

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 9TH
DECEMBER, 2009, COMMENCING AT 9.05 A.M.**

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PRESENT: Cr Tim Horan, Mayor, in the Chair, with Crs. J. Canham, T. Cullen, B. O'Brien, M. Webb, D. Schieb and A. Karanouh.
Also present were the General Manager, Mr Griffiths, the Director of Corporate Services, Mr. Warren, the Director of Engineering Services, Mr. Gamage and Mrs Moorhouse.

ONE MINUTE'S SILENCE

The Mayor requested Council to stand in one minute's silence to remember the late Mr. Phil Cullen and to acknowledge his service to the community. The late Mr Cullen was elected to Council in 1956 and served continuously until 1980 – 13 years of which he was Shire President.

2.0 ACKNOWLEDGE ORIGINAL OWNERS OF THE LAND

Prior to beginning the meeting, the Deputy Mayor acknowledged the original owners of the land, both past and present.

4.0 APOLOGY

Nil

5.0 DELEGATIONS

(a) Kevin Humphries, MP – Member for Barwon.

6.0 DECLARATIONS OF INTEREST

One declaration was received.

Cr. Horan Discussions re law & order with Mr.Humphries
Reason: Member of NSW Police Force.

7.0 CONFIRMATION OF THE MINUTES

8180 RESOLVED on the motion of Crs. O'Brien and Canham that the minutes of the Ordinary Meeting of Coonamble Shire Council held 11 November 2009 be confirmed.

BUSINESS ARISING FROM MINUTES

(a) Unsightly Blocks – Urban Areas

Cr Schieb drew attention to the unsightly state of the block on the corner of Namoi & Tooloon Streets, owned by Deputy Mayor, Cr Webb.

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(b) Heavy Vehicle Inspection Station

Cr Schieb asked whether Council has received a response to its letter to the RTA regarding the provision of a HVIS. The General Manager said no response is to hand.

(c) Land Use Strategy

In response to a question from Cr Schieb, the General Manager stated that the Presentation to today's meeting was in connection with the Land Use Strategy.

(d) Racecourse Fencing

Cr Schieb asked the position of this work as no progress has been achieved. Cr. Cullen said he was not aware of any plans. The General Manager undertook to contact the Racecourse Trust to ascertain its intentions. Council noted that the work was to be carried out by a contractor.

(e) Item 10.16 – Minute No. 8124 – Tin Town/Warrena Creek Area

Cr. Canham reminded the Director of Engineering Services that Council sought a report on costings to remove car bodies from the area. The Director said a report would be forthcoming to the February meeting.

(f) Quarry Management Committee

Cr O'Brien referred to the appointment of this Committee and asked whether a meeting had been held. The General Manager said he has had discussions with the Director of Engineering Services.

(g) Recycling – Walgett

Cr Canham asked whether the Director of Engineering Services had made enquiries regarding the recycling at Walgett Shire. The Director said that they do much the same as Coonamble, i.e. sell scrap metal and cardboard. It was noted that Yeomans run the tip under a contract arrangement and are involved in the recycling. It was also stated that a contractor from Narrabri collects recyclables at Walgett from time to time and when he has a load, transports them to Queensland.

(h) Confirmation of Minutes

Cr Schieb draw attention to an omission from the minutes of the ordinary meeting held on 11 November, 2009 – he referred to Minute No. 8177 (Page 34/4365) – and stated the word “investigate” was omitted. It should read:

“...AND FURTHER that Council investigate the sealing of the Carinda Road within three years”.

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(i) Pavers in front of Post Office

Cr. Karanouh asked the Director of Engineering Services whether any action is planned regarding these pavers. The Director said the Manager – Services is investigating this issue. The General Manager advised he also inspected the area where water ponds following rain.

8.0 RESOLUTION BOOK UPDATE

8181 RESOLVED on the motion of Crs Canham and O'Brien that the Resolution Book Update be received and dealt with.

9.0 MAYOR'S ACTIVITY REPORT

The Mayor provided a comprehensive report, comprising Mayoral Minutes and details of his activities on Council's behalf since the last meeting.

(a) Opening Hours – Coonamble Pool

This matter was raised due to the number of complaints the Mayor has had during the extreme heat conditions experienced recently.

Discussion took place regarding opening times, number of persons using the facility during early morning and options available to Council. Cr. Schieb asked why the pool opened at 6.00 a.m. – it was advised that staff clean amenities and prepare the facility for the public. He said there were only six people at the pool this morning, including the pool superintendent.

