

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS COOLAH, THURSDAY 21 FEBRUARY, 2013 COMMENCING
10AM** **PAGE 1**

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Director Environmental and Community Services (Tony Meppem).

In attendance: Chief Financial Officer (Stefan Murru), Corporate Services Administration Officer (Carol Nasmith, Minutes) and PA to Director Corporate Services (Emma Gardiner, Ipad Angel).

Forum 10am

Mr Shane Bennett - Binnaway Sewerage costs
Virginia Birks and Ben Rourke – DA 20/1213

REPORTS

Item 1 Minutes Ordinary Council Meeting – 20 December 2012

230/1213 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held 20 December 2012 be endorsed.

Coe/Sullivan
The motion was carried

Item 2 Minutes Finance and Projects Meeting – 7 February 2013

231/1213 RESOLVED:

1. That Council accepts the Minutes of the Finance and Projects Committee Meeting held on 7 February 2013 at Coolah.
2. That Council write to the Valuer Generals Department regarding the impact on landholders of inflated land values due to Cobbora Coal Project.
3. That Council approve the supplementary vote requests totalling \$330,096; being \$173,664 General Fund and \$156,432 Water and Sewer Fund.
4. That Council review the Employee Leave Liability, Section 94 funds and report to next Finance and Projects Committee meeting an objective analysis of Restricted Assets to be moved in or out this financial year.
5. That the Internal Audit Report November 2012 be noted.
6. That Council adopts the draft budget and reporting format in the Delivery Program and Operational Plan including Activity Group Service Levels.

Coe/Schmidt
The motion was carried

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Item 3 Minutes Economic Development and Tourism Advisory Meeting – 6 February 2013

232/1213 RESOLVED:

1. That Council accepts the Minutes of the Economic Development & Tourism Advisory Meeting held on 6 February 2012 at Coonabarabran.
2. That Council liaise with ABC Open on the re-tasking of ABC Open to support the implementation of a recovery montage for use in tourism promotions.
3. That Council through the Tourism & Economic Development unit construct a library of images showing the impact of the fire on the landscape of the Warrumbungle fires for displaying in the VIC, on websites and in promotional materials.
4. That strategy be developed focusing on the short term actions required to address the impacts of the bushfires and then with a longer term strategy for future activities.
5. That the budget be amended to reflect changed directions; that \$7,500 from the TP Budget and a further \$8,950 from the EP Budget reallocated to funds for matching with government allocation for a new media campaign making a total of \$16,450 plus the Brochure allocation of \$9,000 to be utilised for new promotional initiatives to address the impact of bushfires.

Schmidt/Coe
The motion was carried

Item 4 Minutes Bushfire Appeal Advisory Panel – 12 February 2013

233/1213 RESOLVED:

1. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Public Fund Rules and authorise the Mayor and General Manager to execute the document.
2. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Guiding Principles.
3. That Council approve the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Terms of Reference.
4. That Council endorse the recommendations for the Warrumbungle Shire Mayors Bushfire Appeal Phase two (2) disbursements, being a total of \$370,000 provided to the following Partner Agencies or Programs; BlazeAid Project \$40,000, Fencing Materials (\$1,000 per km road frontage) \$100,000, House Re-establishment Grant (\$5,000 per house) \$210,000 and the Shed Rebuild Grant (\$1,000 per shed) \$20,000.

Schmidt/Capel
The motion was carried

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Item 5 Minutes Waste Management Strategy Meeting – 4 December 2012

For Council's Information

Responses to Questions from Last Meeting

For Council's information.

Item 6 Warrumbungle Shire Mayor's Bushfire Appeal

234/1213 RESOLVED that Council approve the Warrumbungle Shire Council Mayors Bushfire Appeal Public Fund Rules, Guiding Principles and Advisory Panel Terms of Reference documents; **FURTHERMORE** that Council notes the Phase one (1) and Phase two (2) distribution of funds as follows:

Phase One

Partner Agency or Program	Amount
BlazeAid Project	\$40k
Centacare	\$10k
ADRA	\$10k
St Vincent de Paul	\$10k
Barnardos	\$10k
DPI Fodder Drive	\$10k
Potable Water Grant	\$20k
Home Dislocation Grant	\$50k
Total	\$160k

Phase Two

Partner Agency or Program	Amount
BlazeAid Project	\$40k
Fencing Material	\$100k
House Re-establishment Grant	\$210k
Shed Rebuild Grant	\$20k
Total	\$390k

Capel/R Sullivan
The motion was carried

Item 7 Policy Payment of Expenses and Provision of Facilities – Mayor and Council

235/1213 RESOLVED that Council endorses the amended Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Strategic 1.1

Attachment A

Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors **(Pursuant to Sections 12, 23A, 252, 253 and 254 of the Local Government Act and Clauses 217 and 403 of the Local Government (General) Regulation 2005)**

Part 1 - INTRODUCTION

Title and Commencement of the Policy

This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors and is effective from 21 November 2012 and replaces the previous policy titled Policy for the Payment of Expenses and Provision of Facilities to Councillors adopted by Council on 24 November 2011.

