

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 1/3906

PRESENT: Cr Tim Horan, Mayor, in the Chair, with Crs. J Canham, T. Cullen, B. O'Brien, A. Karanouh and D. Schieb.
Also present were the General Manager, Mr Griffiths, the Director of Engineering, Mr Russell, the Director of Corporate Services, Mr. Warren and Mrs. Moorhouse.
Mrs Dale Terry was present as an observer until the morning tea adjournment.

Councillor Horan welcomed the new Council, particularly the newly elected Councillors Karanouh, O'Brien and Schieb. He thanked Councillors for their confidence in electing him as Mayor for the ensuing twelve months. Cr. Horan said he was excited about the challenges that lie ahead for Council as it continues to work for ratepayers and residents of the Shire. The Mayor said he was looking forward to working with the other six elected members as part of a team that was united in its endeavours to keep the Shire moving forward.

The General Manager gave a comprehensive overview of what is required of Councillors and the many responsibilities that come with being elected to represent the residents and ratepayers of Coonamble Shire. Mr. Griffiths referred particularly to the Code of Conduct and the Code of Meeting Practice and briefly outlined consequences of breaches of those Codes.

Mr. Griffiths also informed Councillors of their responsibilities in completing Pecuniary Interest Forms and reminded them that this information is available to the public.

The Director of Corporate Services advised the new Councillors that their Pecuniary Interest Returns commenced from 13 September, 2008 and for the first return it was not necessary to complete sections (c), (d) or (h). Mr. Warren said that these sections will be required to be completed on the next disclosure return in twelve months' time.

Each Councillor was handed a Bluett Local Government Handbook which the General Manager said contained invaluable information for Councillors and he encouraged each elected member to become familiar with its contents.

Councillors were encouraged to contact the General Manager at any time if they had any questions or concerns. Mr Griffiths pointed out that he and other staff are looking forward to a fresh direction and meeting challenges that may lie ahead.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 2/3907

3.0 APOLOGY

7223 RESOLVED on the motion of Crs Horan and Canham that an apology for non attendance be accepted from Councillor Webb.

4.0 DELEGATIONS

The meeting noted that a Department of Primary Industries representative would meet Councillors and Staff at the morning tea adjournment. The General Manager said the newly appointed District Agronomist, Mr. Rowan Brill, would also be introduced to Councillors. Included in the 'meet and greet' would be Greg Markwick, Regional Director, Department of Primary Industries, James Nalder, Chairman of the Coonamble Farming Cooperative, Adrian Lyons, Director of Coonamble Farming Cooperative and Tim Johnston, Chairman of Coonamble Branch NSW Farmers.

5.0 DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting.

6.0 CONFIRMATION OF THE MINUTES

7224 RESOLVED on the motion of Crs. Cullen and Canham that the minutes of the Ordinary Meeting of Coonamble Shire Council, held on 10th September 2008 be confirmed.

BUSINESS ARISING FROM THE MINUTES

(a) Residents of Portion of Wingadee Street (Min No. 7143)

Councillor Canham said he attended the meeting with residents and Engineering Department staff concerning a request to close off this lane because of the amount of vandalism occurring. The Director of Engineering informed the meeting that he was unable to attend the meeting, however staff were endeavouring to take action, noting that one of the residents affected is prepared to take over the lease and provide right of way to other property owners.

At this juncture, Mr. Peter Gray, Council's Australia Day Coordinator, arrived at the meeting.

(b) Illegal Works – "Pillicawarrina" (Min No. 7141)

In response to a question, the General Manager informed the meeting that advice is still awaited as to what portion of the subject property has actually been sold. Cr Schieb said he was of the opinion that the portion where the "illegal works" have been constructed is still owned by Mr Waterman. Cr. Schieb also advised that Mr. Waterman has sold licenses and has no water rights whatsoever. Council noted that this matter has been ongoing for a long period of time since neighbours complained that the works are restricting water flow to their properties.

This is **Page 2/3907** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 3/3908

7225 RESOLVED on the motion of Crs. Schieb and O'Brien that the General Manager provide a report to the November meeting on this matter

At this juncture, Ms Anna Miller and Mr Greg Kilby arrived at the meeting.

(c) Demolition of Structure – Maule Lane (Min No. 7187)

In response to a question from Cr Canham, the General Manager advised that the Department of Commerce has purchased this land and Council is awaiting transfer at which time the Department will be demolishing the structure. Mr. Griffiths said that Council's Health and Building Officers have been in contact with representatives from the Department concerning Council's resolution to demolish.

7.0 RESOLUTION BOOK UPDATE

7226 RESOLVED on the motion of Crs Cullen and Canham that the Resolution Book Update be received and dealt with.

(a) Great Artesian Basin Water Sharing (Min No 7032)

The Director of Engineering informed Council that tradable water sharing rights have been announced and Council has recently received its licence. He advised that Council is not permitted to trade water however it may be able to buy other licenses and sell. Mr. Russell said this would be clarified as the scheme progressed.

(b) Coonamble Bowling Club Ltd – New Fence (Min 7072)

Council was advised that the Bowling Club has obtained quotes to replace the western boundary fence along Macdonald Park. The Director of Engineering advised that the quotes were in the order of \$20,000 would be considered at a Board meeting shortly and, as Council is responsible for half the cost, it may have to provide funds for the work to proceed.

(c) Saleyards (Min No 7117)

The Director of Engineering informed Council that a meeting was held last week with Saleyards representatives, the Livestock and Bulk Carriers Association and Agents Association. It was pointed out that it was not a convened Saleyards Management Committee meeting, more a discussion regarding the newly introduced fatigue management laws for truck drivers.

Mr Russell reported that the lines of communication between the LBCA, Council and the agents have been opened, with the outcome of the discussion being positive. The Director of Engineering said that in the future Council would have to implement policies to address these issues.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 4/3909

DEPUTATION – LAW AND ORDER

At this juncture, the Mayor welcomed Ms Miller and Mr Kilby who were present to address the meeting on law and order issues.

Ms Miller pointed out that she has been the victim of break/enter and vandalism on several occasions and was anxious to bring her experiences to attention so that some action may be forthcoming. She referred to incidents at the Skate park and was asked by the General Manager what those incidents entailed. Ms Miller said that older children are not letting younger ones use the facility and suggested that there should be times allotted for use by high school students and primary school students.

Mr. Kilby referred to disturbances in Coonamble recently, particularly the incidence of car theft and racing in the town streets. He referred to older residents who were frightened in their own homes and said this should not happen. Mr Kilby said he would like reports from the police to be made public and he referred to the inability of Coonamble Police to pursue stolen vehicles. He also referred to the use of road spikes.

The General Manager informed Mr Kilby that law and order is nothing to do with Council and also that Council has no control whatsoever over policing matters. Mr. Griffiths suggested that Mr. Kilby write to the Local Member and liaise with Inspector Taylor from Walgett Police.

The Mayor advised that police reports are not public property and in answer to a question informed Mr Kilby that Police hierarchy is aware of incidents which have been occurring in Coonamble, as the Police Minister telephoned him recently. The Mayor also advised that Police have to comply with OH&S requirements and cannot pursue in the vehicles stationed in Coonamble. Cr. Horan said that special vehicles are required, as well as specially qualified officers to drive them. The Mayor also encouraged Mr. Kilby and anyone else who wished to make representations to the local member and liaise with Superintendent Taylor at Walgett.

The Mayor said that Council would be raising these issues with Police. He thanked Ms Miller and Mr Kilby for their attendance and they left the meeting at 10.25 a.m.

URGENT BUSINESS – SUPPLEMENTARY REPORT BY GENERAL MANAGER

7227 RESOLVED on the motion of Crs. Horan and Schieb that the following matter be classified 'urgent business' and dealt with.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 5/3910

10.7 AUSTRALIA DAY

At this juncture, Mr. Peter Gray was invited to address Council on a venue for the 2009 Australia Day Celebrations. He said that the celebrations have been held at the Coonamble swimming complex for a number of years, however attendance is less each year. Mr. Gray pointed out that there are other big events on throughout and referred to the Tamworth Country Music Festival which is attended by a large number of Coonamble people.