The General stated that when he was using the facility early mornings, a lot of others did so as well. Mr Griffiths said that it is very difficult to gauge the needs of patrons, attendance ebbs and flows on demand. Cr. Schieb suggested the hours be from 7am to 7pm (week days). Cr. O'Brien said Gulargambone residents use their pool at 6 a.m. and she would not want that changed, although she would agree to a 7pm closing.

The General Manager suggested that further discussion be deferred until Council has feedback – the Manager – Services was requested to provide information. The Mayor said he would leave the motion in abeyance until information is to hand. He stated that he would have no problem in changing the closing time to 7 pm.

(b) Requests by Councillors to Management

The Mayor drew attention to the numerous requests by Councillors to staff for operational information, acknowledging that he should also be included. Cr. Horan said most of these requests have created extra work loads on senior staff and, in some instances, have wasted a lot of time. Subsequently, Cr. Horan moved the following Mayoral Minute:

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MAYORAL MINUTE

8182 RESOLVED BY MAYOR HORAN - *“Councillors are advised that any further requests, particularly related to operational functions of Council, are to be made through Council - in writing - in accordance with Council’s Code of Meeting Practice” – CARRIED.*

Cr Horan said this does not include minor issues that can be answered on the spot by the General Manager or the conveyance of requests or complaints about matters that are brought to the attention of individual councillors before and after meetings. The General Manager said he was happy to deal with these issues, however supports the Mayor in moving the foregoing minute.

The General Manager informed the meeting that he has been in contact with the Department of Local Government regarding some of the issues and suggested that if any Councillor wishes to have discussions with the Department they should speak with Mr. Angus Broad.

At this juncture, 9.45 a.m., the Mayor adjourned his report to receive Mr. Kevin Humphries.

MR KEVIN HUMPHRIES, MP – MEMBER FOR BARWON

Mr. Humphries thanked Council for the opportunity to speak about issues of concern. He provided input on three important matters in this Shire :

- Coonamble rail branch line upgrade
- Waste disposal & container deposit legislation
- Law and Order.

Regarding rail, Mr Humphries said that the three largest and stand alone lines across NSW are Coonamble, Walgett and Weemelah and they will be maintained. However, he said that fifteen branch lines had been suspended. Mr. Humphries said that ARTC will require co-contributions from stakeholders in the future for maintenance to rail lines. He said it was important for growers to get together

Mr. Humphries said that “grain boxing” operations are happening and said that there are two currently in Narrabri, with a third to be announced, one at Wee Waa and Moree. He anticipates that additional packing will expand privately in a number of other locations in the north and lower north at Warren. He pointed out that there would be no rail without GrainCorp, which has storage and handling facilities and an export licence.

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The General Manager stated that Coonamble's problems are that it is uneconomical for trains to traverse the line between Coonamble and Armatree. Mr. Humphries indicated that an approach should be made to the Federal Government for some infrastructure funding. He also suggested that a consortium be formed to "buy" the line, noting that ARTC would be the safety regulator.

Regarding waste, Mr. Humphries said that the container deposit legislation is driven by larger councils, however he said it would work well in western NSW.

At this juncture, 10.07 a.m., Mr. Humphries said he would discuss law and order issues. The Mayor declared an interest, vacated the Chair and left the room. The Deputy Mayor, Cr. Webb, took the Chair.

Mr. Humphries informed Council that he has arranged to meet the Local Area Commander, Bob Noble, in Coonamble on Wednesday, 16 December. He said it is important that Council be represented to discuss the current staffing concerns at the local level.

The General Manager said the system is wrong, why can't the other Sergeant position be filled on a temporary basis. Mr. Humphries said that the question should be asked of Supt. Noble and, if necessary, Council should approach the Assistant Commissioner Steve Bradshaw.

Mr. Humphries said that 'special remote' classification should cover the whole of the Castlereagh Local Area Command, currently it covers only sections of the area. The General Manager referred to a meeting Council had with Minister Kelly, the then Police Minister, which was fruitless. He said that Assistant Commissioner Bradshaw said there was to be a change in recruitment methods, however it seems this has not happened.

Regarding juvenile crime, it was stated that magistrates are too lenient when dealing with young offenders. Mr. Humphries stated that the Young Offenders Act has been reviewed and changes would be made by his Government. He said there is also the Parental Responsibility Act under which parents are held responsible for their children's behaviour.