Purpose of the Policy

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

Objectives and Coverage of the Policy

The objectives of this Policy are to:

- Provide a guide to councillors expenses and facilities
- Outline the process for paying expenses so that they can be properly recorded, reported and audited
- Comply with the guidelines issued by the Department of Local Government.

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

Basis of this Policy

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

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*

- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

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

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

Part 2 - PAYMENT OF EXPENSES

Allowances and expenses

Council does not provide general expense allowances to Councillors. Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office.

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

2.1 Establishment of Monetary Limits and Standards

This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids the situation where Councillors incur expenditure that is unforeseen or considered unreasonable by other Councillors and the public.

Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any expense or facility.

Where a Councillor incurs expenses in the course of discharging their civic office responsibilities, such expenses will be reimbursed. Typical examples of such expenses include:

- Course fees
- Fares / parking / tolls
- Accommodation
- Meals
- Incidentals, including telephone or facsimile charges, internet charges, laundry and dry cleaning etc. while attending conferences, seminars etc.
-

Wherever possible, every effort should be made to minimise the extent of such expenses to a reasonable level. Furthermore, in the majority of cases course/conference fees and accommodation will be pre-booked, negating the need for out-of pocket expenses to be incurred.

For accommodation or meals that Council has not prepaid, and for incidental expenses, Council will reimburse expenses incurred while at conference, seminars or official functions to the limits of the allowances set out in the Australian Tax Office's Taxation Determination TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it.

The limits will be applied as follows:

- Where Councillors' meals are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for meals are those set out under 'Food and Drink' in Table 3 paragraph 11 of TD 2011/17 (see Appendix A attached) or such determination or policies of the Australian Tax Office that supersede it. (As at October 2012 – Meal Allowance (per day) Breakfast \$30.30; Lunch \$42.95; Dinner \$60.20)
- Where Councillors incur incidental expenses, such as phone call and similar expenses, the monetary limits per day for those expenses are the rates set out under 'Incidentals' in Table 3 of paragraph 11 of TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it. (As at October 2012 – Incidental Expenses (per day) \$24.70)
- Where Councillors' accommodation expenses are not prepaid by Council or are not included in the seminar, conference, event or briefing fee, the monetary limits per day for those expenses are those set out under 'Accommodation' in Tables 3 and 4 (see Appendix A attached) of paragraph 11 of TD 2011/17 or such determinations or policies of the Australian Tax Office that supersede it.

With the approval of the Mayor and General Manager, a Councillor may expend more than the individual monetary limits per day for meals and incidental expenses, provided that the overall monetary limit per day in that case will be the sum of all of the monetary limits per day for meals and incidental expenses.

On completion of a discretionary trip or attendance, Councillors should provide a written report to Council on the aspects of the attendance that are relevant to Council's business and/or the local community. A report is not required for the annual conference of the Local Government and Shires Associations.

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

2.2 Requirement for receipts

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

2.3 Payment of Reimbursed claims

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

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

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

2.4 Accommodation and meal expenses

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

Such attendance to be confirmed by Council with reimbursement of costs and expenses to be made upon the production of appropriate receipts and/or tax invoices and completion of the required claim forms. Alternatively, accommodation can be booked by Council order form and allowance for incidental expenses as provided under clause (2.5).

2.5 Incidental Expenses

Incidental expenses such as public transport fares, parking fees, phone/fax expenses and expenses incurred as the result of the purchase of refreshments during meetings related to council business or meals not included in the registration fees for conferences or similar functions, will be reimbursed by Council on production by the Councillor of the relevant receipts together with an approved claim form in accordance with Table 3 of paragraph 11 of TD 2011/17 (see clause 2.1).

Council will not meet any expenses for alcohol, cigarettes or personal requirements. Council will not fully fund any activity where the Councillor is not in attendance for at least 90% of the specified activity. Other than in the most exceptional circumstances, where Councillor's expenses have been met by Council but the Councillor does not attend at least 90% of the activity, that Councillor will be required to show cause why they should not reimburse Council for any costs incurred.

2.6 Payment of expenses for spouses, partners and accompanying persons

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

Where the attendee is accompanied at a conference or seminar by his or her spouse or partner or accompanying person, the attendee will be required to meet all costs associated with their spouse or partner or accompanying person's travel expenses, additional accommodation expenses, tours and attendance unless otherwise resolved by Council.

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

By resolution of Council, costs and expenses incurred by the Mayor, Councillors (or General Manager or nominee) for other events or functions on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal, travel and accommodation and/or direct cost of attending the function. A total pool of \$4,510 per year per term is available for this purpose.

2.7 Payments in advance

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

Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$563.20.

2.8 Approval arrangements

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

2.9 Attendance at seminars and conferences

Council will allocate up to \$24,000 per year (including GST) to fund attendance at conferences, investigatory delegations and similar events. However, Council may agree to allocate additional funds in specific cases where it decides that there is a benefit to council from the attendance.

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

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

After returning from the conference, Councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community.

No written report is required for the Annual Conferences of the Local Government and Shires Association.