A suggestion to have the activities at Smith Park was discussed, as it was felt that more of the older residents would attend that location. Mr. Gray said it is apparent that elderly citizens do not like the pool venue, nor the time as it is too hot in the afternoon/early evening.

The General Manager referred to the high cost of conducting the Australia Day Celebrations stating that last year it was \$7,600 and Council should look at reducing costs to around \$5,000 if possible.

Cr. Karanouh suggested that prizes should be things like bikes and computers for the children to complete for and that would encourage participation in events at the pool. It was pointed out that much more work would be required to hold the event at Smith Park and it would be necessary to have the support of local services clubs to have a successful function.

Mr Gray informed the meeting that he would be meeting with representations from the CWA Evening Branch, Quota, Lions, Rotary and the Garden Club to gauge support. He also pointed out that we need to know quickly so that arrangements can be made to have an Ambassador.

7228 RESOLVED on motion of Crs. Horan and Schieb that Council authorise the Mayor, General Manager and Australia Day Coordinator to meet following Mr. Gray's discussion with the various Clubs, to decide on a venue for the 2009 Australia day Celebrations.

At this juncture, 10.40 a.m. the meeting adjourned for morning tea and resumed at 11.13 a.m.

8.0 MAYOR'S ACTIVITY REPORT

7229 RESOLVED on the motion of Crs. Horan and Canham that the Mayor's Activity Report be received and adopted.

At this juncture, the Mayor was called from the meeting – the Deputy Mayor took the Chair. The Mayor returned to the meeting at 11.15 a.m. and resumed the Chair.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 6/3911

In his monthly report Councillor Horan detailed events he had attended throughout the previous month. Councillor O'Brien thanked him for attending the Two Eight Two Eight annual general meeting and providing a report from Council.

9.0 CORRESPONDENCE

7230 RESOLVED on the motion of Crs. that the Correspondence be received and dealt with.

Section A – Matters for Action by Council:

9.1 DEPARTMENT OF LOCAL GOVERNMENT C13 (28805)

Informing Councils about dates and locations for Councillor Information Seminars to be delivered by the Department in October and November 2008, also about the seminar registration and reporting processes. Further advising that General Managers are requested to report to the first council meeting in 2009 on which seminar each of the councillors attended and any feedback from councillors about the seminar.

The General Manager informed the meeting that this is an important issue which concerns Councillor Information Seminars and a full copy of the Circular was included with the business paper for Councillors' information.

7231 RESOLVED on the motion of Crs. Karanouh and Schieb that a booking be made at the Dubbo Seminar on 3 November, 2008 (9.30 a.m. – 12.30 p.m.) for Councillors Karanouh, Schieb and O'Brien, together with the General Manager.

9.2 ST BRIGID'S SCHOOL PARENTS & FRIENDS D7 (28727)

Seeking Council's support in helping to provide local children with access to new teaching technology. Advising that SMARTboards are interactive computer-based whiteboards that take the place of a blackboard to provide amazing and new learning opportunities for students. Saying St Brigid's staff have been trained in the use of these SMARTboards, which cost \$6,000 each. Saying that Council could give assistance as follows:

- Sponsor one SMARTboard outright at a cost of \$6000
- Sponsor part of a SMARTboard (eg \$500/\$1000/\$2000/\$3000) with P&F or another sponsor then attempting to meet the full amount.

The General Manager stated that this item was tabled at Council's September meeting however it was deferred for consideration until this meeting following the election of the new Council.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 7/3912

7232 RESOLVED on the motion of Crs. Canham and Cullen that this matter be deferred for consideration in conjunction with the report by the Director of Corporate Services later in the day.

9.3 COONAMBLE STREETS AHEAD P1-1 (28813)

Advising that the next market day is scheduled for Saturday 15 November and requesting permission to use Macdonald Park. Stating they see benefits such as more parking, close to supermarkets, lots of shade and a children's play area. Saying that if Council agrees, would it provide garbage bins and requesting whether power is available for any food vans which may participate.

Suggesting that once the new Guidelines for Section 355 Committees confirms that staging community markets is a role of the Committee, it may be possible for specific casual stall holders to be covered under Council's public liability insurance if Council is notified of details in advance.

The General Manager advised that Council does not have a charge for hiring of Macdonald Park, nor a set cleaning deposit. Mr. Griffiths said that Coonamble Streets Ahead is not charged a rental for the use of Smith Park for the market days, however it is responsible for the payment of a \$200 refundable cleaning deposit.

7233 RESOLVED on the motion of Crs. O'Brien and Schieb that Council advertise the proposed location of the November 15 Community Markets calling for objections and should none be received agree to the relocation of the markets to Macdonald Park as requested, subject to the payment of the usual \$200 refundable cleaning deposit.

9.4 MS DENISE FURNER, RIVERSIDE CARAVAN PARK C2-1 (28824)

Advising that Ray & Janelle Worth will be taking over the running of the Coonamble Riverside Caravan Park from 1 October 2008 and she will be finishing on 30 September, 2008. Saying she has really enjoyed managing the Park and is very sad to be leaving. Wishing Council and the new managers the best for the future.

The General Manager stated it is disappointing to lose Ms. Furner, the current lessee, as the comments in respect of the Caravan Park have all been positive. He said that the lease allows for the sub-letting of the Park, with Council approval, and discussions have been held with the proposed tenants who appear to have the bona fides to run a successful operation. Mr. Griffiths said a check with the former Mayor of Great Lakes Shire Council confirms their abilities.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 8/3913

7234 RESOLVED on the motion of Crs. Schieb and Karanouh that Council agree to Ray & Janelle Worth sub-leasing the Coonamble Riverside Caravan Park from Ms Denise Furner until the expiration of the current Lease Agreement on 18 July 2010 and Ms Furner be congratulated on a magnificent effort of managing the Park.

**9.5 "C" DIVISION SHIRES ASSOCIATION OF NSW E2 + S6 + S3-3
(28839)**

In a letter addressed to the Mayor, thanking him for support in his reappointment as "C" Division representatives to the Shires Association and also his election to the position of Senior Vice President. Stating that he would be prepared to attend a Council meeting to explain the workings of the Shires Association and the various ways Shires Executive represents member councils. Asking that he be advised if Council wishes to take up the offer.

Also requesting the Mayor to give some thought as to whether a mid term meeting of "C" Division Mayors and General Managers should be held to discuss any issues arising from the new Council. Stating that considerable reaction has come from councils about the Model Code of Conduct that deals with the appointment and operations of the Conduct Review Committee – (sections 12, 13, 14) in that there seems to be difficulty in finding independent qualified people to act on the Committee with a number of General Managers refusing to be involved. Saying that the Shires Association has conveyed concerns to the Minister about this area of the Code, however any of Council's concerns need to be conveyed further to the Shires Executive and further to the Minister as it appears to be unworkable in its current form. Asking for feedback from Council.

Referring to the exorbitant cost of the forthcoming elections which has been widely mentioned by all councils, with most costs easily doubled since the last election. Stating the State Electoral Commission has defended these increases as necessary to reflect the "real" cost of the Elections, which now almost completely run excluding any local involvement. Advising that the Association has had a number of exchanges with the State Electoral Commission objecting to the increases. Recommending to councils to pay the cost of the last election plus accumulated CPI (about 14%) and request time to pay the outstanding balance. Hoping to have some reduction to this charge with further representation to the State Electoral Commission after the election.

The General Manager drew Council's attention to the last paragraph which resolves Resolution No. 7151 (1) of 10 September 2008, whereby the LGSA was requested to provide advice regarding the payment of election accounts and he advised that clauses (2) & (3) of that resolution have been actioned accordingly.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 9/3914

7235 RESOLVED on the motion of Crs. Cullen and O'Brien that Council invite the Chairman of "C" Division to address a future meeting.

9.6 HALOGEN FOUNDATION LTD C8 (28855)

Stating each year thousands of secondary students from across Australia attend The National Young Leaders Days which are held in November each year. Advising they target top young leaders, such as school captains, prefects, SRC representatives, sporting captains and young community leaders. Stating that in previous years local governments have sponsored young people in their area to attend the event as a reward for their past contribution and encouragement for future service. Suggesting that Council may like to contact the local secondary school or local media to initiate the process.