At this juncture, 10.20 a.m., the Deputy Mayor thanked Mr. Humphries for his time and invited him to join Council at morning tea. The meeting was adjourned at 10.20 and resumed at 11.35 following the meeting with Department of Planning representatives.

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Mayoral Minute & Mayor's Activity Report (continued)

The General Manager informed the meeting that details concerning numbers at the pool were to hand. Cr. Horan said he was agreeable to change the Mayoral Minute to indicate the closing time of 7pm.

MAYORAL MINUTE

8182 RESOLVED BY MAYOR HORAN - *"That the Coonamble and Gulargambone town pools be opened from 6am to 11am and 1pm to 7pm (Monday to Friday) and from 12 noon to 6pm (Saturday & Sunday) during the school holidays and a review take place at the February 2010 meeting to consider possible extension if extreme heat conditions prevail and further that funding of \$3,200 be sourced from the Barwon Darling Alliance vote".*
CARRIED

Overtime Payments:

Cr. Schieb stated that, in his opinion, the amount of overtime paid by Council is "over the top" and said that something should be able to be done to achieve efficiency at less cost. The General Manager informed the meeting that Cr. Schieb requested and was provided with details of overtime for an eight week period. Mr. Griffiths said there was nothing on the list that he would not have expected, noting \$17,000 was paid for the pool; \$10,000 for crusher, 3 call outs for inspection of airport runway, impounding, feeding of impounded dogs, road problems caused at harvest.

A MOTION

PROPOSED by Cr. Schieb **SECONDED** by Cr. O'Brien that a list of overtime paid be submitted to each meeting, **WAS LOST.**

8183 RESOLVED on the motion of Crs. Schieb and Karanouh that overtime paid to staff be made available to Council on a quarterly basis, in conjunction with the budget review.

The Mayor gave a brief overview of his activities during the month:

- Harvest – thanked Cr Cullen for his work with the Manager of Rural Industries – very pleasing result.
- Attended Murdi Paaki Regional Assembly at Cobar with Cr. Webb and General Manager. Congratulated the GM on his presentation.
- Coonamble Hospital – walk through inspection on 1 December. Very pleased with progress. Ambulance will be accommodated at the Hospital. Four units provided for staff – the old building will remain for the present.
- Met Belinda Barlow, Executive Officer OROC, who was conducting a tour of the region to complete a survey on OROC assistance to Councils.

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- Attended Primary School Presentation – congratulated teachers and students.
- Drew attention to the problem of wandering dogs in the Broad/Ross Streets area and requested the Ranger and Council to monitor this area.
- Town Streets – asked the Director of Engineering Services to arrange an inspection of the eastern end of Hickey Street and carry out necessary work. The Mayor suggested that Council consider the sealing of at least one street next year should there be surplus funds.

8184 RESOLVED on the motion of Crs. Horan and Webb that the Mayor's Report be adopted.

At this juncture, the Economic Development Managers were in attendance to present their report.

15.0 ECONOMIC DEVELOPMENT MANAGERS REPORT

8185 RESOLVED on the motion of Crs. Webb and O'Brien that the report by the Economic Development Managers be received and adopted.

The EDM gave a brief overview of the report and touched on the following issues:

- Pulse Plant – proponent has cancelled all options in connection with this proposal.
- Rail Line – will continue strategy to have line upgraded.
- Keep Coonamble Kicking – 58 businesses are now participating.
- Sand Extraction Licence – Newbold has obtained a licence to extract sand from the river at "Nine Pines".
- Industrial Estate – application for funding has been submitted to the State Government. Working on shape/size blocks so that surveying work can proceed.
- Rent a Farm House – a meeting is planned with representatives from Cumnock, where this scheme has been successful.

8186 RESOLVED on the motion of Crs. Canham and Webb that the report by the Economic Development Managers be adopted.

15.1 MINUTES OF COONAMBLE EMPLOYMENT CIRCLE MEETING

8187 RESOLVED on the motion of Crs. Webb and O'Brien that the minutes of the Coonamble Employment Circle meeting held on 17 November 2009 be noted.

At this juncture, 12.04 pm, the EDMs left the meeting.

10.0 CORRESPONDENCE

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8188 RESOLVED on the motion of Crs. Karanouh and O'Brien that the Correspondence be received and dealt with.