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

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

2.10 Registration fees

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

2.11 Travel Expenses

Council will meet all reasonable costs of transportation to and from conferences and seminars when they are not included in the conference fees. Councillors are entitled to use Taxis provided that the cost of a single trip does not exceed \$100 (including GST) unless approval is granted by the General Manager in exceptional circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.12 Attendance at dinners and other non-council functions

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

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

2.13 Gifts

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

2.14 Training and Educational expenses

Council will only meet the costs of training or attendance at an educational course that is directly related to the Councillor's civic functions and responsibilities and is approved by Council prior to undertaking such training or attendance. Council will allocate up to \$ 1500 per year per councillor (including GST) to fund relevant training and educational courses and attendances at briefings.

2.15 Telephone and internet expenses

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

2.16 Mobile telephone

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

2.17 Internet

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

2.18 Insurance Provisions

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

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

2.19 Legal Expenses and Obligations

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

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

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

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

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

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

2.20 Special requirements of Councillors – Care and Other Related Expenses

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

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

The total amount paid to a Councillor under this provision shall not exceed \$800 per year of term.

Part 3 – PROVISION OF FACILITIES

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

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

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

3.1 Mayoral Expenses, Facilities, Equipment and Services

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

- a) Provision of a Council vehicle for appropriate use by the Mayor to carry out his duties as Mayor. Council to meet all costs associated with the provision of the vehicle. The Mayor will have no right of private use of this vehicle with the exception that he may use the vehicle for limited private use travel within the Shire only when attending different functions on the same day.
- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery, writing pads, pens, diaries, folders and postage of official correspondence.
- c) Administrative assistance associated with civic functions, meetings and the like.
- d) Office refreshments
- e) Supply of Name Badges, Business Cards, Diaries and Attaché Case.

3.2 Elected Members – Facilities, Equipment and Services

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

- a) Use of Council Chambers, telephone and limited hospitality facilities (tea and coffee) for Council business or functions or community consultation.
- b) Secretarial services relating to the discharge of his/her civic functions, including use of official stationery where authorised by Mayor or General Manager.
- c) Postage of official correspondence dealing with Council business.
- d) Access to facsimile and photocopying facilities for Council related business.
- e) Transport to official functions when deputising for the Mayor (ie) Use of Mayoral vehicle if required.
- f) Supply of Name Badges and Note Books.

3.3 Bluetts Handbook

Provide all Councillors with a copy after their election.

3.4 Policies

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

Part 4 – OTHER MATTERS

4.1 Acquisition and return of equipment and facilities by Councillors

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

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

4.2 Status of the Policy

This is the fourth version of the Policy. This Policy replaces the previous version of the Policy adopted by Council on 24 November 2011 Minute No. 181/1112.

The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD AT THE COUNCIL CHAMBERS COOLAH, THURSDAY 21 FEBRUARY, 2013 COMMENCING 10AM

Appendix A

Table 3: Employee's annual salary – \$179,351 and above				
Place	Accomm. \$	Food and drink \$ B'fast 30.30 Lunch 42.95 Dinner 60.20	Incidentals \$	Total \$
Adelaide	209	133.45	24.70	367.15
Brisbane	236	133.45	24.70	394.15
Canberra	230	133.45	24.70	388.15
Darwin	278	133.45	24.70	436.15
Hobart	195	133.45	24.70	353.15
Melbourne	265	133.45	24.70	423.15
Perth	275	133.45	24.70	433.15
Sydney	265	133.45	24.70	423.15
Country centres	\$190, or the relevant amount in Table 4 if higher	133.45	24.70	Variable – see Table 4 if applicable

Table 4: High cost country centres – accommodation expenses			
Country centre	\$	Country centre	\$
Ballarat (VIC)	127.00	Kalgoorlie (WA)	169.50
Bendigo (VIC)	122.00	Karratha (WA)	285.00
Broome (WA)	222.50	Katherine (NT)	120.50
Bunbury (WA)	129.00	Kununurra (WA)	182.00
Burnie (TAS)	125.00	Launceston (TAS)	126.50
Cairns (QLD)	127.00	Mackay (QLD)	153.00
Carnarvon (WA)	151.00	Maitland (NSW)	131.50
Christmas Island (WA)	150.00	Mount Isa (QLD)	158.50
Dalby (QLD)	133.50	Newcastle (NSW)	142.50
Dampier (WA)	174.50	Newman (WA)	195.00
Derby (WA)	181.50	Norfolk Island	189.50
Devonport (TAS)	128.50	Port Hedland (WA)	270.00
Echuca (VIC)	122.50	Port Pirie (SA)	135.00
Exmouth (WA)	194.00	Thursday Island (QLD)	180.00
Geelong (VIC)	131.00	Townsville (QLD)	134.50
Geraldton (WA)	146.00	Weipa (QLD)	138.00
Gladstone (QLD)	138.50	Wilpena-Pound (SA)	144.00
Gold Coast (QLD)	170.00	Wollongong (NSW)	128.00
Halls Creek (WA)	195.00	Wonthaggi (VIC)	122.00
Horn Island (QLD)	169.00	Yulara (NT)	340.00
Jabiru (NT)	198.00		

Schmidt/C Sullivan
The motion was carried

WARRUMBUNGLER SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLER SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS COOLAH, THURSDAY 21 FEBRUARY, 2013 COMMENCING
10AM** **PAGE 16**

Item 8 Notice of Motion – Traffic Counters

236/1213 RESOLVED that Warrumbungle Shire Council instigate traffic counters on a number of major roads to assist with traffic management and maintenance in the coming future.