The General Manager informed the meeting that the Sydney event is to be held on Friday 7 November from 9.15 a.m. to 2.30 p.m. at the Sydney Convention Centre, Darling Harbour. Mr. Griffiths said that costs are \$55/student and \$18/adult however accommodation and travel would also be required, along with meals and parking - bringing the estimated cost for four students and an adult supervisor to around \$1,000.

7236 RESOLVED on the motion of Crs. Cullen and Canham that Council refer the event details to the Coonamble High School and Gulargambone Central School to allow them to participate should they wish.

9.7 LOCAL GOVERNMENT & SHIRES ASSOCIATIONS OF NSW C13 (28858)

Providing Council with copies of the CPDP Public Workshops Calendar October 2008 – June 2009 and advising seven new modules have been included in the Program for new and returning councillors. Advising that additional councillor public workshops can be requested and commencing the Councillor Professional Development workshops to Council and seek its support in encouraging councillors to attend the programs.

The General Manager reported that he is required to develop Councillor Professional Development training strategies for individual Councillors and to achieve this, Councillors need to advise their desires for such training. Mr. Griffiths said that Councillors should be cognizant of the costs involved and adopt a realistic approach as to their needs.

Copies of the Public Workshops Calendar for the ensuing nine months were included with each Councillor's Business Paper for reference.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 10/3915

7237 RESOLVED on the motion of Crs. Cullen and O'Brien that Councillors advise the General Manager of the required training courses they wish to attend, to allow a training calendar to be developed.

9.8 MANLY COUNCIL E5 (28857)

Stating that Manly Council has joined The Bottled Water Alliance to launch an Australia-wide campaign that aims to reduce the environment impact of bottled water and stating their aim is twofold. Saying firstly to save money and the environment by asking councils to stop purchasing bottled water for their offices, facilities and events and secondly, wanting councils to upgrade and improve their water bubblers to reduce litter and environmental problems caused by bottled water. Hoping that Council will join Manly Council and The Bottled Water Alliance in this worthy money saving initiative and seeking a response.

7238 RESOLVED on the motion of Crs. Cullen and Karanouh that Manly Council be advised that Coonamble Shire Council supports its efforts in an endeavour to reduce the environment impact of bottled water.

9.9 INDEPENDENT PRICING & REGULATORY TRIBUNAL (IPART) L9 (28861)

Advising that it is currently conducting a review of the revenue framework for local government, is holding a number of public workshops and inviting Council to attend one of them. Advising the workshop will address a number of key issues for the review and each one will include a roundtable discussion.

The General Manager advised that the public workshop for Review of the Revenue Framework for Local Government at Dubbo will be held on Wednesday, 22 October, 2008 between 9.30 a.m. and 3.00 p.m. He said if Council wishes to be represented, it must send a confirmation at least ten days in advance.

7239 RESOLVED on the motion of Crs Canham and Karanough that Council delegate authority to the General Manager to be its representative at the Review of the Revenue Framework for Local Government Workshop.

9.10 LOCAL GOVERNMENT & SHIRES ASSOCIATIONS OF NSW

Advising that Prime Minister Kevin Rudd will convene the first meeting of the Australian Council of Local Government at Parliament House on 28th November. Advising that the government would be extending, for the first time in Australian history, an invitation to all of Australia's more than 500 local governments to attend. Stating the meeting will focus on developing a new cooperative engagement with local governments and the challenges facing Australia's major cities. Advising that the issue of constitutional recognition for local government would also be on the agenda, as the Prime Minister is of the view that consultation directly with local government authorities is necessary.

This is **Page 10/3915** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 11/3916

7240 RESOLVED on the motion of Crs. Cullen and Karanouh that the Mayor and General Manager be authorised to attend the meeting of Australian Council of Local Government on 28 November, 2008 at Parliament House in Canberra.

9.11 MURDI PAAKI REGIONAL ENTERPRISE CORPORATION LTD I6-1 + PR1225.212 (28882)

Referring to the Corporation's investigation into the establishment of an 'Intensive Farming' enterprise at Coonamble and advising a Feasibility Study has been commissioned and completed. Stating that the study indicates that the project, when fully operational, would have the capacity for full time employment of 14 – 18 persons with significant and lasting flow-on benefits to Coonamble.

Advising it is envisaged that the 'Intense Farming' plot would produce 'Bush Tucker' as well as a component of mainstream fruit and vegetable crops, with the method of operation being leading edge, highly efficient and environmentally conservative. Saying the project is now moving towards its Business Planning stage and a key requirement will be the availability of suitable land on which to:

- (a) establish the enterprise, and
- (b) expand the operation in Stage 11.

Referring to preliminary discussions and now requesting that Council consider the provision of 20 hectares of "The Meglo" land, with the preferable site adjacent to the north-east aspect of "The Meglo" where power lines enter the site. Advising that is funding can be obtained MPREC envisages commencement of construction works in March 2009 with completion to operating July 2009.

The General Manager informed Council that this matter has been ongoing for a number of months and would appear to meet the criteria for Council assistance. Mr. Griffiths said it is unclear as to whether MPREC wishes to purchase the land or to lease the site and the latter is recommended.

Councillors discussed this matter at length, referring to the number of jobs to be created, availability of water from the Oaks Bore and other matters relative to the proposal.

7241 RESOLVED on the motion of Crs. Karanouh and Cullen that Council support the proposal in principle, subject to provision of the Business Plan and Feasibility Study.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 12/3917

9.12 ANTHONY SMITH R8-11 + PR1388 (28901)

Applying to purchase a portion of the land which runs parallel with his property at 4 Bimble Street, Coonamble. Stating he understands that a sewer main is located in the lane and to give access for maintenance purposes he proposes installing a gate. Pointing out that the section of land he wishes to purpose does not restrict access to neighbouring properties.

The General Manager stated that Council would appear to be “painting itself into a corner” in allowing the fencing/gates across public roads. Mr. Griffiths said the matter under consideration has not yet been investigated by staff and should be referred to the Engineering Department for report to Council.

7242 RESOLVED on the motion of Crs. Canham and Schieb that that Director of Engineering be instructed to submit a report on the general principles for closing of lanes to the November meeting of Council, noting that the report will deal with this application together with the one by the residents of Wingadee Street.

9.13 ROADS & TRAFFIC AUTHORITY, PARKES R8-18 (28908)

Enclosing copy of the Road Maintenance Council Contract (RMCC) which will commence on 1 October 2008. Drawing Council's attention to requirements of the Contract that need to be actioned immediately, particularly execution of the two copies of the Contract Deed which must be returned to the Authority.

7243 RESOLVED on the motion of Crs. Horan and Cullen that this matter be deferred for consideration in conjunction with a report by the Director of Engineering later in the day.

Section B: Matters for Information Only

9.14 DEPARTMENT OF WATER AND ENERGY E5 + W1 (28807)

Advising that the *Great Artesian Basin Groundwater Sources Water Sharing Plan* commenced on 1 July 2008 and a copy is available on the NSW Government website at www.legislation.nsw.gov.au (under 'regulations in force'). Advising that failure to comply with the provisions of the *Water Management Act 2000* may lead to fines of \$275,000 for a corporation (and a further \$132,000 for each day the offence continues) or \$132,000 for an individual (and a further \$66,000 for each day the offence continues).

9.15 COONAMBLE COMMUNITY SHED INC L3 (28806)

Thanking Council most sincerely for completing the 2008 Audit for the Coonamble Community Shed Inc.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 13/3918

The General Manager advised that this task was undertaken by Council's Director of Corporate Services, Mr. Rick Warren.

**9.16 ROADS & TRAFFIC AUTHORITY, PARKES B10 + B10-5
(28863)**

Referring to the Premier's announcement in October 2006 concerning the commencement of the Timber Bridge Partnership Program and stating that on 20 August 2008 the Minister for Rural Affairs, Tony Kelly, announced a 12 month extension to this Program within the level of the current allocation of \$60 million. Stating that as the Program will now run up to June 2010 Council has an additional 12 months to complete works already announced. Encouraging councils to ensure early commencement of outstanding projects to ensure full expenditure of available funds within the approved timeframe.

9.17 THE HON VERITY FIRTH, MP E5 (28793)

Advising that in March 2008 the Premier announced that NSW would develop a Climate Change Action Plan (CCAP) to replace the 2005 NSW Greenhouse Plan. Stating that the decision to replace the Greenhouse Plan reflects the big changes in national climate change policy following the election of a Federal Labor Government. Inviting Council to be represented at a forum to be held on Thursday, 23 September at Dubbo.

