

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 20 AUGUST 2015 COMMENCING  
AT 10.00AM**

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**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 & Community Services (Stefan Murru), Director Technical Services (Kevin Tighe) and Director Development Services (Leeanne Ryan)

**In attendance:** Administration Officer (Leigh Ernest) (minutes)

The Mayor welcomed members of the public to the meeting.

**Forum**

**10.01am**

Kevin Carberry addressed the meeting regarding disabled parking in Coolah and request for an additional disabled car park in the shopping centre area.

**10.04am**

Carol Richard addressed the meeting and supported the request for a donation towards printing costs of Roy Cameron's new book lodged by the Coolah District Development Group.

**10.08am**

Shelly Piper addressed the meeting in relation to agenda item 29 – Coolah Residential Properties and support for recommendation in the report.

**10.13am**

**APOLOGIES:** Nil

**The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest**

Cr R Sullivan declared a non pecuniary interest in applications from Jockey Club & Warrumbungle Arts and Crafts due for consideration in Item 13 and Cr Clancy declared a possible non pecuniary interest in item 27- Mow Rock Rural Fire Services Station, Land Acquisition and Build.

**Item 1 Minutes of Ordinary Council Meeting – 16 July 2015**

**23/1516 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council meeting held on 16 July 2015 be endorsed.

**Schmidt / Todd**  
**The motion was carried**

**Item 2 Minutes of Traffic Advisory Committee Meeting – 23 July 2015**

**24/1516 RESOLVED:**

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 23 July 2015.
  2. That a 'Cobbora Town' sign be installed at the intersection of the Golden Highway subject to clarification of correct spelling and inclusion of 'Village' on the signage.
  3. That Council write to RMS thanking them for the erection of all school zone flashing lights and request the opportunity to obtain additional signage for
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St Lawrence's School to be located in Namoi Street, Coonabarabran subject to the availability of funding.

4. That Council request to NHVR that any road in the Warrumbungle Shire that is a 25 metre B Double Route be converted to a 26 metre B Double Route.
5. That RMS amend the proposed Heavy Vehicle Bypass sign layout to include all signage for intersections at Coolah **FURTHER** that Council, in liaison with RMS, do a survey of existing signs and bring back to the next meeting for further consideration.
6. That the Traffic Control Plan as presented for the Baradine Sesqui-Centenary Street Parade to be held on Sunday, 4 October 2015 be accepted.
7. That an investigation be undertaken on the current bus usage at the existing site in Bullinda Street, Binnaway, which would include discussions with bus operators **FURTHER** that the outcome of the investigation be brought back to the next meeting.

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

**Item 3 Minutes of Plant Advisory Committee Meeting – 12 August 2015**

**25/1516 RESOLVED:**

1. That Council accepts the Minutes of the Plant Advisory Committee meeting held in Coonabarabran on 12 August 2015.
2. That Council purchase one (1) Volvo FE from Volvo Trucks Australia fitted with a MacDonald Johnston 18 cubic metre Garbage Compactor, Transmission, Retarder and Alloy Bullbar that complies with the tender specifications at a price of \$347,418.00 (ex GST) **FURTHER** that Council retain ownership of Plant Item No 180 with Waste Services agreeing to pay \$33,363.00, as this is the highest trade price received, resulting in a changeover price of \$314,055.00 being \$10,945.00 under budget.
3. That when Council takes delivery of the new Garbage Compactor the existing Garbage Compactor does not remain in the Plant Replacement Program until a report is considered by the Plant Advisory Committee on the condition and expected utilisation of the existing Garbage Compactor.
4. That an Options Report be prepared for Committee consideration on hiring or purchasing a Bulldozer based on a review of benefits and costs of the current Bulldozer hire arrangements.