Todd/Capel
The motion was carried

Item 9 Constitutional Recognition of Local Government Contribution

237/1213 RESOLVED that Council endorse the Mayor and General Manager support to the LGSA and ALGA national campaign for Constitutional Recognition of Local Government. **FURTHERMORE** that a supplementary vote of \$4,594 be approved being Council's contribution to this campaign.

Coe/R Sullivan
The motion was carried

Item 10 Revised Code of Conduct

238/1213 RESOLVED that Council adopt the new Code of Conduct and implements with OROC a review of the Conduct Review Panel membership. **FURTHERMORE** appoint the Director of Corporate Services as the Complaints Coordinator and Director Technical Services as the alternate Complaints Coordinator.

Attachment 1 Model Code of Conduct



**Model Code of Conduct
for Local Councils in NSW**

March 2013

WARRUMBUNGL E SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL HELD AT
THE COUNCIL CHAMBERS COOLAH, THURSDAY 21 FEBRUARY, 2013 COMMENCING 10AM
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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation. The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

3.3 You must treat others with respect at all times.

Fairness and equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary. What is a pecuniary interest?
- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and b) where the major political donor has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.

- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council’s functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council’s contractors or tenderers, including council’s legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council’s external auditors or the Chair of council’s audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff- only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- only access council information needed for council business
 - not use that council information for private purposes
 - not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another council official's reputation

- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.

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8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.

8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.

8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials. The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

Clancy/Todd
The motion was carried

Item 11 Orana Arts Board Meeting

For Council's information.

Item 12 Section 44 Fire – Provision of Council Heavy Plant

239/1213 RESOLVED that Council provide a subsidy capped at \$1,000 per property to pay for plant hire to clear road reserves where trees are deemed a threat to new property infrastructure or road users. Conditions to include:

- Full road frontage to be treated
- Timber stacked on property
- Prior assessment by Council
- Fences deemed destroyed or damaged beyond repair
- Only roads maintained by Council ie: not paper roads
- Warrumbungle Shire Council ratepayers
- Claimable if work undertaken by private contractor
- Increase the Donations Budget by \$70,000
- Works to be completed by 30 June 2013
- Refer to QBRs

Sullivan/Coe
The motion was carried

Item 13 Human Resources

For Council's information.

Item 14 Staff Achievement Award

240/1213 RESOLVED that Council accepts the recommendation from MANEX and presents Maree Thompson, Payroll Officer with the First Quarter Warrumbungle Shire Council Employee Excellence in Achievement Award.

Clancy/Schmidt
The motion was carried

Item 15 Administration Building Funding

241/1213 RESOLVED that Council execute a loan contract for a ten year fixed rate loan (principal and interest) for \$1.5m to fund half of the construction cost of the Coonabarabran administration building; **FURTHERMORE** that Council authorise the General Manager to execute and sign the loan documentation on behalf of Council and notify the Division of Local Government.

Schmidt/Andrews
The motion was carried

The meeting adjourned at 11.30am for morning tea and resumed at 11.55am.

Item 16 Medical Centre – 16 Cole Street Coolah

242/1213 RESOLVED that Council accepts return of the deposit of \$15,180 and instruct its Solicitors to write to the Vendor Solicitors seeking advice as to the first right of refusal provisions as agreed in the sale conditions in 2008.

Coe/Capel
The motion was carried

Item 17 Financial Assistance Requests 2012-2013 (Round Two)

Cr Clancy moved the motion to approve a one-off donation of \$2,500 to the Binnaway Sesqui-Centenary Celebrations being Ref 8.

Clancy/Schmidt
The motion was carried

243/1213 RESOLVED that Council provide financial assistance to the February 2013 applicants listed in the higher priority rated activities/projects after removing Ref 7 Fantom Hot Rod Club and Ref 9 Coonabarabran Bowling Club; which now provides a total amount of \$5,300.

Coe/Schmidt
The motion was carried

Cr C Sullivan recorded his vote against the motion.

Item 18 Section 44 Fire – Sunday 13 January 2013

Cr Coe moved a motion of confidence and congratulations to Council staff for outstanding efforts during the Section 44 Natural Disaster.

Coe/Sullivan
The motion was carried

Item 19 Section 44 Fire – Asbestos Clean Up and Remediation

244/1213 RESOLVED that Council endorse the community funding assistance arrangements for the clean-up of asbestos related properties as outlined in a letter dated 12 February 2013 from the Deputy State Emergency Controller Response and Recovery.

Schmidt/Clancy
The motion was carried

Item 20 Progress Report – Delivery Program 2012-2016

245/1213 RESOLVED that Council accepts the 2012-2016 Delivery Program six (6) month Progress Report to 31 December 2013.