Council noted that its Director of Engineering has registered to represent Council at the forum in Dubbo on 23 September.

9.18 COONAMBLE SENIOR CITIZENS ASSOCIATION C6-12

Forwarding copy of minutes of the Association's monthly meeting held on 1 September, 2008, together with Bank Statements to the end of August 2008, in accordance with requirements of being a section 355 Committee of Council.

9.19 COONAMBLE COTTAGE INDUSTRIES & TOURIST INFORMATION CENTRE T3-1 (28888)

Advising they agree to Council's proposal to relocate the Visitor Information Centre and saying whilst they enjoyed taking on the role of "tourist informers", they appreciate the fact that the inability to operate 7 days/week is a considerable disadvantage to tourism in the area. Thanking Council for the opportunity of operating the service and wishing the new operators all the best. Conveying special thanks to the Tourism Development Manager for his assistance to staff during the time they have operated the VIC.

Council noted that a response is awaited from both the Business Action Group and the Rural Transaction Centre.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 14/3919

**9.20 GULARGAMBONE WAR MEMORIAL MECHANICS INSTITUTE HALL
COMMITTEE C6-12 (28897)**

Forwarding copy of minutes of Annual General Meeting and Financial Returns to 30 June 2008 as required in accordance with guidelines to s355 Committees of Council.

**9.21 MARK COULTON MP, FEDERAL MEMBER FOR PARKES F5-2
(28895)**

Advising he has made representations on Council's behalf to Senator the Hon Penny Wong, asking for her comments on some of the issues raised in relation to the Commonwealth Flood Mitigation Program. Stating that when a reply is received he will again contact Council.

**9.22 ELECTORAL COMMISSION NSW – JOHN WHITNEY, RETURNING
OFFICER E2 (28905)**

Thanking the General Manager and staff for cooperation and assistance during the recent elections. Saying the process was quite lengthy but from his point of view the location was excellent. Stating that staff willingly cooperated and made the job so much easier. Also pointing out that he was mindful of the cost involved and did try to economise wherever possible.

9.23 BAWRUNGA MEDICAL SERVICE P1-1 (28871)

Seeking permission to use the Gulargambone Lions Park on 18 October to promote the Bawrunga Medical Service in advising the community what is available, plus other general information. Saying the community will also have the opportunity to meet the new doctor Dr Kenneth Ibe. Advising there will be a barbecue, entertainment, face painting and Aboriginal dancing which will commence at 10.30 a.m. and conclude around 2.00 p.m.

Councillors noted that the doctor is living in Gulargambone and practicing 1 – 1½ days/week.

7244 RESOLVED on the motion of Crs. Cullen and O'Brien that the information contained in Item Nos. 9.14 to 9.23 inclusive be noted.

URGENT BUSINESS – CORRESPONDENCE

7245 RESOLVED on the motion of Crs. Cullen and Canham that the following items be classified 'urgent business' and dealt with.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 15/3920

9.24 ELECTORAL COMMISSION NSW E2 (28924)

Acknowledging Council's letter concerning payment of election costs and advising that under law the NSW Electoral Commission is required to conduct the LG elections and under law each Council is required to pay. Stating that Council may wish to seek legal advice and drawing attention to its obligation pursuant to s296(7) of the Local Government Act. Advising the Commissioner is keen to avoid additional expense to ratepayers by unnecessary litigation in recovering the full cost of providing the election service.

The General Manager informed the meeting that in accordance with advice given by the Local Government and Shires Associations Council paid the election costs of \$15,960 (inclusive of GST) until such times as a full itemised account can be examined. Mr. Griffiths said that the threat of litigation is real however it is believed that the principles involved for the industry as a whole are such that an industry-common response is required.

Mr. Griffiths said that, at the request of the Commission, an account in the amount of \$2,640 (inclusive of GST) was sent for Office Accommodation for the Returning Officer.

7246 RESOLVED on the motion of Crs. Karanouh and Canham that Council inform the Electoral Commission of NSW that it is not refusing to pay at this time, however it requires a fully itemised account of actual expenses incurred in conducting the September 13 Local Government Election prior to making further payment of an account over which it has exercised appropriate probity and due diligence principles.

9.25 NSW DEPARTMENT OF ABORIGINAL AFFAIRS, BOURKE A2

Advising the meeting scheduled with Murdi Paaki Regional Assembly (MPRA) for 20 – 21 August 2008 has been postponed to 28 – 29 October 2008, the reason being that MPRA has a very full agenda in August and discussion with local government representatives needs a separate forum.

Stating attendance of senior representatives of the Departments of Local Government and Aboriginal Affairs will be sought to facilitate robust discussions on ways to progress and continue the strong engagement between local government and Aboriginal people in the region. Pointing out that Minister Lynch has made several announcements indicating a significant investment in Aboriginal Affairs in this year's budget.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 16/3921

The General Manager advised Council that this matter has been on the agenda since May 2008 when Council was informed that the meeting would be in August. Mr Griffiths said that at that time Council nominated the General Manager and Councillor Jackson to attend. He pointed out that subsequently the meeting was changed to 28 – 29 October however no concrete date or agenda has yet been forthcoming.

7247 RESOLVED on the motion of Crs. Canham and Schieb that Council authorise the General Manager to attend the meeting to be held in Bourke on either 28 or 29 October, together with one Councillor should an elected member be available.

9.26 GULARGAMBONE JOCKEY CLUB D7 (28943)

Advising that the Club has a shortfall of funds to conduct its annual race meeting scheduled for Sunday, 5 October. Saying that the budget indicates a shortfall of \$1,600 (based on attendance of 450 patrons) before bar revenue is calculated. Approaching Council to consider the possibility of funding for the event and saying they are exposed to an ongoing monitoring of financial viability by Racing NSW as to whether it will continue to allocate the Club's yearly date.

The General Manager referred to this voluntary organisation which does a marvellous job in putting on a sound racing event each year. He pointed out, however, that the normal process of dealing with budgets that contain a shortfall is to cut expenses or seek further private enterprise sponsorship. The General Manager said it is doubted that 450 patrons will be realised on the day but the revenue from the bar could still be significant. Mr. Griffiths said that Council should not enter into covering budget shortfalls for every organisation within the Shire regardless of circumstances outside of its control.

7248 RESOLVED on the motion of Crs. Schieb and Cullen that this matter be deferred and considered in conjunction with a report by the Director of Corporate Services (Item 11.5) later in the day.

9.27 DEPARTMENT OF LOCAL GOVERNMENT C13 (28980)

Advising the department has released a *Councillor Induction and Professional Development Guide* which was developed in consultation with the Local Government and shires Associations of NSW, Local Government Managers Australia (NSW) and a number of local councils. Stating the Guide is a component of the Councillor development Strategy which seeks to equip councillors with the information and resources to undertake their roles and responsibilities effectively.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 17/3922

The General Manager informed Council that this Guide was announced many months ago and has been awaited to enable a timely Induction Program to be organised. A copy of the Guide was provided to Councillors.

7249 RESOLVED on the motion of Crs. O'Brien and Canham that this matter be deferred until the November Meeting to enable the General Manager to arrange an Induction Program, which may be conducted in conjunction with the November meeting.

9.28 MACQUARIE REGIONAL LIBRARY L4 (28982)

Advising that the Annual General Meeting of the Central West Zone of Public Libraries NSW – Country (PLC) is to be held at Grenfell on Friday, 31 October, 2008. Stating that an agenda for the meeting, nomination forms for the Central West Zone Executive, the PLC-Central West Zone Constitution with proposed amendments and the minutes from the Zone meeting held 1 August 2008 are attached.

Council noted that Councillor O'Brien is the delegate on the North Western Cooperative Library Service. The Director of Corporate Services will request the Librarian to contact Cr O'Brien concerning attendance at the meeting.

7250 RESOLVED on the motion of Crs. Canham and Schieb that Council's elected delegate and the Librarian attend the meeting of the Central West Zone of Public Libraries NSW to be held at Grenfell on 31 October, 2008.