**Coe / Andrews**  
**The motion was carried**

**Item 4 Minutes of the Finance and Projects Committee Meeting – 12 August 2015**

**26/1516 RESOLVED**

1. That the Mayor and General Manager present the *motion "Reinstatement of Registration Labels for Light Vehicles in NSW"* at the Local Government Conference

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2. That Council accepts the Minutes of the Finance and Projects Committee Meeting held on 12 August 2015 at Coonabarabran

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

**Item 5 Minutes of the Economic Development and Tourism Advisory Committee Meeting – 29 July 2015**

**27/1516 RESOLVED**

1. That the minutes of 22 April, 2015 meeting be accepted;
2. That Council endorse the following people to comprise a sub committee responsible for preparing a scoping report on Rail Trails in Warrumbungle Shire: Cr Capel, Sal Edwards, Liz Cutts, Aileen Bell and **FURTHERMORE** Council invites John Moore and the subcommittee to present the concept and plans to a meeting of council with a view to implementing Rail Trails on Coolah to Dunedoo, Coolah to Merriwa, and the Binnaway to Gwabegar lines;
3. That Council advises CMCA that within Warrumbungle Shire there are established facilities that can meet the needs of all travellers including free camping facilities at Mendooran and Binnaway and inexpensive caravan park/camping grounds in all communities;
4. Accept the quote from VAADA for reprint of pad maps and proceed with reprint.

**Capel / Schmidt  
The motion was carried**

**Item 6 Minutes of Warrumbungle Cobbora Transition Fund Committee Meeting – 14 July 2015**

**28/1516 RESOLVED** that Council accept the minutes from the Warrumbungle Cobbora Transition Fund Committee Meeting held at Dunedoo Old Bank Building on 14 July 2015.

**C Sullivan / Capel  
The motion was carried**

**Item 7 Minutes of Warrumbungle Cobbora Transition Fund Committee Meeting – 11 August 2015**

**29/1516 RESOLVED** that Council accept the minutes from the Warrumbungle Cobbora Transition Fund Committee Meeting held at Dunedoo Old Bank Building on 11 August 2015.

**Capel / C Sullivan  
The motion was carried**

**Item 8 Warrumbungle Cobbora Transition Fund Committee**

**30/1516 RESOLVED** that Council note progress of the Cobbora Transition Fund projects, and adopt the layout and three different design plans presented by Lewis & Zwart for the RNSW290 Three Rivers Retirement Community and Learning Centre project.

**Capel / C Sullivan  
The motion was carried**

**Item 9 LGNSW Annual Conference 2015 – Call for Motions – Costs of Major Projects 31/1516 RESOLVED** that the following motion be submitted for consideration:

**Issue 1.**

**Category: Economic**

**Heading: Costs of Major Projects**

**Details of issue:**

*1. Asymmetry in resource capacity*

When it comes to being able to contribute to the assessment of major projects, Councils are usually at a disadvantage regarding capacity and technical knowledge when compared to big business and big government. Yet in today's world, with increasing scrutiny of projects, Councils need to demonstrate all due diligence in their assessment of what are often complex and controversial issues.

Thus expertise often has to be engaged from external sources. Even if resourced in-house, it is a big drain on capacity. The assessment process may run over a couple of years.

*2. The cost of participating in major project assessment*

A survey by the Local Government Association of Queensland in 2010 found that participation by councils in the assessment and determination of major projects cost councils on average \$400,000 per project. (*Source: 'Supporting Queensland's Resource Regions. Local Govt Assoc of Qld. p 43).*

This is a major impost on Councils, especially rural ones.

*3. Precedents for Proponents contributing funds to offset costs*

There are precedents for Proponents providing assistance and two recent examples are cited below:

- Santos contributed to the case management costs of local government in managing submissions and assessments pertaining to the Santos Gladstone Liquefied Natural Gas project. Santos was required to provide financial assistance (ranging from \$75,000 to \$150,000) to Gladstone, Maranoa and Banana Regional Councils to assist in their consideration and response to the EIS; and
- Buru Energy in Western Australia has provided significant financial support to the Traditional Owners (Yawuru and Noonkanbah) for access to independent specialist advice regarding proposed shale gas exploration activities.