Clancy/Schmidt
The motion was carried

Item 21 Bank Reconciliation Month Ending 31 December 2012

246/1213 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 31 December 2012.

Capel/Clancy
The motion was carried

Item 22 Bank Reconciliation Month Ending 31 January 2013

247/1213 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 31 January 2013.

Clancy/Capel
The motion was carried

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Item 23 Investments and Term Deposits – 31 December 2012

248/1213 RESOLVED that Council accept the Investments Report for the month ending 31 December 2012.

**R Sullivan/Schmidt
The motion was carried**

Item 24 Investments and Term Deposits – 31 January 2013

249/1213 RESOLVED that Council accept the Investments Report for the month ending 31 January 2013.

**Capel/Clancy
The motion was carried**

Item 25 Rates Report Month ending 31 December 2012

For Council's information.

Item 26 Rates Report Month ending 31 January 2013

For Council's information.

Item 27 Quarterly Budget Review Statement – Quarter Ending 31 December 2012

250/1213 RESOLVED that Council accept the Quarterly Budget Review Statement for the quarter ending 31 December 2012, and approve the requested supplementary votes for a total value of \$350K (reduction). Further that \$10,000 be re-allocated for Bandulla Street, Mendooran footpath resulting in a reduction of \$340K.

**Clancy/R Sullivan
The motion was carried**

The meeting adjourned at 1.00pm for lunch and resumed at 1.55pm.

Item 28 Rates and Annual Charges Relief Grant – Natural Disaster 2013

251/1213 RESOLVED that Council not provide rate relief for Bush Fire affected residents.

**R Sullivan/Coe
The motion was carried**

Cr Todd left the meeting at 2.30pm and did not return.

This item was brought forward.

Item 39 Refusal – Development Application 20/1213

252/1213 RESOLVED that pursuant to section 80 of the Environmental Planning and Assessment Act 1979 Council refuse Development Application 20/1213 for the subdivision of Lot 36 DP 705202 into two lots for the following reasons;

- 1) The Right of Carriageway over adjoining land does not provide sufficient access for the operation of an intensive agriculture operation.
- 2) The application has not successfully demonstrated that the land can be operated as a viable agricultural operation.
- 3) The application has not demonstrated that an adequate and legal supply of water for irrigation is available
- 4) There is a lack of comprehensive soils information particularly to justify the suitability of the site for a permanent planting
- 5) The development does not meet the objectives of the Rural 1 (a) zone as it will create the fragmented and isolated development of rural land
- 6) The property access road is not able to comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.

Coe/R Sullivan

The motion was carried

Councillors Shinton, R Sullivan, Capel, Schmidt and Coe voted in favour of the motion to refuse the development application.

Councillors Clancy, Andrews and C Sullivan voted against the motion to refuse the development application.

Item 29 Grazing Lease Lots 1 and 2 DP 847880 Coonabarabran

253/1213 RESOLVED that Council approve Lot 1 and 2 DP847880 be included in the portfolio of lands available for grazing licence and that it be advertised for expressions of interest from the general public for a short term licence of twelve months, **FURTHERMORE** Council gives authority to the General Manager to offer this land to the LHPA.

Schmidt/Andrews

The motion was carried

Item 30 Grazing Lease Request Fraser Place, Coonabarabran

254/1213 RESOLVED that Council approve Lot 6 Deposit Plan 255639 to be included in the portfolio of lands available as a grazing leases and that it be advertised for submissions of interest from the general public **FURTHERMORE** Lots 5 and 7 Deposit Plan 255639 remain as vacant, providing public access to the Castlereagh River.

Clancy/Capel

The motion was carried

Item 31 Water Charge Request for Write Off

255/1213 RESOLVED that Council not accede to the request to write off water rates being water charge on Assessment No. 11812, since the water meter was tested and found not to be faulty.

Clancy/Schmidt

The motion was carried

Item 32 Proposal to Install Pencil Shape Sculpture – Milling Park Dunedoo

256/1213 RESOLVED that Council support the continued temporary installation of the pencil shaped sculpture in Milling Park Dunedoo for a period of 12 months.

R Sullivan/Schmidt

The motion was carried

Item 33 Works Program 2012/2013- Road Operations

For Council's information.

Item 34 Kerbside Collection Service

257/1213 RESOLVED that :

1. Council note the postponement of the proposed free kerbside collection service that was to be held in conjunction with the Clean Up Australia day event on 3 March, 2013.
2. Subject to funding being provided in the 2013/14 operational plan that Council conduct a free kerb side bulky goods collection service in September 2013.