10.0 REPORT BY GENERAL MANAGER

7251 RESOLVED on the motion of Crs. Canham and Cullen that the report submitted by the General Manager be received and dealt with.

10.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

7252 RESOLVED on the motion of Crs. Canham and Karanouh that Council note that no Development Applications have been approved for the period, but Complying Development Application Nos. 33/2008, 35/2008 and 38/2008 have been approved under delegated authority.

10.2 POLICY FOR PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS

The General Manager informed Council that in accordance with s252 clause (1) of the Local Government Act 1993 (*Payment of expenses and provision of facilities*) Council must, within five months after the end of each year, 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 and other councillors in relation to discharging the functions of civic office.

This is **Page 17/3922** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 18/3923

Mr. Griffiths reported that Clause (5) of s253 of the Act (*Requirements before policy concerning expenses and facilities can be adopted or amended*) requires Council to comply with this section when proposing to adopt a policy each year in accordance with s252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Councillors noted that on 12 December, 2007 Council adopted its current Policy for Payment of Expenses and the Provision of Facilities to Mayor and Councillors and to accord with the Local Government Act s252 and s253 it is required to formally adopt the policy for the ensuing 12 month period.

The General Manager drew Council's attention to an addition to the current policy to cater for Councillors contributing into superannuation. He said that the Australian Taxation Office (ATO) has made a definitive ruling (ATO ID 2007/2050) that allows for Councillors to redirect their fees into superannuation. The General Manager stated that a clear point in the ruling is that Councillors are deemed not to be an employee under common law.

Councillors noted that in order to facilitate an arrangement whereby Council fees can be paid into superannuation on a pre-tax basis (i.e. the superannuation fund deducts 15% tax as these contributions are received), Council must ensure it has in place a policy outlining the payment of expenses and the provision of "facilities" to Councillors. The General Manager advised that Council has provided for the reduction of fees paid to Councillors in the event that monies are paid to a complying superannuation fund.

A copy of the Policy, with the addition of an appropriate clause, was included with the business paper.

7253 RESOLVED on the motion of Crs. Canham and Cullen that Council place the amended Policy for Payment of Expenses and the Provision of Facilities to Mayor and Councillors on public exhibition for the prescribed 28 day period and invite comment **AND FURTHER** that the Policy be formally adopted at the December meeting, taking into account any submissions received.

10.3 CODE OF MEETING PRACTICE

The General Manager informed the meeting that Council is required to adopt a Code of Meeting Practice immediately following the election of a new Council. He said Council may amend such Code as it sees fit however, it cannot be contrary to the *Local Government Act and Regulation*. A copy of the Code was included with the Business Paper.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 19/3924

Council noted that the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* commences on 1 October 2008 with the object to amend the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* in relation to political donations.

The General Manager pointed out that the Act inserts Part 8A into the Local Government Act, requiring the general manager to keep a public register of all current donations and expenditure declarations lodged by councillors with the Election Funding Authority of NSW (section 328A). He said that, in addition, where a general manager reasonably suspects that a councillor has failed to comply with his or her obligation to disclose and manage a conflict of interests arising from a political donation, the general manager must refer the matter to the Director General (section 328B).

Councillors noted that new section 375A requires the general manager to record which councillors vote for and against each planning decision of the council and to make this information publicly available. It was also noted that to man the register, the Act requires a division be called (in accordance with the Council's Code of Meeting Practice or regulation) whenever a planning decision is put at a council or committee meeting, including meetings closed to the public.

The General Manager pointed out that each decision recorded in the register is to clearly describe or identify the matter being determined and how councillors voted. He said that Section 12 of the Act is amended to include the current declarations of disclosures of political donations and the register of councillor voting on planning matters as documents that are publicly available for inspection.

7254 RESOLVED on the motion of Crs. that Council give public notice of the amended Code of Meeting Practice and place it on public exhibition for twenty eight days and allow forty two days from the date it is first advertised during which submissions may be made and formally adopt the Code at the December 2008 meeting in conjunction with any submissions received.

10.4 SECTION 355 COMMITTEES OF COUNCIL – DRAFT CHARTER

The General Manager informed the meeting that as part of the Promoting Better Practice Review Council was required to develop a consistent approach to the administering of Section 355 Committees. He said a Draft Guide to Operations of Section 355 Committees was prepared and presented to the August 2008 Council meeting.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 20/3925

Mr. Griffiths informed the meeting that Council resolved that the draft Charter be placed on public exhibition, a copy forwarded to each of Council's current committees for comment and that it be formally adopted at this meeting. Closing date for submissions was 19 September and Council should note that only the Quambone Resources Committee, Coonamble Citizens Association and the Gulargambone Memorial Hall Committee have responded.

The General Manager pointed out that under the Local Government Act Council has a responsibility to ensure compliance by its Committees with the whole of the Act as well as the Code of Conduct and record keeping.

7255 RESOLVED on the motion of Crs. Schieb and Karanouh that Council formally adopt the Charter – Guide to Operations of Section 355 Committees, taking into consideration the submissions received and delegate the functions applicable to the following Committees:

- Quambone Resources Committee
 - To promote usage of Quambone community facilities, including Quambone Hall, Swimming Pool and Racecourse/ Showground
 - To ensure safety of patrons using those facilities.
 - For the care, control and management of those facilities.

- Coonamble Senior Citizens Association
 - To promote usage of the Coonamble Senior Citizens Hall
 - To promote activities for members of the Coonamble Senior Citizens Association
 - For the care, control and management of the Senior Citizens Hall
 - To ensure the safety of patrons of the facility.

- Gulargambone Memorial Hall Committee
 - To promote usage of the Gulargambone Memorial Hall
 - For the care, control and management of the Memorial Hall at Gulargambone
 - To ensure the safety of patrons of the facility.

10.5 CODE OF CONDUCT

The General Manager pointed out that Council was required to adopt a Model Code of Conduct immediately prior to the elections and new Councillors have been provided with a copy of that Code.

Mr. Griffiths said it is important that the Code is not breached and Councillors need to be aware that he, as General Manager, have a number of obligations under the Code and legislative provisions to report instances where possible dubious conduct has occurred.

This is **Page 20/3925** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 21/3926

The General Manager said as the obligations are enshrined in legislation he does not have any ability to protect any Councillor or Senior Staff member. Councillors were informed that Pecuniary Interest Declarations are the responsibility of individual elected members and designated staff and the opinion of the General Manager or other persons, except for formal legal advice, should not be relied upon.

The General Manager said that of particular concern, at this point in time, are political donations and care must be taken to ensure all donors are disclosed.

Councillors were informed that they may not give instruction to staff under any circumstances and requests for service and/or actions must be made via the General Manager or determined by a resolution of Council. Mr. Griffiths pointed out that Councillors should note that the disclosing of information discussed in Closed Session of Council must not occur and is a serious breach of the Code.

7256 RESOLVED on the motion of Crs. o'Brien and Karanouh that Council adopt The Model Code of Conduct, a copy of which has been provided to each Councillor and undertake to adhere to the provisions contained therein.

10.6 POLICY RELATING TO UNBUDGETED EXPENDITURE

The General Manager pointed out that Councillors and Staff are often tempted to vote monies for items that may be desirable but have not been included in the current year's Management Plan. He said in times of tight budgetary constraints, as being experienced now, serious consideration must be given to deleting an already budgeted item prior to the inclusion of new works/services.

Mr. Griffiths said that the Local Government Act dictates that Council develop a Management Plan which is to go on public exhibition for a period of twenty eight days to allow the community to comment or make submission on items included or excluded. The General Manager said that whilst there is provision to amend budget items within the Act due diligence should be exercised.

7257 RESOLVED on the motion of Crs. O'Brien and Karanouh that Council adopt as policy a process whereby no additional expenditure items be included in its current year budget without a funding source being identified at the time of consideration.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 22/3927

11.0 REPORT BY DIRECTOR OF CORPORATE SERVICES

7258 RESOLVED on the motion of Crs Canham and Cullen that the report by the Director of Corporate Services be received and dealt with.

11.1 RATE COLLECTIONS

7259 RESOLVED on the motion of Crs. Canham and Schieb that the Total Combined Rate Collections to 19 September 2008 be noted.