*4. Benefits*

Providing this capacity would enable effective case management which would deliver significant benefits for the NSW Government including:

- Local Government being actively engaged in the land use and economic development planning within the State; and
- feedback from Local Government on local community sentiments thus potentially avoiding conflicts which result in costly project delays – both time and resources.

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**Motion:** That LGNSW:

- a) call on the NSW Government to acknowledge the costs to Local Government of contributing to the assessment of major projects;
- b) call on the NSW Government to require proponents of major projects to contribute funds to Local Government to help offset these costs as projects are often delayed, mothballed or cancelled, leaving Councils with no benefits accruing from its investment of time and resources; and
- c) Amend the EP&A Act to include a Schedule of Fees which stipulates the financial contributions required (say a percentage of capex).

**Capel / Schmidt**  
**The motion was carried**

**Item 10 LGNSW Annual Conference 2015 – Call for Motions – Reinstatement of Vehicle Registration Labels**

**32/1516 RESOLVED** that the following motion be submitted for consideration:

**Issue 2.**

**Category: Social Policy**

**Heading: Reinstatement of Vehicle Registration Labels**

**Details of issue:** Since the abolition of registration labels the number of unregistered light vehicles in NSW has increased by 40%. General duty police staff have difficulty in verifying the registration of motor vehicles, it is acknowledged highway patrol staff have equipment to read and verify registration but this is not of assistance to General Duty police.

**Motion:** That LGNSW request the NSW Government to reinstate registration labels for light vehicles in NSW.

**Coe / Todd**  
**The motion was carried**

**Item 11 Council Resolutions Report August 2015**

Received.

**Item 12 Progress Report Delivery Program 2014/15 – 2017/18**

**33/1516 RESOLVED** that Council accepts the 2014/15-2017/18 Delivery Program six (6) month Progress Report to 30 June 2015.

**Schmidt / Andrews**  
**The motion was carried**

**Item 13 Community Financial Assistance Donations 2015/16 (Round One)**

**34/1516 RESOLVED** that Council approves the following applications totalling \$7,240.00, and **FURTHERMORE** that Council include the Seventh Day Adventist Church donation of \$500 in this round making the final amount being donated in Round one of the 2015/2016 Community Financial Assistance Donations \$7,740.00.

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<b>Ref.</b>	<b>Applicant</b>	<b>Amount Provided</b>
1	Mendooran Youth Club	\$500.00
4	Coolah Lions Club	\$500.00
5	The Mendooran Singers	\$220.00
6	Mendooran Tennis Club Inc.	\$500.00
7	Binnaway Pre School	\$500.00
9	Mendooran PA & H Association	\$50.00
11	Mullaley Gymkhana Association	\$500.00
15	Dunedoo Amateur Swimming Club – value of family season ticket	\$220.00
16	Bugaldie War Memorial Hall	\$500.00
17	Coolah District Development Group – <b>proviso</b> that Council's libraries receive a copy of the book	\$500.00
23	Dunedoo & District Development Group	\$500.00
26	Warrumbungle Wheelers	\$500.00
27	Coona Drop In Centre	\$500.00
32	Dunedoo Mens Shed/Dunedoo Area Community Group Inc	\$500.00
3	Binnaway Rail Heritage & Preservation Group Inc	\$500.00
12	Binnaway Showground Management Committee	\$250.00
19	Coonabarabran Rifle Club	\$500.00
<b>Total</b>		<b>\$7,240.00</b>

**Schmidt / Clancy**  
**The motion was carried**

**11.24 am**

**35/1516 RESOLVED** that standing orders be suspended to break for morning tea.

**Capel / Sullivan**  
**The motion was carried**

**11.43am**

**36/1516 RESOLVED** that standing orders be resumed.

**C Sullivan / Andrews**  
**The motion was carried**

**Item 14 Bank Reconciliation for the month ending 31 July 2015**

**37/1516 RESOLVED** that Council accept the Bank Reconciliation Report for the month ending 31 July 2015.

**Schmidt / Clancy**  
**The motion was carried**

**Item 15 Investments and Term Deposits for Month ending 31 July 2015**

**38/1516 RESOLVED** that Council accept the Investments Report for the month ending 31 July 2015.

**Schmidt / Capel**  
**The motion was carried**

**Item 16 Rates Report for Month Ending 31 July 2015**

Received.