Section A – For Consideration by Council:

10.1 SHIRES ASSOCIATION OF NSW (RESUBMITTED FROM NOVEMBER MEETING) F2 + L9 (31489)

Advising that recently the NSW Government formally responded to the Independent Inquiry into the Financial Sustainability of NSW Local Government. Pointing out the Associations responded to the recommendations in August 2007 and adopted the majority. Saying this review includes a comprehensive assessment of rate pegging and, in its draft report, has already recommended some improvements to the current rate pegging system.

Encouraging Councils to call on the NSW Government to continue to support the implementation of the Inquiry's central recommendations on financial sustainability.

The General Manager advised that this matter was resubmitted from the November meeting due to the attachment in November being incomplete. He said the complete document was included with the business paper.

8189 RESOLVED on the motion of Crs. Cullen and Webb that the information be noted.

10.2 GULARGAMBONE WAR MEMORIAL MECHANICS INSTITUTE HALL COMMITTEE H1 (31603)

Advising the Committee held a very successful mini fete recently to raise funds for upgrading the hall, however problems were experienced with the main hall lights which tripped out on a number of occasions. Saying that Council has allocated funds in the 2009/2010 budget to upgrade electrics and requesting this matter proceed as a matter of urgency as the Hall has been booked for a wedding in April and the electrical problems must be addressed prior to that time.

The General Manager reported that application was made for grant funds to repair the roof structure of the building and no response has been received to date. Mr. Griffiths said that work needs to be completed prior to electricians rewiring the building due to safety reasons.

8190 RESOLVED on the motion of Crs. O'Brien and Webb that the Gulargambone War Memorial Mechanics Institute Hall Committee be advised that the roof structural problem needs to be remedied prior to electrical work being carried out due to safety reasons and a response to Council's grant application has not yet been received.

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10.3 GULARGAMBONE PLAYGROUP D7 (31643)

Again seeking sponsorship of the annual Christmas Lights Competition. Stating this will be the 14th year Gulargambone Playgroup has run the competition and it continues to have great response from the local community.

The General Manager reported that Council, at its last meeting, contributed an amount of \$100 to the Gulargambone Preschool to assist with its end of year raffle. He said that the request from Gulargambone Playgroup has been acceded to for many years to help with the Group's Christmas Lights Competition.

8191 RESOLVED on the motion of Crs. O'Brien and Schieb that Council agree to contribute \$100 towards the Gulargambone Playgroup's Christmas Lights Competition.

10.4 CR JOHN PERRY, MAYOR, HOLROYD COUNCIL B11 (31627)

Advising the Local Government Association Conference resolved to support Holroyd Council's motion for restoring the ability to protect owner builders, neighbours and future neighbours from exposure to deadly asbestos fibres. Stating they are expecting that the Department of Planning will respond with measures such as a small note in the legislation, however such measures will not go far enough. Urging Council to make representations to the local member about this serious issue.

The General Manager informed the meeting it appears that the alterations to the SEPP (Exempt and Complying Development) do not address the issue of asbestos being contained in an area to be renovated by an owner/builder. Mr. Griffiths said for the protection of persons carrying out owner/builder renovations and the general public, there may be a case for the anomaly to be rectified.

8192 RESOLVED on the motion of Crs. Karanouh and O'Brien that Council agree to make representations to its local member as outlined in the letter.

10.5 MR TOM & MRS CAROLYN LYONS OAM R8-6-2 + SR2 (31670)

Referring to the proposition of sealing roads in the district and stating that the Tooraweenah Road, in particular, is an important tourist road. Pointing out the road is also an important access/egress for grain and stock, therefore necessary for the future of primary industry. Referring also to its use as a school bus run and when wet the road is inaccessible. Saying that "apparently there is interest free funding available for this purpose" and if the Roads Management Committee does not espouse development of roads "maybe it is time to re-access their decision".

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**10.6 CLEAN SEED PTY LTD (P & V UNDERWOOD)
(31669)**

R8-6-2 + SR2

Advising that many years ago there was a great deal more traffic on the Tooraweenah Road than at present. Pointing out that the road is eroding and “is atrocious” – it is a one-way road with gravel and sand piled up in the centre and sides, with big holes. Saying when 12mls of rain falls the road is impassible – referring to vehicles being bogged, and accidents occurring due to the its bad state. Informing Council that people cannot believe the Quarry is located on the road, yet the road is not sealed. Pointing out that in the last 20 years only 6kms has been sealed from the Crusher turn off – saying ratepayers have been more than patient.

