

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM** **PAGE 1**

PRESENT: Cr Coe (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Acting General Manager (Stefan Murru), Director Technical Services (Kevin Tighe) and Director Development Services (Leeanne Ryan).

In attendance: Acting Manager Administration and Personal Assistant to the Director Corporate Services– Liz Webster (minutes) and Administration Officer - Leigh Ernest (minutes)

10.02am

Deputy Mayor Cr Coe called for a minute silence for Mark McWhirter

Forum

10.04am

Steven McEvoy addressed Council to introduce a new business in Coonabarabran and to go on record to say that he would like assurance that Council does not have a conflict of interest in regard to his proposal for a concrete batching plant.

10.15am

Presentation: Paul Cornall from Forsyths presented Council's 2014/15 Financial Statements and audit results.

10.46am

Presentation made of the Fourth Quarterly Employee Excellence in Achievement Award to Karen Bird.

10.48am

Presentation: Adam Tyrrell from the Westpac Rescue Helicopter Service presented to Council, including a short video, demonstrating the work of the service.

11.12am

APOLOGIES: Cr Shinton and Cr Todd

115/1516 RESOLVED that the apologies of Cr Shinton, Cr Todd and General Manager (Steve Loane) be accepted.

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

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

No declarations were made.

11.13am

116/1516 RESOLVED that standing orders be suspended to break for morning tea.

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

11.44am

117/1516 RESOLVED that standing orders be resumed.

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

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AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 2

Reports

Item 1 Minutes of Ordinary Council Meeting – 15 October 2015

118/1516 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 15 October 2015 be endorsed.

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

Item 2 Minutes of Extraordinary Council Meeting – 28 October 2015

119/1516 RESOLVED That the resolutions contained in the Minutes of the Extraordinary Council meeting held on 28 October 2015 be endorsed.

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

Item 3 Minutes of Traffic Advisory Committee Meeting held on 22 October 2015

120/1516 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 22 October 2015.
2. That request by Coonabarabran RSL to close John Street and Dalgarno Street, Coonabarabran from approximately 10.57 am to 11.15 am on Wednesday, 11 November 2015 to commemorate Remembrance Day be approved subject to compliance with Council's Road Closure Policy and RMS concurrence.
3. That request by Baradine Progress Association to close Wellington Street, Baradine from 6.00 pm to 12.00 midnight on Thursday, 24 December 2015 be approved subject to compliance with Council's Road Closure Policy and lodgement of the appropriate documentation.
4. That a count of pedestrian movements, particularly in peak times, be undertaken in Edwards Street from the Shell Service Station to the Swimming Pool and that the Design Plan be reviewed following completion of the Shell Service Station development to determine the access (movements in and out) FURTHER that the Schools be contacted to provide a Policy and/or route on the movement of school children to the Swimming Pool.

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

Item 4 Minutes of the Finance and Projects Committee Meeting – 10 November 2015

121/1516 RESOLVED that Council accepts the Minutes of the Finance and Projects Committee Meeting held on 10 November 2015 at Coonabarabran.

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

Item 5 Minutes Bushfire Appeal Advisory Panel – 9 November 2015

122/1516 RESOLVED that Council accepts the minutes of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 09 November 2015 at Coonabarabran.

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

Cr Schmidt enquired in regards to the possibility of forwarding un-allocated funds to assist with the current Esperance Bushfire emergency in Western Australia.

WARRUMBUNGLE SHIRE COUNCIL

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AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 3

Item 6 Minutes of Consultative Advisory Committee Meeting – 8 October 2015

123/1516 RESOLVED that Council notes the Minutes from the Consultative Advisory Committee Special meeting held on 14 July 2015 at Coonabarabran.

**Clancy / Capel
The motion was put and carried**

Item 7 Baradine Hall 355 Committee Meeting Minutes 29 October 2015

124/1516 RESOLVED:

1. That Council accepts the minutes of the Baradine Hall Advisory Committee held on 29 October 2015.
2. That funding applications be lodged to possum proofing the roof and replace window winders through the Community Partners Grant; and for kitchen refurbishment through the Grain Corp Grant.
3. That transportable toilets be located on the southern side of the building as per quote supplied by Taylor Made with the old toilets being decommissioned and utilised for storage.

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

Item 8 Minutes of Warrumbungle Cobbora Transition Fund Committee Meeting

Tuesday 10 November 2015 at the Dunedoo MPC 4.30pm

125/1516 RESOLVED that Council accept the minutes from the Warrumbungle Cobbora Transition Fund Committee Meeting held at Dunedoo Old Bank Building on 10 November 2015 at 4.35pm.

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

Item 9 Warrumbungle Cobbora Transition Fund Committee

126/1516 RESOLVED that Council note progress of the Cobbora Transition Fund projects.