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**Item 17 Revote Request Capex 2014/15**

**39/1516 RESOLVED** that Council approve the 2014/15 CAPEX revote request totalling \$3.382m and **FURTHERMORE** that \$50,000 be revoted for Milling Park, Dunedoo Toilet Awning.

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

**Item 18 2014/15 Financial Statements**

**40/1516 RESOLVED:**

1. That the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation 2005, for the General Purpose Financial Statements for the year ending 30 June 2015 be made;
2. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2015 be made;
3. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer;
4. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit per the requirements of Section 413(1) of the Local Government Act 1993.

**Schmidt / Coe  
The motion was carried**

**Item 19 Monthly Report from Human Resources – August 2015**

Received.

**Item 20 Third Quarter Employee Excellence in Achievement Award**

**41/1516 RESOLVED** that Council approve MANEX's nomination of Craig Hynds as the winner of the 3rd Quarterly Staff Achievement Award, to be presented at this meeting.

**Capel / Schmidt  
The motion was carried**

**Item 21 Organisational Structure Review Report – August 2015**

**42/1516 RESOLVED** that Council approve the draft Warrumbungle Shire Council Organisational Structure.

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

**Item 22 Macquarie Regional Library Annual Report**

**43/1516 RESOLVED** that Council notes the report provided on Macquarie Regional Library operations in Warrumbungle Shire for 2014/15.

**C Sullivan / Capel  
The motion was carried**

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**Item 23 Children's and Community Services End of Financial Year Report**

**44/1516 RESOLVED** that Council:

1. Notes the report provided on the end of financial year result for Children's and Community Services;
2. Approve the proposed change in fees, as outlined in this Business Paper, to ensure ongoing operation of services, and advertising of the suggested fees as per Council requirements for a minimum of 28 days.

**Schmidt / Capel**  
**The motion was carried**

**45/1516 RESOLVED** that Council acknowledge the work of staff in each program of the Children's and Community Services section.

**Schmidt / Andrews**  
**The motion was carried**

**Item 24 Access to Six Pools for Season Ticket Holders between 6.00am and 8.00am**

**46/1516 RESOLVED** that if Council are to pursue unsupervised lap sessions at each pool it is recommended that **Option B** is installed at all pools during the 2015/2016 financial year using surplus money from the operational budget due to wage reduction. Additionally, it is recommended that **Option C** be installed at each pool during the 2016/2017 financial year using surplus money from the operational budget due to wage reduction, provided that the operational budget for that year matches that of the 2015/2016 financial year.

**Schmidt / Andrews**  
**The motion was carried**

**1.05 pm**

**47/1516 RESOLVED** that standing orders be suspended to break for lunch.

**Capel / C Sullivan**  
**The motion was carried**

**1.41pm**

**48/1516 RESOLVED** that standing orders be resumed.

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

**Item 25 Funding Opportunity for Four 'Backlog' Sewerage Projects**

**49/1516 RESOLVED** that Council lodge an Expression of Interest to receive funding under the Water Security for Regions - Regional Water and Wastewater Backlog program, for the following preconstruction projects and associated indicative total project costs;

- Dunedoo Sewerage Project - \$400,000
- Coolah Sewage treatment plant project - \$300,000
- Coonabarabran Sewage Treatment Plant augmentation project - \$150,000
- Binnaway Sewerage project - \$80,000
- Mendooran Sewerage project - \$80,000

**FURTHERMORE**, Council is prepared to contribute up to \$3,000,000 over the next eight (8) years towards construction costs associated with sewage treatment plant renewal and augmentation works.