10.7 MR GLEN & MRS DIANNE ELLIOTT

R8-6-2 + SR2 (31248)

Requesting Council to do something about the Tooraweenah Road, as they have heard it could be sealed and wishing to have their names included with others asking for the work to be carried out. Advising they live at “Parmedman”, have children travelling on the school bus and saying that after more than 5 mls of rain they cannot get to school. Advising they use the road to cart stock and are involved in the Coonamble community so an all weather road is essential.

10.8 MRS GLORIA CHAMBERS

R8-6-2 + SR2 (31706)

Stating she feels it is critical to upgrade the Tooraweenah Road. Saying in 1978 the bitumen was to “Magomadine” and since there has been only 8kms of new bitumen plus sealing of two watercourses. Stating that wheat trucks cut the road to such an extent that deep grooves are formed making it near impossible for cars to travel.

10.9 GREG & BRONWYN SMITH (TAR THE TOORAWEEAH ROAD) R8-6-2 + SR2 (31717)

Saying it has come to their attention that some “short sighted” councillors are trying to block a proposal for tarring of the Tooraweenah Road. Stating this proposal finally shows that “some councillors” are forward thinking and wish to see Coonamble progress by encouraging tourist trade and develop the town into a more appealing destination. Mentioning the fact that this is a major road used by school buses and saying that on days when it has rained children are not permitted to travel to school because the buses are not allowed to use dirt roads.

The General Manager stated that the above five letters all refer to the proposal to bitumen seal the Tooraweenah Road. He said that both the Director of Engineering Services and himself prepared a report which will be dealt with later in the day.

8193 RESOLVED on the motion of Crs. Webb and O’Brien that the above five letters be responded to in accordance with the determination of the Director of Engineering Services’ report.

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10.10 INFINITY ENVIRONMENTAL TO8-3 (31676)

Acknowledging receipt of the letter from Council and saying that the system has not been approved nor rejected. Saying that to keep this project alive Infinity Environmental is willing to offer Council and the NSW Office of Water a risk free arrangement to overcome concerns even though it has already provided Council with performance guarantees.

A copy of the letter from Infinity Environmental was included with the business paper for Councillors' information.

Councillors noted that the Office of Water has not rejected nor approved the system proposed, however the Director of Engineering Services informed the meeting that Council must have approval from the Office of Water before commencing work.

8194 RESOLVED on the motion of Crs. Schieb and Cullen that Council defer consideration of this matter until the outcome of its application for funding is known.

10.11 "C" DIVISION SHIRES ASSOCIATION OF NSW S3-3 (31699)

Advising that the annual "C" Division Conference of the Shires Association will be held on Thursday, 18 March, 2010 at Warren. Stating that an informal dinner will be held on Wednesday evening prior to the Conference – at own cost – venue to be confirmed. Requesting Council to respond by 19 February, 2010. Pointing out that motions for the Conference are to be submitted by Friday 5 February 2010 and the agenda will be forwarded during the week commencing Monday 1 March 2010.

The General Manager said that Council should confirm motions to be submitted at this meeting. He referred to the October meeting, when Council resolved to include an item for consideration by "C" Division that a sustainable funding model be developed for public library funding by the State Government.

8195 RESOLVED on the motion of Crs. Horan and Canham that Council submit a motion on the lack of action by the NSW Government to upgrade the branch rail line between Coonamble and Armatree.

10.12 DEPARTMENT OF LOCAL GOVERNMENT C13 + S12 (31682)

Requesting assistance in relation to the Councillor Development Strategy being implemented by the Division of Local Government, Department of Premier and Cabinet. Advising that the evaluation of the Strategy includes conducting a follow up survey of General Managers and councillors to:

- Obtain feedback on awareness and use of individual Strategy components;

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- Determine the extent to which councillors have participated in induction and professional development
- Obtain views about the Strategy's effectiveness in assisting councillors perform their role and participate in ongoing professional development.

Asking that both surveys be completed, one by the General Manager, the other for Councillors and they be returned to the Division by 11 December 2009.

The General Manager stated that he has already provided feedback on the Councillor Information Seminars held following the elections which were attended by Crs. Schieb, O'Brien and Karanouh. He said Councillors need to complete the survey forms included with the business papers and return them at this meeting.