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

Item 10 Delegations of Authority to the General Manager

127/1516 RESOLVED that Council delegate to the General Manager the new acts, regulations and policies as follows:

1. Biosecurity Act 2015; and
2. Council Policy - Variations to Development Standards under Development Control Plan 2015 as per endorsed and adopted plan.

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

Item 11 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors


128/1516 RESOLVED that Council endorse the following amended Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

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

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 4

	DRAFT Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors
	Strategic

(Pursuant to Sections 12, 2 3A, 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 19 November 2015 and replaces the previous policy titled Policy for the Payment of Expenses and Provision of Facilities to Councillors adopted by Council on 20 November 2014.

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 Office 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.*

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 5

- (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.

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 6

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 attachment conference, seminars or official functions to the limits of the allowances set out in the Australian Tax Office's Taxation Determination TD 2015/14 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 2015/14 (see Appendix A attached) or such determination or policies of the Australian Tax Office that supersede it. (As at July 2015 – Meal Allowance (per day) Breakfast \$33.25; Lunch \$47.00; Dinner \$65.95)
- 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 2015/14 or such determinations or policies of the Australian Tax Office that supersede it. (As at July 2015 – Incidental Expenses (per day) \$26.80)
- 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 2015/14 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 2015/14 (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.

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 has allocated \$31,000 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:

- Annual conference of the Local Government NSW (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)

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 \$150 (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.

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM** **PAGE 10**

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.

WARRUMBUNGLA SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM PAGE 11

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 has allocated \$5,000 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 iPads

Council shall meet the cost of providing and maintaining a mobile iPad device 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

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 12

- 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 \$3,000 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

Policies are available on Council's website.

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM PAGE 14**

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 Policy replaces the previous version of the Policy adopted by Council on 20 November 2014 Minute No. 160/1415.

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

Appendix A

Table 3: Employee's annual salary – \$205,301 and above				
Place	Accomm. \$	Food and drink \$ B'fast 33.25 Lunch 47.00 Dinner 65.95	Incidentals \$	Total \$
Adelaide	209	146.20	26.80	382
Brisbane	257	146.20	26.80	430
Canberra	246	146.20	26.80	419
Darwin	287	146.20	26.80	460
Hobart	195	146.20	26.80	368
Melbourne	265	146.20	26.80	438
Perth	299	146.20	26.80	472
Sydney	265	146.20	26.80	438
Country centres	\$195, or the relevant amount in Table 4 if higher	146.20	26.80	Variable – see Table 4 if applicable

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 15

Table 4: High cost country centres – accommodation expenses

Country centre	\$	Country centre	\$
Albany (WA)	179	Jabiru (NT)	192
Alice Springs (NT)	150	Kalgoorlie (WA)	159
Bordertown (SA)	135	Karratha (WA)	347
Bourke (NSW)	165	Katherine (NT)	134
Bright (VIC)	152	Kingaroy (QLD)	134
Broome (WA)	260	Kununurra (WA)	202
Bunbury (WA)	155	Mackay (QLD)	161
Burnie (TAS)	160	Maitland (NSW)	152
Calms (QLD)	140	Mount Isa (QLD)	160
Carnarvon (WA)	151	Mudgee (NSW)	135
Castlemaine (VIC)	140	Newcastle (NSW)	155
Chinchilla (QLD)	143	Newman (WA)	195
Christmas Island (WA)	180	Norfolk Island (NSW)	329
Cocos (Keeling) Islands (WA)	285	Northam (WA)	163
Colac (VIC)	138	Orange (NSW)	155
Dalby (QLD)	144	Port Hedland (WA)	295
Dampier (WA)	175	Port Lincoln (SA)	170
Derby (WA)	190	Port Macquarie (NSW)	140
Devonport (TAS)	140	Port Pirie (SA)	140
Emerald (QLD)	156	Queanbeyan (NSW)	133
Esperance (WA)	135	Roma (QLD)	139
Exmouth (WA)	255	Thursday Island (QLD)	200
Geraldton (WA)	175	Wagga Wagga (NSW)	141
Gladstone (QLD)	187	Wepa (QLD)	138
Gold Coast (QLD)	149	Whyalla (SA)	156
Gosford (NSW)	140	Wilpena-Pound (SA)	167
Halls Creek (WA)	199	Wollongong (NSW)	136
Hervey Bay (QLD)	157	Wonthaggi (VIC)	138
Horn Island (QLD)	200	Yulara (NT)	280

POLICY DOCUMENT CONTROL:

Policy		Resolution	Date
Payment of Expenses Policy	Endorsed	233	16 June 2005
Payment of Expenses Policy	Amendment	49	18 August 2005
Payment of Expenses Policy	Amendment	393	18 May 2006
Payment of Expenses Policy	New Policy endorsed	199	17 December 2009
Payment of Expenses Policy	Revised Version	123	21 October 2010
Payment of Expenses Policy	Revised Version	181/1112	24 November 2011
Payment of Expenses Policy	Revised Version – 4	235/1213	21 February 2013
Payment of Expenses Policy	Revised Version – 5	168/1314	21 November 2013
Payment of Expenses Policy	Revised Version – 6	160/1415	20 November 2014
Payment of Expenses Policy	Revised Version – 7	128/1516	19 November 2015

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM** **PAGE 16**

Item 12 Notice of Motion – Warrumbungle Public Art Policy

129/1516 A motion was moved by Cr Capel, seconded by Cr C Sullivan that Warrumbungle Shire Council develop a Public Art Policy.
The motion was put and carried

Item 13 Council Resolutions Report November 2015

Received.

Item 14 Brick Bats and Bouquets

Received.

Item 15 2014/2015 Annual Report

130/1516 RESOLVED that Council note the contents of the 2014/2015 Annual Report and that the report be submitted to the Minister for Local Government.

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

Item 16 Monthly Report from Human Resources – November 2015

Received.

Item 17 Fourth Quarter Employee Excellence in Achievement Award

131/1516 RESOLVED that Council approve MANEX's nomination of Karen Bird as the winner of the 4th Quarterly Staff Achievement Award, to be presented at this meeting.

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

Item 18 CPAS – Comprehensive Property Addressing System program

Received.

132/1516 A motion was moved by Cr Schmidt, seconded by Cr Capel that the Comprehensive Property Addressing System (CPAS) be added to the agenda for all Community Consultation Meetings to be held in November.
The motion was put and carried

Item 19 Bank Reconciliation for the month ending 31 October 2015

133/1516 RESOVLED that Council accept the Bank Reconciliation Report for the month ending 31 October 2015.

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

Item 20 Investments and Term Deposits for Month ending 31 October 2015

134/1516 RESOLVED that Council accept the Investments Report for the month ending 31 October 2015.

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

Item 21 Rates Report for Month Ending 31 October 2015

Received.

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM** **PAGE 17**

Item 22 Quarterly Budget Review Statement for the Quarter Ending 30 September 2015

135/1516 RESOLVED That Council accept the Quarterly Budget Review Statement for the quarter ending 30 September 2015, and approve the requested supplementary votes for a net value of (\$287k).

Schmidt / C Sullivan
The motion was put and carried

12.56pm

136/1516 RESOLVED that standing orders be suspended to break for lunch.

Capel / C Sullivan
The motion was put and carried

1.35pm

137/1516 RESOLVED that standing orders be resumed.

Capel / C Sullivan
The motion was put and carried

Item 23 Fixing Country Roads – Round Two

138/1516 RESOLVED that application is made for the following projects under the NSW State Government's Fixing Country Roads Programme Round 2:

- Billy Kings Creek on Purlewaugh Road (MR129) – Preparation of design and tender documentation;
- Coonabarabran Over Dimension Route
 1. *Rehabilitation and strengthening of failed pavement on OD route between Gardeners Road and Baradine Road. Total length of rehabilitation 1km.*
 2. Investigation of Weir and options for strengthening;
- McGanns Crossing on Baradine Road (MR129) - Preparation of design and tender documentation;
- Black Stump Way (MR55) - Rehabilitate and widen pavement. Segments 69, 68, 67, 28, 29 & 30. Total length 7.5km;
- Vinegaroy Rd (MR618) – Rehabilitate and widen pavement. Segments 6 & 7. Total length 1.7klm. Estimated cost \$600,000.

Furthermore, Council is to communicate with the Upper Hunter Shire Council regarding their application.

Clancy / R Sullivan
The motion was put and carried

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 18

Item 24 2016/17 Regional Road REPAIR Program

139/1516 RESOLVED that Council's priority for REPAIR programme funding in 2016/17 and forecast programme is as follows;

Project No.	Project Description	Total Project Cost			
		2016/17	2017/18	2018/19	2019/20
1	MR55 Segments 60,59,58(north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.	\$800,000			
2	MR55 Segments 69,68,67(north of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.		\$800,000		
3	MR55 Segments 28,29,30 (south of Coolah) Rehabilitation including culvert widening, pavement widening and overlay.			\$800,000	
4	MR129 (Baradine Road. Rehabilitation including culvert widening, pavement widening and overlay				\$800,000
Total		\$800,000	\$800,000	\$800,000	\$800,000

Clancy / Capel
The motion was put and carried

Item 25 Technical Services Works Program 2015/16– Road Operations, Urban Services & Water Services

Received.

Item 26 Mow Rock RFS Site Classification of Land

140/1516 RESOLVED that Council classify Lot 18 DP754962 as operational land.