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



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**Item 26 2015/16 Technical Services Works Program – Road Operations, Urban Services & Water Services**

Received.

**2.00pm**

Cr Clancy declared a non pecuniary interest in the next item and left the room.

**Item 27 Mow Rock Rural Fire Services Station, Land Acquisition and Build**

**50/1516 RESOLVED** that Council agree with the proposed purchase and building of a Category 2a fire shed at Mow Rock. **FURTHERMORE** that Council approves the General Manager and Mayor to affix Councils seal and sign the sales contract to execute the purchase of Lot 18 DP 754962.

**Andrews / Capel  
The motion was carried**

**2.03pm**

Cr Clancy returned to the meeting.

**Item 28 Public Reserve Management Fund Program Grants 2015**

**51/1516 RESOLVED** that Warrumbungle Shire Council accept the Public Reserve Management Fund Program grants of \$108,117 to be deposited into Councils Trust account, being for \$13,915 for repair of the main pavilion roof at Binnaway Showground and \$94,202 for installation of a commercial grade kitchen and connection of upgraded septic pump out facilities at the Coonabarabran Racecourse.

**Schmidt / Coe  
The motion was carried**

**Item 29 Potential Sale of Coolah Residential Properties to Lease Back to Council**

**52/1516 RESOLVED** that Council continue the current practice of owning the residential properties in Coolah and leasing them to staff as set out in the current Residential Properties Policy.

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

**Item 30 Recycle Centre Plaque**

**53/1516 RESOLVED** that Council endorse the wording on the commemorative plaque as follows: *In grateful recognition of Peter Wasley for the significant impact he has made to improve waste and recycling services within Warrumbungle Shire from 1989 to 2013.*

**Todd / Coe  
The motion was carried**

**Item 31 Reserve 78473 – Merrygoen Recreational Reserve**

**54/1516 RESOLVED** that Council resolve to support the Merrygoen Recreational Reserve being added to the Reserve Trusts managed by Warrumbungle Shire Council Reserve Trust Committee.

**Andrews / Capel  
The motion was carried**

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**Item 32 Re-establish Alcohol Free Zones**

**55/1516 RESOLVED** that Council renew the existing Alcohol Free Zones within Baradine, Binnaway, Coonabarabran, Coolah, Dunedoo and Mendooran and for a further period of four years.

**Todd / Schmidt  
The motion was carried**

**Item 33 Development Applications**

**56/1516 RESOLVED** that Council note the Applications and Certificates determined during July 2015, under Delegated Authority.

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

**Matters of Concern**

**Cr R Sullivan**

- Nil

**Cr Schmidt**

- Resident in Namoi Street, Coonabarabran still having a problem with her water

**Cr Clancy**

- PAMP – members of committee to have final look at PAMP – Director Technical Services advised this was on the to-do list
- RDA Building – no work being done Director Development Services advised DA required for roof replacement and needs to be lodged by builder or contractor
- Mayor's Bushfire Fund – update provided by Director Corporate & Community Services (18 months before closure of fund)

**Cr Coe**

- Concerns raised about the apparent high number of warning signs being left on the side of the road. He indicated that they should either be collected or reinstalled.
- Resident questions the height of the new bridge at Baradine
- Site of truck roll-over at Dunedoo and repairs to guard rail
- Signage – warning signs falling down (Sawpit Creek). Review need for signs and reinstall if necessary

**Cr C Sullivan**

- Communication issue, ratepayers calling the Coonabarabran Office regarding private works and having no response – General Manager advised this matter is currently being reviewed

**Cr Andrews**

- Night Rider Bus disposal – Director Technical Services advised process of transfer of plates is being finalised

**Cr Capel**

- Nil

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**Cr Todd**

- Munns Road and Tabletop Road – on list for works
- Expressed disappointment in the Aerodrome Creek Bridge not being raised higher in Baradine

**Cr Shinton**

- Quia Road / Goolhi Road question regarding the naming of the road in rural addressing system