The Director of Corporate Services informed the meeting that a report will be forthcoming to the November meeting of land that is proposed to be sold for unpaid rates. In response to a question from Cr Schieb, the Director of Corporate Services said that about \$185,000 on Council's books is considered unrecoverable.

11.2 LIST OF INVESTMENTS

7260 RESOLVED on the motion of Crs. Canham and Karanouh that that the Investments held at 19 September 2008 be noted and it also be noted that Council's Investments comply with s625(2) of the Local Government Act 1993 and Council's Investment

At this juncture, the Tourism Development Manager arrived at the meeting.

11.3 RETURNS – DISCLOSING INTEREST

The Director of Corporate Services advised that Councillors and designated persons are required to complete and lodge disclosure of interest returns by the end of September each year. He said these returns are to be tabled at the next meeting of Council after 30 September. It was noted that the returns required have been submitted for the period 1 July 2007 to 30 June 2008.

Mr. Warren informed the meeting that Section 449 of the Local Government Act 1993 requires councillors and designated persons to complete the returns and Section 450A(2) requires the General Manager to keep a register of returns and table these returns at the appropriate meeting of Council.

7261 RESOLVED on the motion of Crs. Karanouh and Schieb that Council note the tabling of the returns disclosing interests of councillors and designated persons for the period 1 July 2007 to 30 June 2008.

15.0 REPORT BY TOURISM DEVELOPMENT MANAGER

7262 RESOLVED on the motion of Crs. O'Brien and Canham that the Tourism Development Manager's report be received and adopted.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 23/3928

Mr. Baldwin mentioned the following items:

- Campbelltown Art Exhibition at which ten local arts works will be on public exhibition and eligible for up to \$20,000 in prizes.
- Tourism Committee is being formed and a meeting will be held to discuss the format – it is hoped to direct tourism issues away from the Coonamble Streets Ahead Committee and the Business Action Group.
- Gulargambone Two Eight Two Eight – AGM – Greg O'Brien President, Annette Fisher Secretary. Informed the meeting that funding has been sourced to continue employment of staff member.
- NSW Women's Gathering – being held in Coonamble 17 – 19 October – everything on track – tent city at Racecourse will proceed.

Mr. Baldwin left the meeting following presentation of his report. The Economic Development Managers were at the meeting to present their report.

14.0 REPORT BY ECONOMIC DEVELOPMENT MANAGERS

7263 RESOLVED on the motion of Crs. Canham and Karanouh that the report by the Economic Development Manager be received and adopted.

In presenting the report, Mrs Lee O'Connor mentioned the following items:

- Bush Tucker/Intensive Horticulture project – when Business Plan is prepared MPREC can then apply for Government funding.
- Recent inspection of Castlereagh Regional Abattoir – provided comprehensive information concerning CRA and "The Meglo" land. Continue to update information.
- Continue to provide Welcome Packs to new residents.
- Three enquiries from people thinking about moving to Coonamble – two from website; one from an advertisement taken out during Country Week. Pointed out 2 – 4 enquiries a month are received.
- Business Awards – very successful – different method of voting – this year customers voted. Local winners attend regional event on 25 October. The Mayor and Cr O'Brien congratulated the EDMs on the Awards Dinner Function.
- Businesses expanding – may be able to provide encouragement with funds from Business Assistance Fund.
- Pursuing referees in respect to engagement of Heritage Advisor.
- Continuing to progress decisions made at Gulargambone Roundtable held July.
- Shell Depot site – on the market as a 'job lot' with other surplus sites. Has referred local enquiries to Shell Aust. to submit offers.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 24/3929

COONAMBLE RAILWAY STATION RESTORATION AND REUSE

Council deferred consideration of this report until after the luncheon adjournment.

14.1 MINUTES OF BUSINESS ACTION GROUP

7264 RESOLVED on the motion of Crs. Schieb and O'Brien that the minutes of the Business Action Group meeting held on 18 September 2008 be received and noted.

SKATE PARK

The General Manager informed Council that concerns are being raised concerning school aged children attending the Skate Park during school hours, noting that this matter was raised at the BAG meeting. Mr. Griffiths said he approached Sgt Hoath who will police the facility when possible, however it was pointed out that kids in question are either expelled, suspended or have left the school system.

7265 RESOLVED on the motion of Crs. Horan and Canham that Council investigate the purchase and installation of a wireless camera at the skate park.

Councillor Schieb raised an issue with noise created by use of the park in the early morning hours. Councillors hoped that this would not be an issue after the novelty of the skate park wears off.

At this juncture, 1.02 p.m, the meeting adjourned for lunch and resumed at 2.06 p.m. The Economic Development Managers were present to discuss their report on the Railway Station restoration

COONAMBLE RAILWAY STATION RESTORATION & REUSE

Council noted that this matter has been ongoing for over twelve months and the latest information from ARTC is that it has allocated \$30,000 in 2008/09 to contribute towards maintenance of the premises and requesting either Council or 'Back on Track' (the working party formed to restore the Railway Precinct) to source the remaining funds.

ARTC has now advised its preference regarding the lease is "that the lease over the premises be with Council and the proposed works, yet to be approved by ARTC and the Department of Planning (Heritage Office) be managed by Council and invoiced through Council". The General Manager said that this is contrary to Council's resolution supporting the CWA Evening Branch and subsequent support from the publicly elected 'Back on Track' Group.

This is **Page 24/3929** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 25/3930

Councillors noted that vandalism is an ongoing problem and Council staff, has on several occasions, been required to tidy up and secure the building. It is noted that all windows have been broken and it appears that ARTC does not support the erection of security fencing and has taken no steps to secure the site apart from boarding windows and doors.

7266 RESOLVED on the motion of Crs. Cullen and Karanouh that Council:

- (1) Reject the request to seek a lease on the site and recommend that ARTC continue to negotiate with 'Back on Track'
- (2) Agree to staff continuing to facilitate progress on the project and Council may consider contributing seed funding to the project;
- (3) Together with 'Back on Track' make it clear to ARTC that funds are not immediately available for restoration works and that the ARTC contribution would be used to leverage other funding;
- (4) Contact the Heritage Office requesting that it takes strong action against ARTC to reinstate the platform at the Coonamble railway station and to fulfil its obligations under the Heritage Act;
- (5) Investigate the Issue of an Order on ARTC to secure the building as it is prejudicial to the safety of the area and its residents.

11.4 FINANCIAL REPORTS AND AUDIT REPORT FOR YEAR ENDED 30 JUNE 2008

The Director of Corporate Services informed the meeting that Spencer Steer, Council's Auditors, have completed their audit of Council's records for the year ended 30 June 2008 and provided a report to Council.

Mr Warren reported that Council's Financial Reports and Auditor's Report are required to be presented at a public meeting within five (5) weeks of Council receiving the audit report. He said the reports are tabled at this meeting and it was noted that a copy has been provided to each Councillor with their Business Paper.

The Director of Corporate Services said that Council has unrestricted cash and investments amounting to \$18,000 available to provide liquidity for day to day operations and in the opinion of the Auditors Council's overall financial position is sound. Mr. Warren informed the meeting that Council received an unqualified audit opinion relating to its financial reports.

7267 RESOLVED on the motion of Crs. Canham and Schieb that Council note the tabling of the presentation and tabling of its Auditors Report and Financial Reports for the year ended 30 June 2008.

11.5 DONATIONS VOTE – 2008/2009

The Director of Corporate Services drew Councillors attention to the fact that each year Council sets a budget and adopts a Management Plan for the ensuing twelve months. The Director of Corporate Services said that one aspect of the budget is that Council identifies a “Donations Vote” from which it, by resolution, can make financial or other contributions. He pointed out that Council has adopted a balanced budget for the 2008/2009 year.

The Director of Corporate Services informed the meeting that continually throughout the year Council receives requests for financial assistance, pointing out that Council, at the September meeting, resolved to provide sponsorship of \$4,000 plus to the Coonamble Women’s Gathering event. Mr. Warren also referred to requests for assistance from St Brigid’s School of up to \$6,000 to purchase a Smartboard and the Gulargambone Jockey Club for \$1,600. Council noted that, allowing for regular commitments, current expenditure and committed expenditure it has available \$775 of the current donation vote for the remainder of the year.