Schmidt / R Sullivan
The motion was put and carried

Item 27 Dunedoo War Memorial Hospital

141/1516 RESOLVED that:

1. Council notes its prior resolution (Number 265/1112 dated 16 February 2012) regarding the compulsory acquisition of the land described as Lot 148 and 176 in DP754291 in Dunedoo, Parish of Bolaro, County of Lincoln and known as the Dunedoo War Memorial Hospital (Dunedoo Hospital Land).
2. Council affirms its prior resolution (Number 265/1112 dated 16 February 2012) and intends to proceed with the compulsory acquisition of the Dunedoo Hospital Land for the public purpose of establishing an aged care facility that includes self-care aged accommodation units in a retirement village setting, an agricultural learning centre and associated leisure facilities (including a walk/cycle way) in

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM** **PAGE 19**

accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

3. Council make an application to the Minister and the Governor for approval to acquire the Dunedoo Hospital Land described as Lot 148 and 176 in DP754291 in Dunedoo, Parish of Bolaro, County of Lincoln by compulsory process under section 186(1) of the Local Government Act 1993.
4. Council classify the Dunedoo Hospital Land as operational land for the purposes of the Local Government Act 1993.
5. Council cause a covenant be placed on the title to the Dunedoo Hospital Land that restricts the use of the subject land to 'community purposes' as described in the instrument creating the covenant.
6. Council requests the Minister for Local Government approve a reduction in the notification period from 90 days to no more than 1 days (by reason of the compulsory acquisition occurring with the concurrence of the owner of the Dunedoo Hospital Land).

Capel / C Sullivan
The motion was put and carried

Item 28 Development Applications

142/1516 RESOLVED that Council note the Applications and Certificates Approved, during October 2015, under Delegated Authority

Schmidt / Capel
The motion was put and carried

General Business

143/1516 A motion was moved by Cr Schmidt, seconded by Cr Capel that Council investigate any possible 'Conflict of Interest' between Boral and the Warrumbungle Shire – specifically relating to the supply of base materials for the manufacturing of concrete.
The motion was put and carried

Matters of Concern

Cr R Sullivan

- Sincere thank you to Mark McWhirter for all his work at Council and recommended that Council send condolences to his wife and family.

Cr Clancy

- Riding for the Disabled Association building – approximately 12 months has passed since the building was damaged and there has been no resolution. Progress needs to be made considering the hot weather and lack of facilities.

Cr C Sullivan

- Request that the Mayor and the General Manager report back to Council from the Orana Regional Organisation of Councils (OROC) meeting, and that the minutes be distributed to Councillors.
- Is the Rural Fire Service shed in Dunedoo occupied? DDS advised that all conditions have not been met at this time.
- Is the road leading up to Coolah Tops a Council owned road? It is currently in poor condition, possibly due to storm event.

WARRUMBUNGL E SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 20

Cr Andrews

- Request to erect an Anglican Church sign on the corner of Bullinda and Napier Streets in Binnaway.
- RMS office increasing staff in Dubbo. DTS advised the 250 positions are state wide.

Cr Capel

- When is the Contractors Meeting going to happen? The meeting needs to be minuted. DTS advised it will be on 7 or 14 December 2015.
- EPA ruling on contaminated waste for Cobbora Holdings – Second notice has been received regarding the waste removal.
- Letter from a resident received by Councillors regarding the new bins. DDS advised that the resident has been visited and the issue has been resolved. Furthermore that the new recycling system has been well received and is working well.
- Request that the Electronic Housing Code be on the agenda for the November Community Consultation Meetings.

2.13 pm

144/1516 RESOLVED that:

- (a) Council go into closed committee to consider business relating to commercial information
- (b) pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(c) as outlined above
- (c) 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.

Capel / R Sullivan

The motion was put and carried

2.56pm

145/1516 RESOLVED that Council move out of closed Committee.

C Sullivan / Andrews

The motion was put and carried

The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the Director Development Services.

Item 1C Tenders for Phase A & B of the Backup Water Supply Bore Project

146/1516 RESOLVED that the contract for Phase A, which is the identification of test drilling sites for a water supply bore in Binnaway, Coolah and Mendooran and Phase B, which is test drilling and reporting, is awarded as one contract to The Hydroilex for a price of \$83,050.00 (excl. GST) for one test bore at each site and in accordance with tendered rates for drilling of one or more test bores. FURTHERMORE that the project be completed within 15 weeks of the notification of the contract being awarded.

Schmidt / Capel

The motion was put and carried

WARRUMBUNGL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 19 November 2015
COMMENCING AT 10.02AM**

PAGE 21

There being no further business the meeting closed at 2.57pm.

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CHAIRMAN