8196 RESOLVED on the motion of Crs. O'Brien and Webb that Councillors provide their completed survey forms so that they can be returned to the Department by the required date.

10.13 OFFICE OF THE DIRECTOR GENERAL, NSW DEPARTMENT OF PLANNING C13-1 (31680)

Providing forward notice concerning the monitoring of political donation disclosures and development under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Requesting councils to provide a list of development applications determined from 1 January 2010 to 30 June 2010 which were accompanied by a political donation and gift disclosure statement. Saying the data should be supplied by 30 July, 2010.

The General Manager said he is not aware of any political donations or gift disclosures received by any current councillor.

8197 RESOLVED on the motion of Crs. O'Brien and Webb that Council note the new legislative requirements and ensure that any development applications to which a provider of a political donation or gift is involved are drawn to the attention of Council or the General Manager.

10.14 DARRELL & KYLIE JORDISON S13-2 (31721)

Writing in regard to the opening hours of Gulargambone Pool and advising that their three children are members of Gulargambone Swimming Club which holds point score meetings every Friday afternoon. Saying children are rushed through the process so that the pool can shut at 6.00 p.m. Advising that on Friday 20 November it was over 40 degs when she went to collect her children at 5.45 p.m. and they had been asked to leave the pool and were sitting, along with a lot of other families, on the grass outside the pool under the sprinkler trying to stay cool. Saying there has to be some sort of "give and take" with hours particularly on these extreme days.

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Council noted that this issue was dealt with in the Mayoral Minute, when it agreed to move the pool closing time to 7pm Monday to Friday during school holidays.

Section B: For Information Only

10.15 CHIEF DENTAL OFFICER, NSW HEALTH, CENTRE FOR ORAL HEALTH STRATEGY W1 (31621)

Acknowledging receipt of Council's application for Bore No 3 and Bore No 4 for Coonamble water supply and it will be forwarded to the Office of Water for consideration and advice. Thanking Council for its commitment to the fluoridation of public water supplies as a proven public oral health measure.

10.16 NSW FOOD AUTHORITY H2-5 (31620)

Informing Council that the Food Amendment (Food Safety Supervisors) Bill 2009, which amends the *Food Act 2003* to introduce mandatory food handler training, was passed by Parliament on 11 November, 2009. Saying the amendment requires certain food businesses in the hospitality and retail food service sector to appoint at least one trained food safety supervisor. Advising the Government intends to implement the initiative from April 2010 and the legislation allows 12 months for businesses to appoint their trained food safety supervisors. Saying that, in particular, the Authority wishes to work with councils through the Partnership to ensure that a consistent approach is taken to build the food safety supervisor requirements into the strong food regulatory framework.

The General Manager said that Councillors should be aware that the requirements are constantly changing and that Council is the determining authority in respect of food safety matters.

10.17 CATCHMENT MANAGEMENT AUTHORITIES E5-3 (31623)

Presenting the NSW Catchment Management Authorities' Five Years of Achievements report, which highlights the combined achievements of the 13 NSW CMAs. Highlighting key on-ground achievements which are detailed in the report.

10.18 HEART FOUNDATION NSW H2 (31622)

Presenting the 2009 Heart Foundation Local Government Awards which were announced on 29 October 2009. Advising that local governments were rewarded with \$32,000 in cash awards, commemorative photo frames and certificates across six categories at National and State levels. Advising winners of various categories.

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10.19 COONAMBLE SENIOR CITIZENS ASSOCIATION

Forwarding copies of minutes of meetings held as follows in accordance with the requirements of a Committee under Section 355:

- Annual General Meeting 10 August 2009
- Ordinary Meeting 21 September 2009
- Ordinary Meeting 9 November 2009

The General Manager pointed out that this information, together with bank account details, was attached to the business paper and is in accordance with requirements of a Section 355 Committee of Council.

10.20 REGIONAL DEVELOPMENT AUSTRALIA – ORANA L3 (31595)

Thanking Council for the support of *Coonamble Ride the Spirit Business Awards* as well as the 2009 Orana Regional Business Excellence Awards and, in particular, the work of Lee and Amanda at both the local and regional level was greatly appreciated. Looking forward to continuing to support Council in developing the local awards in 2010.

10.21 COONAMBLE GREYHOUND RACING CLUB D7 (31570)

Thanking Council for sponsoring a race over the October Carnival – advising Council's race was over 301 metres and won by Mamma Cass, trained by Gary Peel from Dyraaba.