7268 RESOLVED on the motion of Crs. Canham and Cullen that Council:

- (1) Note the information.
- (2) Advise St Brigid’s School that due to financial constraints Council is unable to provide assistance to its request.
- (3) Advise Gulargambone Jockey Club that it is not able to provide a cash contribution on this occasion.
- (4) Deny future requests for assistance due to financial constraints, or should Council wish to assist, funding sources be identified.

Councillor O’Brien requested that her name be recorded as voting against this resolution.

12.0 REPORT FROM DIRECTOR OF ENGINEERING

7269 RESOLVED on the motion of Crs. Cullen and Karanouh that the report by the Director of Engineering be received and dealt with.

12.1 PLANT REPLACEMENT TENDER – TO8/01 & TO8/02

The Director of Engineering informed the meeting that Council, as part of its 2008/09 Management Plan, resolved to replace a number of items of plant. These items include two graders and a patching truck and the budget for replacement is \$700,000 net of GST and trade in.

Mr. Russell reported that tenders were advertised during July, closing on the 6th August. He said five tenders were received for the graders, whilst two tenders were received for the patching truck. The Director of Engineering provided the following details of the tenders received:

This is **Page 26/3931** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 27/3932

(a) *Graders*

BT Equipment	- Volvo G930
CJD	- Mitsubishi MG460
Hitachi	- John Deere 670D
Komatsu	- GD555-3
Westrac	- 120M and 12M

(b) *Patching Truck*

Ausroad	- Jetpatcher on either Hino 500 or Isuzu FVY
Tracserv	- Paveline on Isuzu FVY

RESOLVED TO CLOSED SESSION

7270 RESOLVED on the motion of Crs. Canham and Cullen that Council resolve into Closed Session in accordance Section 10A 2(c) *“information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business”*.

7271 RESOLVED on the motion of Crs. Canham and Cullen that the press and public be excluded from the meeting.

RESUME OPEN MEETING

7272 RESOLVED on the motion of Crs. Canham and O'Brien that Council resume Open Meeting.

In his report to Closed Session the Director of Engineering provided Council with details of the assessment criteria used to make his recommendation.

Council noted that the budget for this purchase is \$700,000 (ex GST) and the total cost of the preferred equipment described above is \$511,759 (ex GST), resulting in an amount of \$188,241 under budget.

7273 RESOLVED on the motion of Crs. Canham and O'Brien that Council purchase equipment from the following suppliers in accordance with their tender submission:

TO8/01 – Westrac – 2xCat 120M Graders, including trade of Plants 53 & 55;

TO8/02 – Tracserv – Paveline body on Isuzu FVY Truck including trade of Plant 51 – at a total net cost of \$511,759 (ex GST).

12.2 CASTLEREAGH RIVER CROSSING PROPOSAL – RURAL LANDS PROTECTION BOARD

The Director of Engineering informed the meeting that some time ago the Rural Lands Protection Board (RLPB) submitted a proposal regarding the stock route along Effie Durham Drive and improving the safety of the river crossing on that route. Mr. Russell said the original proposal involved constructing large holding yards on either side of the river to enable stock to be held and controlled before pushing them across the river to the yards on the other side and was rejected on the basis that it would effectively close a public road, obstruct businesses that existed on either side of the river and create a hazard on the roadway.

Mr. Russell said that as a result, the RLPB has revised its proposal to try to meet limitations that were imposed by Council. Council noted the Board has sought and received grant funding for the project and is now seeking Council approval.

The Director of Engineering advised that Council has a policy that new gates across public roads will not be permitted without an accompanying grid and said this was one of the reasons that the original proposal was rejected. Mr. Russell said that although the proposal from the RLPB does involve a gate across a “road” on the western side of the river, the public road through the river is not formed or maintained by Council and could only be considered to be a track that was accessible by four wheel drive only. The Director of Engineering suggested it would not be unreasonable for these gates to be installed, given that they would generally be open, and that it is not a road that Council encourages use of.

Mr Russell said the installation of the short fences perpendicular to the road do not obstruct traffic, are clear of the table drain (so are unlikely to cause a significant safety hazard) and are located in a low speed area. The Director of Engineering said as such, it is felt that the installation of these fences does not result in an unacceptable risk to Council.

Council noted maintenance of these structures may be a problem, with the possibility of regular minor damage and proposed that the ongoing maintenance be the responsibility of the RLPB. It was also noted that the RLPB has consulted residents and business owners in the immediate vicinity of the proposal and all affected parties have indicated they support the proposal.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 29/3934

7274 RESOLVED on the motion of Crs. Cullen and Schieb that the proposal be placed on public exhibition inviting comments and/or objections for a 14 day period, and if no objections are received Council allow the Coonamble RLPB to install the proposed structures aimed at improving the safety of the Castlereagh River crossing at Effie Durham Drive, subject to the RLPB being responsible for ongoing maintenance of any structures and the gates being secured open when not in use.

12.3 VEHICLE REPLACEMENT

The Director of Engineering reported that Council has a Fleet Management Plan setting out its policy for replacement of vehicles. He said this currently sees Council purchase small vehicles from the local dealer, Moody's Motors, under State Government Contract pricing, with the trade vehicle auctioned.

Mr. Russell pointed out that this report provides a review of the purchase/disposal of small vehicles and also seeks Council to reconsider the current style of vehicle provided where the existing vehicle style has been removed from sale.

The Director of Engineering advised the existing Council policy of changing over vehicles at 3 years or 80,000km appears to be providing Council with a cost effective fleet, with costs around 12% lower than the previous arrangement of 2 years or 40,000km. He said that Council's policy of purchasing exclusively Holden from the local dealer under State Government Contract and disposing of trade through auction also appears to be cost effective without the additional management cost associated with tendering individual vehicles.

Mr Russell referred to Holden's phase out of the Rodeo DX Dual Cab and said it will require a change in the Fleet Management Plan. He suggested a change to the Colorado LX Dual Cab would cost an additional \$2,500 per vehicle for petrol, or \$4,000 for diesel and this additional cost could be funded from the Plant Reserve and recovered through the normal internal hire arrangements.

7275 RESOLVED on the motion of Crs. Karanouh and O'Brien that Council:

- (1) Continue to change small vehicles at 3 years or 80,000kms
- (2) Continue to purchase exclusively Holden small vehicles from the local Holden dealer under State Government Contract
- (3) Continue to dispose of small vehicles by auction
- (4) Revise the Fleet Management Plan to provide a Colorado LX Dual Cab in lieu of Rodeo DX Dual Cab where applicable.

12.4 CLIMATE CHANGE

The Director of Corporate Services informed the meeting that in late 2007 Council resolved to move toward being “carbon neutral” by December 2009 and progress has been made toward this goal, primarily through a combination of green power purchase and tree planting.

In this report, Mr. Russell provides Council with further information on potential climate change mitigation works, including fuel and tree planting.

(a) Fuel

The Director of Engineering reported that the use of diesel in lieu of petrol should be considered for two reasons, firstly its potential cost efficiency and also its reduction in carbon emissions. He pointed out that the purchase of diesel vehicles is expected to provide a long term reduction in operating cost to Council of approximately \$38,000/annum and, although the initial capital cost of upgrading the fleet will be more expensive it will be recovered through the normal internal hire arrangements for plant.

(b) Tree Planting

The Director of Engineering informed the meeting that the Catchment Management Authority (CMA) has identified an opportunity for grant funds to local government to enable re-vegetation projects to proceed. Mr. Russell said that as a result a project has been investigated that would capture and treat urban storm water from the west of Coonamble, resulting in a “wetland” type development west of the town where existing storm water channel currently drains into private land. He said an approach has been made to the Rural Lands Protection Board who is supportive of the project and an initial submission has been made to CMA for \$70,000 grant funding towards a total project of \$95,000, pointing out that the \$25,000 Council contribution could be provided from the climate change tree planting budget.

7276 RESOLVED on the motion of Crs. Cullen and Schieb that Council:

- (1) Revise the Fleet Management Plan to provide for diesel vehicles for all outdoor staff;
- (2) Formally apply for CMA grant funding towards a West Coonamble wetlands and re-vegetation project, with Council funds to be contributed from the climate change tree planting budget;
- (3) Instruct staff to submit a design plan of the project to Council for consideration and approval.

