROVE CEMETERY**

**152 RESOLVED** that a report be prepared for Council's December 2008 meeting, fully detailing when this project could be undertaken and how it could be funded to minimise its impact on the adopted 2008/2009 budget.

**Coe/Campbell**

**11.53am**

Councillor Lewis left the room.

### **4.4 EXHIBITION OF DRAFT (AMENDING) LOCAL ENVIRONMENTAL PLAN – SALISBURY, SCHEIMER AND JOHNSON ESTATES**

**153 RESOLVED** that Council resolve to adopt the exhibited Draft Coolah LEP 2000 (Amendment No 1) and submit the requisite S68 Report and Parliamentary Counsel request to the Director-General of Planning.

**Sullivan/Coe**

**11.55am**

Councillor Lewis returned to the meeting.

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## **4.5 COMPULSORY ACQUISITION OF RESERVE NUMBER 86029 FOR PUBLIC RECREATION – CUNNINGHAM STREET, COOLAH.**

### **154 RESOLVED:**

1. That Council acknowledge the risk and pay the invoice from the Department of Lands from Council's operating funds.
2. That Council's legal representative in this matter be requested to conclude this process of land transfer as quickly as possible.

Sullivan/Schmidt

## **4.6 POOL KIOSK OPERATIONS – LATE OFFERS**

**155 RESOLVED** that the Mendooran swimming pool kiosk rights be offered to Ms Kristen Meyers for the 2008/9 season in accordance with the submission received, and the remuneration by Council be calculated on a pro-rata basis for the remaining length of the swimming season.

1. That the installation of bubblers at the Baradine and Dunedoo pools be deferred until the end of November, at which time negotiations with prospective operators should be exhausted.
2. That Council authorise the General Manager to accept offers from interested parties for the swimming pool kiosks subject to the following conditions:
  - Tenders are in accordance with Council's contract documents.
  - Tenders are accompanied by the requisite documentation.
  - That the contract payments are calculated on a pro-rata basis of the remaining length of swimming season.

Coe/Sullivan

## **4.7 WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF OCTOBER 2008**

Received.

## **DIRECTOR OF COMMUNITY SERVICES**

### **5.1 MOTOR VEHICLE GARAGING AGREEMENT VOLUNTEERS**

**156 RESOLVED** that Council authorise the General Manager to sign and enter into a Motor Vehicle Garaging Agreement as follows with volunteer community members as the need arises:

#### ***MOTOR VEHICLE GARAGING AGREEMENT VOLUNTEER(S)***

***THIS AGREEMENT*** made this ..... day of ..... 20.. between  
***WARRUMBUNGLE SHIRE COUNCIL*** (hereinafter referred to as 'the Council') and  
..... Volunteer – Warrumbungle Community Care of  
....., (hereinafter referred to as  
'the Volunteer') of the other part.

***WHEREAS*** the Council, being the auspice for Warrumbungle Community Care which delivers the NSW Ministry of Transport Community Transport programs; and owner of certain motor vehicles



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*used by certain volunteers in the course of voluntary service, has agreed to the Garaging of said service vehicles, subject to the following conditions:*

## **MOTOR VEHICLE – GARAGING**

- 1. .... Community Transport vehicles shall be garaged either:  
a) in a lockable weather proof building, OR  
b) under cover but behind locked gates*
- 2. The motor vehicle shall **NOT** be parked on the street.*

## **MOTOR VEHICLE – USE**

*The motor vehicle shall be used for the purpose of the voluntary service only.*

## **PAYMENT**

*A yearly payment of \$200 per vehicle for the garaging of Community Transport vehicles.*

## **INSURANCE**

*Council shall be responsible for the Comprehensive Insurance of the motor vehicle.*

## **TERMINATION OF AGREEMENT**

*This agreement may be terminated by:*

- a) Upon volunteer's service with the Council being terminated for any reason; OR*
- b) Upon resignation of the volunteer; OR*
- c) Upon mutual understanding*

**IN WITNESS WHEREOF** *the parties hereto have executed those present on the day and year first herein before written.*

.....  
*General Manager*

*SIGNED by the Volunteer,.....*

*In the presence of ..... Date:.....*

**Schmidt/Campbell**

## **5.2 HOME AND COMMUNITY CARE (HACC) SUB LICENCE AGREEMENT**

**157 RESOLVED** that Council authorise the Mayor and General Manager to attach the Council seal and sign the DADHC Sub Licence Agreement in relation to the use of the HACC Logo.

**Lewis/Powell**

## **5.3 POLICIES OF COUNCIL AUSPICED PROGRAMS – CONNECT 5 CHILDCARE, CASTLEREAGH FAMILY DAY CARE AND WARRUMBUNGLE COMMUNITY CARE**

Received.

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The General Manager advised that he will be on leave for four weeks and that Mr Ron VanKatwyk will be Acting General Manager for the first two weeks and Mr Kevin Tighe will be Acting General Manager for the second two week period.

Discussion concerning requirements for building to be constructed on Crane building site so that costings can be obtained. Costings to include a building with shops, no public toilets and be two storey over whole of the block.

## **12.20pm**

Mr Peter Starr gave a presentation on User Pay Sewerage informing the meeting of the various models developed for Council's consideration.

## **1.09pm**

Mr Starr's presentation concluded.

### **3.3 USER PAY SEWERAGE**

**158 RESOLVED** that community consultation be undertaken on the proposed introduction of user pay sewerage and trade waste pricing policy. Further, the community consultation programme include the following activities; mail out newsletter to all property owners within the Coonabarabran sewer reticulation area, a public meeting in Coonabarabran and newspaper articles to cover the policy and its implications for users.

**Sullivan/Lewis**

### **1.10 MANAGEMENT PLAN REPORT – September 2008**

**159 RESOLVED** that the Management Plan report for the first quarter 2008/2009 be received.

**Lewis/Schmidt**

**160 RESOLVED** that a report be brought back to council on work to be undertaken at the Old Coonabarabran cemetery.

**Lewis/Schmidt**

There being no further business the meeting concluded at 1.28pm.

.....  
**CHAIRMAN**