10.22 SENATOR CHRIS EVANS, MINISTER FOR IMMIGRATION & CITIZENSHIP N4 (31596)

Advising that he has reviewed the positions authorised to preside at Australian citizenship ceremonies and included the position of Deputy Mayor. Enclosing a copy of the Instrument which lists the positions authorised. Saying he values the commitment and effort shown by councils in formally welcoming new citizens to the Australian community and looking forward to a continuing strong relationship.

Councillors noted that the next Australian Citizenship Ceremony scheduled for Coonamble Shire will be on Australia Day 2010 when Samantha Newstead receives her Certificate at Gulargambone.

10.23 PREMIER OF NEW SOUTH WALES M5-3 (31594)

Referring to Council's letter regarding air ambulance services. Advising fixed wing air ambulance services in NSW are provided under contract by a non-government aviation provider, however medical crew, call taking, flight planning and dispatch functions are provided by the Ambulance Service of NSW. Saying this contract is currently held by the RFDS and will expire at the end of 2011. Pointing out that the tender process is being conducted by the State Contracts Control Board – it is anticipated that the successful provider will be announced by the end of 2009.

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10.24 COONAMBLE HIGH SCHOOL D7 (31609)

Thanking Council for the donation made for the Doug Moppett Memorial Prize and saying this presentation will be made at the Annual Presentation of Awards on Thursday, 10 December – 12.30 p.m.

10.25 KEVIN HUMPHRIES, MP A11 (31606)

Acknowledging and thanking Council for considering the request for support towards the Outback Art Exhibition which is being displayed at NSW Parliament House in November 2010. Again thanking Council for its consideration and positive comments towards this unique exhibition.

**10.26 REGIONAL DEVELOPMENT AUSTRALIA – ORANA A4 +A5
(31650)**

Referring to the collaborative advertising at Dubbo City Regional Airport in which Council agreed to participate for the ten year period concluding in August 2017. Advising that Regional Development Australia – Orana NSW Inc (RDA Orana) has assumed ownership of the agreement from Gowest and become holder of the advertising agreement with IAA. Saying this new agreement has been signed and supersedes the previous one, however all conditions remain the same. Thanking Council for its support of the initiative which continues to receive great interest from travellers, as well as generate discussion of what we as a region offer to visitors and residents.

10.27 LAND AND PROPERTY MANAGEMENT AUTHORITY C4 (31589)

Advising that the Ministry of Lands has recently approved the establishment of the Crown Cemeteries Advisory Committee (CCAC) in accordance with section 12 of the Crown Lands Act 1989 to advise the Minister on matters affecting the day to day management and long term sustainability of public cemeteries in NSW. Saying the *Crown Lands (General Reserves) By-law 2006* will be amended to:

- Allow cemetery trusts the discretion to determine ownership of burial rights where there is uncertainty
- Restrict the sale of burial rights within a single Crown Reserve cemetery to one plot per person
- Reduce the minimum period required before unused burial rights can be revoked from 60 to 50 years
- Allow Crown Reserve cemeteries to revoke exclusive rights of burial in order to facilitate cemetery renewal programs; and
- Extend the By-law to all Crown Reserve cemeteries managed by a Reserve Trust Manager appointed under Part 5 of the *Crown Lands Act 1989*

Nominations for inclusion on the Committee closed on 1 December, 2009 and this matter is submitted for information only.

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10.28 NATIONAL LIBRARY OF AUSTRALIA G5-21 (31631)

Thanking Council for applying for funding under the 2009 Community Heritage Grants program and advising that the application has not been recommended for funding this year.

10.29 NSW RURAL FIRE SERVICE GRANVILLE B13 (31251)

Advising that since 2002 the NSW RFS has progressively taken responsibility for private land hazard management for the overwhelming majority of local councils in rural fire districts under a conference arrangement. Stating that on behalf of the majority of local councils, NSW RFS also responds to complaints about bush fire hazard issues and enforces hazard reduction notices and issues bush fire hazard reduction certificates. Pointing out that recent amendments made to the *Rural Fires Act* have formalized the transfer of the above responsibility thereby providing members of the community with a "one stop shop" for bush fire hazard management across NSW. Saying a copy of the amended *Rural Fires Act 1997* is available from www.legislation.nsw.gov.au

The General Manager informed the meeting that this practice was introduced some time ago, however Council did not get satisfactory action when complaints of overgrown blocks in urban areas were made to the RFS. Mr. Griffiths said that Council staff has been identifying offending properties and issuing Orders on owners. He pointed out that as the power to manage overgrown blocks has been removed from Council, all complainants now need to be referred to the NSW Rural Fire Service.