R Sullivan/Clancy

The motion was carried

Item 35 Road Naming – Nandi Hills Estate

258/1213 RESOLVED that Council name the road created off Bingie Grumble Road to service the subdivision created by development consent No 23/2005 "Nandi Hills Place" pursuant to Section 162 of the Roads Act 1993

R Sullivan/Andrews

The motion was carried

Item 36 Bridge Naming - Ulamambri

259/1213 RESOLVED that Council name the newly constructed bridge over Baby Creek at Ulamambri as the "Bob Salisbury Bridge" and that suitable bridge name signs be erected

R Sullivan/Schmidt

The motion was carried

Item 37 Bush Fire Recovery Assistance

260/1213 RESOLVED that:

1. Council endorse the waiving of disposal fees for demolition waste at the landfill operations of council for all private properties affected by the January 2013 bushfires within the Warrumbungle Shire LGA subject to strict compliance with the Emergency Waste Management Plan 2013 developed by Council.
2. Council waive Development Application, Construction Certificate, Inspection and Section 94A fees for those residents who meet all of the following criteria:
 - (a) Have lost their principle place of residence and they meet the LEP requirements that allow construction of a dwelling on that property.
 - (b) Insurance held does not cover the payment of approval related fees.
 - (c) The property has been confirmed by Council to have been destroyed by the January 2013 bushfires.
 - (d) That the supplementary vote be referred to the next QBRS meeting.

Schmidt/Capel

The motion was carried

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**Item 38 Warrumbungle Shire Local Heritage Fund 2012-2013
261/1213 RESOLVED** that Council:

Disperse \$17,749 from the Warrumbungle Shire Council Local Heritage Fund 2012-2013 as follows:

Baradine CWA Rooms	\$2,500
Baradine Memorial Hall	\$3,000
Baradine Methodist Church (former.)	\$1,749
Baradine Tennis Club	\$3,000
Coolah St Andrews Anglican Church	\$3,000
Dunedoo Royal Hotel	\$2,000
Tucklan Public School (former.)	\$2,500
Total	\$17,749

**Clancy/Schmidt
The motion was carried**

Item 40 Development Applications Approved – December 2012

262/1213 RESOLVED that Council note the applications approved during December 2012 under Delegated Authority.

**Clancy/Schmidt
The motion was carried**

Item 41 Development Applications Approved – January 2013

263/1213 RESOLVED that Council note the applications approved during January 2013 under Delegated Authority.

**Clancy/Schmidt
The motion was carried**

3.20pm

264/1213 RESOLVED:

- (a) that Council go into closed committee to consider business relating to Tenders.
- (b) that pursuant to section 10A(2)(c) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (c) as outlined above
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

**Coe/Schmidt
The motion was carried**

3.45pm

265/1213 RESOLVED Council move out of closed Council and into open Council.

**Coe/Schmidt
The motion was carried**

The General Manager announced the following resolution to the general meeting.

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Item 1C Datalink Bandwidth Upgrade – Coonabarabran Coolah Office Link

266/1213 RESOLVED that Council awards the tender for Datalink Bandwidth Upgrade – Coonabarabran Coolah Office Link to Ipera at a total annual cost of \$169,716.

Schmidt/Capel
The motion was carried

Item 2C Tenders for Casual Hire of Trucks and Various Items of Plant

267/1213 RESOLVED that

1. That tendered rates for casual plant hire for the period 1 March 2013 to 28 February 2014 under the hourly rate schedule be accepted as follows:

Schedule 1.0 - Hourly Rate Plant Schedule

Contractor	Plant Type	Tendered Plant Rate		
		"A" Rate	"A1" Rate	"C" Rate
Castlereagh Hire Pty Ltd	Roller Self Prop Rubber Tyre	\$88.00	\$105.00	\$55.00
Castlereagh Hire Pty Ltd	Roller Self Prop Rubber Tyre	\$88.00	\$105.00	\$55.00
CW Hall Earthmoving Pty Ltd	Roller Smooth Drum Vibrating	\$110.00	\$115.00	\$0.00
DAPS Woodchipping	Wood Chipper	\$0.00	\$0.00	\$60.00
DC & KM Canham	Loader Track	\$130.00	\$0.00	\$0.00
Dubbo Traffic Control	Jet Patcher	\$150.00	\$180.00	
HS & HL Bowman Contracting P/L	Grader	\$165.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Grader	\$175.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Roller Multi Tyred Multipac	\$110.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Roller	\$110.00	\$0.00	\$0.00
IRCB Pty Ltd	Backhoe	\$117.00	\$130.00	\$94.00
IRCB Pty Ltd	Loader Front End	\$128.50	\$140.50	\$105.50
Jack's Hire Service Pty Ltd	Cherry Picker	\$0.00	\$283.00	\$0.00
Jack's Hire Service Pty Ltd	Excavator & Bobcat	\$0.00	\$360.00	\$0.00
Jack's Hire Service Pty Ltd	Message Board Solar	\$0.00	\$120.00	\$0.00
Jack's Hire Service Pty Ltd	Message Board Solar	\$0.00	\$120.00	\$0.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Loader Mini	\$0.00	\$340.00	\$0.00
Lewis Underground Services P/L	Backhoe FEL	\$110.00	\$110.00	\$0.00
M & I Plant Hire	Roller Smooth	\$110.00	\$0.00	\$0.00
NJ Contracting Services Pty Ltd	Crane	\$150.00	\$180.00	\$0.00
Russell's Earthmoving Pty Ltd	Bulldozer	\$187.00	\$220.00	\$0.00
Russell's Earthmoving Pty Ltd	Excavator - Tiltbucket	\$143.00	\$176.00	\$0.00
Russell's Earthmoving Pty Ltd	Excavator – Hyd Hammer	\$38.50	\$38.50	\$0.00
Russell's Earthmoving Pty Ltd	Bulldozer	\$137.50	\$155.00	\$0.00
Semmlers Sand & Gravel	Excavator	\$160.00	\$175.00	\$0.00
Semmlers Sand & Gravel	Loader	\$150.00	\$165.00	\$0.00
Semmlers Sand & Gravel	Backhoe	\$110.00	\$125.00	\$0.00
Semmlers Sand & Gravel	Grader	\$110.00	\$125.00	\$0.00
Coates Hire Operations Pty Ltd	Various Plant & Machinery	Refer Sched of Rate for Dry Hire		
Conplant Pty Ltd	Various Rollers	Refer Sched of Rate for Dry Hire		