12.5 POOL REVIEW

The Director of Engineering informed Council that in recent years Council has sought to improve the service to ratepayers that utilise the Coonamble Pool. This has led to various increases in opening hours, as well as a number of improvements such as the heating of the pool and improved shade structures.

Council noted that one of the results of these changes has been a steadily increasing cost of running the pool and a review is currently being conducted into the operation of the pool, with potential areas of improvement being identified.

The Director of Engineering advised that last year the total cost of operating the Coonamble Pool was \$216,000 (excluding the cost of installing heating). The total operating cost of all pools was \$325,000. Council noted that the pool season has traditionally been from early October until early April, however with the installation of the solar heating there has been some discussion regarding the possibility of opening the pool longer.

Councillors acknowledged the fact that the Pools are always going to cost money, with little return, however they recognise that it is a service provided for the public and little can be done to cut back on expenditure. Expenses incurred in heating of the pool were also noted and Councillors are of the opinion that if opening hours are not maintained, it would seem a waste of money in having had the heating installed.

7277 RESOLVED on the motion of Crs. Canham and Karanouh that Council:

- (1) Open the pools within the Shire on 7 October for the 2008/09 season;
- (2) Open the Coonamble Pool for the following hours for the early and late opening times:

Monday-Friday	6.00am – 11.00am & 1.00pm – 6.00pm
Weekends/Public Holidays	1.00pm - 6.00 pm
- (3) Open the Gulargambone Pool for the hours (for the period October - mid December):

Tuesday – Friday	6.00am – 7.00am & 1.00pm – 6.00pm
Weekends and Public Holidays	1pm – 6pm
- (4) Undertake a further review of pool operations and report mid-season timetable to the November meeting of Council, following consultation with various user groups
- (5) Support the low cost use of the pool by the Swimming Squad prior to and on completion of the normal pool season, if requested.

12.6 RTA MAINTENANCE CONTRACT RENEWAL

The Director of Engineering informed the meeting that Council has a contract with the RTA (SIMC) for the maintenance of the Castlereagh Highway. He said the Contract was for a 4 year term due for completion at 30th June 2008, however it was extended for a few months whilst a new contract document was finalised. Mr. Russell said the new contract (RMCC) is due to commence on the 1st October 2008.

In his report the Director of Engineering provided details of the nature of the new contract and sought Council's endorsement. Mr. Russell drew Council's attention to the fact that there will be greater scrutiny of Council's performance under the new contract. He said there also appears to be much less financial risk to Council (as there is less lump sum work), however this is offset by a reduced opportunity for reward (in the form of unspent lump sums).

The Director of Engineering said that with the cost recovery arrangements associated with the routine maintenance it will be critical that overhead rates are set such that they will fully recover all management costs associated with the running of the contract. Council noted that up to now this had not been as important as the contract generally ran at a rate that provided a surplus to Council, so it was reasonably certain that the management cost was recovered within that surplus.

7279 RESOLVED on the motion of Crs. Canham and Karanough that Council:

- (1) Accept the RTA offer of a RMCC Contract for maintenance of the Castlereagh Highway commencing 1 October 2008;
- (2) Charge rates for Routine Maintenance that achieve full cost recovery;
- (3) Price Work Orders with a contingency and/or Council Margin that appropriately reflects the financial risk to Council
- (4) Authorise execution of the Contract Deed and approve the affixing of the common Seal to the document which forms part of the Road Maintenance Council Contract.

12.7 WORKS PROGRAM UPDATE

The Director of Engineering provided Council with an update on major works under construction:

- Coonamble Showground Pavilion – slab down, kit delivered to site.
- Macdonald Park footpaths – work underway – completion expected with the next two weeks.
- Tenders for water treatment oxidation and filtration units closed – report and recommendation to November meeting.
- Bridgeworks progressing satisfactorily.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 33/3938

7279 RESOLVED on the motion of Crs. Canham and Cullen that the Works Update report presented by the Director of Engineering be noted.

16.0 REPORT BY SALEYARDS MANAGER

7280 RESOLVED on the motion of Crs Canham and Cullen that the report by the Saleyards Manager up to 19 October, 2008 be received and adopted.

URGENT BUSINESS - REPORT BY CONTRACT RANGER

7281 RESOLVED on the motion of Crs O'Brien and Canham that the following matter be classified 'urgent business' and dealt with.

CONTRACT RANGER'S REPORT

7282 RESOLVED on the motion of Crs. Canham and Cullen that the information contained in the Contract Ranger's report be received and adopted.

GENERAL BUSINESS

Cr. O'Brien Requested that a report be provided on the provision of laptops for Councillors for use at meetings. Discussion ensued and Cr. O'Brien withdrew her request.

Cr. Schieb Referred to green waste stored at Coonamble Landfill site. The Director of Engineering advised that Council is part of a Regional Purchasing Group known as Netwaste which has a contract to employ green waste processing. He said a new and more proactive contractor has just been appointed and it is hoped that a visit to Coonamble to dispose of some of the green waste will be in the foreseeable future. Cr. Schieb suggested that Council may be able to look at a market to sell the waste, however the Director of Engineering was of the opinion that the product is not of a quality suitable for sale.

Cr. Schieb Suggested that Council request a 10 year Business Plan from the Coonamble Rodeo Committee to ascertain its requirements over the long term. He also drew attention to the fact that power supply at the Showground is inadequate. The Director of Engineering informed the meeting that a Management Plan is being prepared for the Coonamble Showground which will address all issues relating to facility.

7283 RESOLVED on the motion of Crs. Schieb and Cullen that Council request the Coonamble Rodeo Association to provide a copy of its ten year Business Plan to enable Council to ascertain requirements at Coonamble Showground over the long term.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 34/3939

Cr. Canham Referred to a dead tree on the footpath in Broad Street which needs to be removed. He requested that when A1 Tree Services is next in Coonamble that the tree be removed. He also referred to the Jacaranda tree in front of the Council building which Council had previously agreed should be removed.

General Manager Advised the Council representatives have been invited to Campbelltown for the Festival of Fisher's Ghost. He advised the new Councillors that Coonamble has a 'sister-city relationship' with Campbelltown City Council and representatives from Campbelltown attend the Rodeo weekend in Coonamble.

7284 RESOLVED on the motion of Crs. Cullen and Canham that Council authorise the Mayor, Cr. Karanouh and the General Manager to attend the Festival of Fisher's Ghost in Campbelltown on 1 November, 2008.

General Manager: Informed the meeting that representatives from the A.R. Bluett Memorial Trust will be visiting Coonamble on 9 October to interview staff and carry out an inspection of the area in support Council's nomination in the Award. He said at seven people will be attending and Council should host the delegation for dinner.

Mayor: Referred to drains in Coonamble Street Gulargambone – complaint was received following the recent rains – water does not run away. The Director of Engineering agreed to inspect the area and advised that there are plans to rectify problems which have been experienced in that area for a long time.

Mayor: Referred to an email he sent to Council yesterday which 'bounced' back. The Director of Corporate Services said that the I.T. Officer commenced duty on Monday and he will be working to correct problems.

The Mayor invited Councillors for a drink following the meeting.

Director of Corporate Services: Encouraged Councillors to contact him, through the General Manager, concerning matters that require attention – pointing out it is not necessary to leave these minor matters to meeting days. Mr. Russell also encourages ratepayers to advise of any problems either through the elected members or a phone call to his Department.

Council noted that the General Manager will be on leave on Friday, 3 October, 2008 and the Director of Engineering will be on leave for a week and a half, commencing Thursday, 2 October.

This is **Page 34/3939** of minutes of ordinary meeting of Coonamble Shire Council held on 10th September 2008.

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 1ST
OCTOBER, 2008 COMMENCING AT 9.26 A.M.**

Page 35/3940

Cr Schieb Enquired what procedure is to be followed to have matters included on the next meeting agenda. The General Manager stated that he can advise his Notice of Motion at a meeting for inclusion at the following meeting, or contact the General Manager either by telephone or email to discuss issues.

This concluded the business and the meeting closed at 4.40 p.m.

These Pages (Page 1/3906 –35/3940) were confirmed on the day of2008 and are a full and accurate record of proceedings of the ordinary meeting of Coonamble Shire Council held on 1 October 2008.

MAYOR

MAYOR

GENERAL MANAGER