**2.42 pm**

**57/1516 RESOLVED** that:

- (a) that Council go into closed committee to consider business relating to commercial information and alleged contraventions of any code of conduct requirements
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (c) and (i) 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 / C Sullivan**  
**The motion was carried**

Consideration of Item 1C Tender – Orana Road Bridge Project, and  
Item 2C Tender – Construct of a Category C Rural Fire Service Fire Control Centre and  
five bay storage shed

**2.54pm**

Consideration of Item 3C Code of Conduct Investigation Report

At this time Councillor Clancy addressed the meeting regarding the final report of the Code of Conduct Investigator.

**3.10pm**

Councillor Clancy left the room during consideration of this matter.  
The General Manager, Mr Steve Loane also left the room during consideration of this matter.

**3.42pm**

**58/1516 RESOLVED** that Council move out of closed Committee.

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

**3.43pm**

Councillor Clancy and the General Manager, Mr Steve Loane, rejoined the meeting.

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**The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the Director Technical Services (Mr Kevin Tighe).**

**Item 1C Tender – Orana Road Bridge Project**

**59/1516 RESOLVED** that the contract for the design and construction of Orana Road bridge project is awarded to Murray Constructions for construction of bridge 30 metres long and 6 metres wide for a price of \$417,255 (excl. GST).

**Coe / Todd  
The motion was carried**

**Item 2C Tender – Construct of a Category C Rural Fire Service Fire Control Centre and five bay storage shed**

**60/1516 RESOLVED** that Council engage Wallandra Group Pty Limited to construct the Category C Rural Fire Service Fire Control Centre and five bay storage shed in Coonabarabran for a price of \$2,343,080 (GST exclusive).

**Schmidt / Capel  
The motion was carried**

**Item 3C Code of Conduct Investigation Report**

**61/1516 RESOLVED:**

- a) That Councillor Clancy issue a written apology to the Councils Town Planning staff within 14 days of Council adopting this recommendation.
- b) That Councillor Clancy be directed by Council not to attend meetings between Council staff and applicants in the future.
- c) That Councillor Clancy be required to undertake a training course provided by the Office of Local Government within six (6) months from the date of adoption of this recommendation.
- d) The findings in relation to each allegation are as follows;
  1. Allegation 1. Councillor Clancy has breached Clause 3.1, a), d), e), Clause 3.7, Clause 3.8 & Clause 6.7, e) and g) of Council Code of Conduct because of the evidence that was provided and Councillor Clancy's acknowledgement of the facts.
  2. Allegation 2. Councillor Clancy has breached Clause 3.1, a), d), e), Clause 3.3, Clause 3.7, Clause 6.2 a) and b), Clause 6.7, e) and g) of Councils Code of Conduct because of the evidence which was provided and Councillor Clancy's acknowledgement he should not have been present during discussions between Council staff and applicants who are having dealings with Council.
  3. Allegation 3. Councillor Clancy has breached Clauses 3.1, a), b), c), d) and e), Clause 3.3, Clause 6.7 e) and f) of the Code of Conduct for intimidation of the General Manager regarding the Code of Conduct matter before Council. Councillor Clancy has breached Clauses 7.9 and 7.10 a), b), and c) of the Code of Conduct which relates to the use and security of confidential information.
  4. Allegation 4. Councillor Clancy has breached Clause 3.1, a), b), c), d), Clause 3.2 and Clause 3.3 of Council's Code of Conduct and Section 335 of the Local Government Act because of his involvement in contacting persons in relation to Council's internal operations which by Law, is to be undertaken by the General Manager in accordance with the Local Government Act.

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e) That;

- a. Councillor Clancy be formally censured by Council for the breaches under Section 440G of the Act and
- b. The matter be referred to the Office of Local Government for further action under the misconduct provisions of the Act.

**Schmidt / Todd**  
**The motion was carried**

There being no further business the meeting closed at 3.48 pm.

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**CHAIRMAN**