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Universal Mobile Tower Hire Max Hire Pty Ltd Rollers Australia Pty Ltd	Various Cherry Pickers Various Plant & Machinery Various Rollers	Refer Schedule of rates Refer Sched of Rate for Dry Hire Refer Schedule of Rates
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Notes on Rates

- A Rate – Wet hire rate applicable for operating weekdays.
- A1 Rate – Wet hire rate applicable for operating weekends.
- B Rate – Rate applicable for traveling.
- C Rate – Dry hire rate.

2. Council advises Contractors that the following rates for supply of trucks under the hourly rate and distance schedule will be accepted for the period 1 March 2013 to 28 February 2014.

Schedule 2.0 – Hourly Rate and Distance Truck Schedule.

Truck Type	GVM (tonnes)	"A" & "A1" Rate (incl GST)			"B" Rate (incl GST)	
		"A"	"A1"	Distance	"B"	Distance
Gravel Trucks	21 to 27	\$85.00/hr	\$95/hr	\$1.85 / km	\$60.00/hr	\$1.15 / km

Gravel Truck Combination Truck & Trailer

Contractor	Model	GVM (tonnes)	"A" & "A1" Rate			"B" Rate	
			"A"	"A1"	Distance	"B"	Distance
Semmler's S&G	4800 T&T	70.00	\$154.00	\$169.00	\$0.00	\$154.00	\$0.00
Semmler's S&G	FLC112 T&T	70.00	\$154.00	\$169.00	\$0.00	\$154.00	\$0.00
Semmler's S&G	N12 T&T	68.00	\$154.00	\$169.00	\$0.00	\$154.00	\$0.00
Semmler's S&G	4800	70.00	\$110.00	\$125.00	\$0.00	\$110.00	\$0.00
Semmler's S&G	FLC112	70.00	\$110.00	\$125.00	\$0.00	\$110.00	\$0.00
Semmler's S&G	N12	68.00	\$110.00	\$125.00	\$0.00	\$110.00	\$0.00

Notes: T&T refers to Truck & Trailer.

Truck Type	Capacity (litres)	"A" & "A1" Rate (incl GST)			"B" Rate (incl GST)	
		"A"	"A1"	Distance	"B"	Distance
Water Carts	7,000 – 8,000	\$72/hr	\$84/hr	\$0/km	\$0/hr	\$0/km
	12,000 – 15,000	\$109/hr	\$125	\$0/km	\$80/hr	\$0/km

Notes on Rates

- A Rate – Wet hire rate applicable for operating weekdays.
- A1 Rate – Wet hire rate applicable for operating weekends.
- B Rate – Rate applicable for traveling.
- C Rate – Dry hire rate.

3. Council advises Contractors that the following rates for supply of trucks under the float hourly rate and distance schedule will be accepted for the period 1 March 2013 to 28 February 2014.

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SCHEDULE 3.0

Contractor	Make	Model	GVM (tonnes)	Rate Tendered		
				"A" Rate	"A1" Rate	Distance
IRCB Pty Ltd	H/Made	1980 PTrai	18.00	\$ 180.00	\$ 195.00	\$ -
Lewis Underground Services	Kenworth	K123CR	23.58	\$ -	\$ -	\$ 6.00
Lewis Underground Services	Utility	00TRAIL	36.00	\$ -	\$ -	\$ 6.00
MJ & ML McEvoy Pty Ltd	Volvo	1997 FH12	23.50	\$ 187.00	\$ -	\$ 3.40
Russells Earthmoving Pty Ltd	Volvo	FH16	68.00	\$ 143.00	\$ 176.00	\$ -
Semmlers Sand & Gravel	Volo	FM13	70.00	\$ 170.00	\$ 185.00	\$ 0.88

Notes on Rates

A Rate – Wet hire rate applicable for operating weekdays.

A1 Rate – Wet hire rate applicable for operating weekends.

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4. Council advises Contractors that the following rates for supply of trucks under the quantity and distance schedule for the period 1 March 2013 to 28 February 2014 will be accepted:

SCHEDULE 4.0 – Truck Quantity and Distance Schedule

Quantity and Distance Schedule - Single Truck

Haul Length (km)	Rate \$/tonne (incl GST)	Haul Length (km)	Rate \$/tonne (incl GST)
0.5	1.90	15.5	7.38
1.0	2.06	16.0	7.46
1.5	2.21	16.5	7.69
2.0	2.40	17.0	7.89
2.5	2.55	17.5	8.09
3.0	2.72	18.0	8.28
3.5	2.86	18.5	8.48
4.0	3.07	19.0	8.67
4.5	3.24	19.5	8.87
5.0	3.43	20.0	9.02
5.5	3.59	20.5	9.27
6.0	3.76	21.0	9.45
6.5	3.97	21.5	9.63
7.0	4.20	22.0	9.84
7.5	4.31	22.5	10.03
8.0	4.50	23.0	10.26
8.5	4.69	23.5	10.46
9.0	4.86	24.0	10.65
9.5	5.05	24.5	10.85
10.0	5.24	25.0	11.07
10.5	5.41	25.5	11.24
11.0	5.59	26.0	11.46
11.5	5.78	26.5	11.65
12.0	5.96	27.0	11.85
12.5	6.16	27.5	12.05
13.0	6.35	28.0	12.26
13.5	6.55	28.5	12.45
14.0	6.73	29.0	12.66
14.5	6.95	29.5	12.87
15.0	7.12	30.0	13.04

Quantity and Distance Schedule - Truck & Dog

Haul Length (km)	Rate \$/tonne (incl GST)	Haul Length (km)	Rate \$/tonne (incl GST)
0.5	1.88	15.5	6.64
1.0	2.02	16.0	6.70
1.5	2.17	16.5	6.91
2.0	2.35	17.0	7.09
2.5	2.50	17.5	7.26
3.0	2.67	18.0	7.43
3.5	2.83	18.5	7.61
4.0	3.01	19.0	7.78
4.5	3.18	19.5	7.96
5.0	3.37	20.0	8.28
5.5	3.53	20.5	8.31
6.0	3.69	21.0	8.48
6.5	3.90	21.5	8.66
7.0	4.13	22.0	8.83
7.5	4.24	22.5	9.02
8.0	4.42	23.0	9.20
8.5	4.61	23.5	9.25
9.0	4.80	24.0	9.30
9.5	4.97	24.5	9.35
10.0	5.16	25.0	9.40
10.5	4.85	25.5	9.50
11.0	5.00	26.0	9.65
11.5	5.18	26.5	9.81
12.0	5.34	27.0	9.98
12.5	5.51	27.5	10.16
13.0	5.69	28.0	10.35
13.5	5.87	28.5	10.51
14.0	6.03	29.0	10.67
14.5	6.22	29.5	10.84
15.0	6.37	30.0	10.99

R Sullivan/Clancy
The motion was carried

QUESTIONS AND MATTERS OF CONCERN

Cr Clancy

- Debris at Ulamambri Bridge.

DTS advised that the debris will be removed.

- Saltwater Creek Bridge Tender.

DTS advised Tenders awarded November meeting.

- Asbestos in a Masman Street property.

DECS advised that this property was being renovated and if there was any asbestos it would be dealt with appropriately.

- Native Grove Cemetery Index listing.

DECS advised that each time the lists are placed they are removed by unknown persons.

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AT THE COUNCIL CHAMBERS COOLAH, THURSDAY 21 FEBRUARY, 2013 COMMENCING
10AM** **PAGE 45**

- Finance and Projects Committee – audit on credit cards issued to staff
GM advised was role of External Auditor

Cr Schmidt

- Requested the street sweeper attend to lane in between Menz and Brains Ford

Cr Coe

- Read aloud a letter from Dunedoo Health Service regarding rubbish along footpath around the Hospital.
- Wombat Warning Signs – Mollyann Road.
DTS advised RMS state that these are not standard signs.
- Will provide a report on the Castlereagh Macquarie County Council next meeting.

Cr Capel

- Attended the Mullaley community meeting regarding gas field exploration and tabled declaration notices for various roads opposing gas exploration in the area.
- House fire in Coolah – house contained asbestos. Was Council informed of the situation. Should a letter be sent to local fire brigades requesting information on any fire where the building contains asbestos
DECS advised Council was informed that building was burned and contained Asbestos

Cr C Sullivan

- Mendooran Community Care Car – questioned whether this car would remain in Mendooran. Requested prior notification of sensitive matters such as these.
- Commended the staff member at the Coolah waste transfer station and advised that he had received many compliments on his attitude
- Development Groups struggling for membership
- Compliments to staff on Dunedoo main street and how good it looks
- Robertson Park committee meeting held

Cr Andrews

- What is the criteria for having a Community Car.
DECS advised that communities needed to demonstrate the need for one.
- Soft fall and lighting at Len Guy Park. GM to advise.
- Aerodrome and Floodplain Committees – were they being advertised for community representatives.
DTS advised Floodplain Committee established.
GM advised will provided Committee lists to council next meeting.
- Request to use a room at the Binnaway Hall for storage.
GM advised he needed to investigate key access however on short term was approved.

GM

- Asbestos clean up. Report to March meeting regarding financial implications.

There being no further business the meeting closed at 4.25pm.

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CHAIRMAN