10.30 CASTLEREAGH-MACQUARIE COUNTY COUNCIL N7 (31253)

Advising that CMCC resolved to write to constituent councils advising a letter has been received from Mr Bruce Cristie, NSW Government Industry & Investment regarding the NSW Weed Action Program aimed to reduce the impact of weeds under the NSW Invasive Species Plan. Stating the program will take away the County's Weed Control Coordination Grant of \$245,000 and the Administration Grant of \$60,000. Saying Council will apply for grants through the NSW Weed Action Program in May 2010 and will advise its constituent councils if it is successful and what contribution will be required for the year.

The General Manager stated this item was discussed in detail at a meeting of Castlereagh-Macquarie County Council and suggested that Council's delegate, Cr. Schieb, provide a full briefing on the issue.

**10.31 DEPARTMENT OF STATE & REGIONAL DEVELOPMENT G5 + D5
(31254)**

Writing to the Tourism Development Manager advising that the application for funding under the Travelling Experts Program to hold two Online Marketing for Small Business Workshops, featuring Todd Wright, in the Coonamble Shire on 7 & 8 December, 2009 has been successful.

Councillors noted these workshops have been advertised and the Tourism Development Manager will be able to give details of attendance etc. when he presents his report to the meeting.

**10.32 NSW POLICE FORCE, CASTLEREAGH LOCAL AREA COMMAND
P5 (31679)**

Thanking Council for its recent sponsorship (in conjunction with Walgett Shire Council) towards specialized surveillance equipment for the Castlereagh LAC. Advising the purchase of such equipment will benefit the Command and assist Field Intelligence Officer, Snr Const Parker immensely.

10.33 NSW DEPARTMENT OF PLANNING B11 (31701)

Forwarding discussion paper – *Planning controls to facilitate the roll-out of National Broadband Network in NSW* – and seeking the views of local councils on planning controls to facilitate the roll-out of the NBN via fibre-to-the-premises (FTTP) in both land release and brownfield areas in NSW. Requesting that council provide comment on the matter.

A copy of the Discussion Paper was attached to the business paper for Councillors' information.

10.34 DEMAND FARMING AUSTRALIA

Forwarding a progress report outlining the current progress of research and development for Aurora Research and Demand Farming Australia projects as they relate to the Coonamble Shire Council and the participating Demand Farmers within the region.

This letter was also included with the business paper for the information of Councillors.

The General Manager said that it will be further discussed by the Economic Development Managers when they present their report.

10.35 DEPARTMENT OF LANDS E4 (31662)

Introducing the Emergency Information Co-ordination Unit (EICU), Department of Lands which is responsible for the coordination of the spatial information program on behalf of emergency services.

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Requesting from Council any spatial information that will give emergency people better understanding of this LGA in an emergency, such as water services, draining, sewerage, location of infrastructures and risk areas, local government assets, cadastre (if different from the Department of Lands), any imagery or DEM. Advising that in return Council will have access to state information, that from adjacent LGAs, as well as training in emergency spatial capabilities. Asking Council to provide information and enclosing a Memorandum of Understanding for completion and return.

8198 RESOLVED on the motion of Crs O'Brien and Webb that the information contained in Item Nos. 10.15 to 10.35 inclusive be noted.

URGENT BUSINESS – SUPPLEMENTARY PRECIS OF CORRESPONDENCE

8199 RESOLVED on the motion of Crs Webb and Canham that the following items be classified 'urgent business' and dealt with.

10.36 LOCAL GOVERNMENT REMUNERATION TRIBUNAL C13 (31751)

Writing to the Mayor advising that the Tribunal is required to make an annual determination, by no later than 30 April 2010, on the fees payable to Councillors and Mayors to take effect from 1 July 2010. Saying the Tribunal would welcome submissions from individual councils or joint submissions in regard to the quantum and/or structure of fees.

8200 RESOLVED on the motion of Crs. O'Brien and Webb that Council not provide a submission to the Local Government Remuneration Tribunal for its determination on fees payable to Councillors and Mayors to take effect from 1 July 2010.

10.37 LAND & PROPERTY MANAGEMENT AUTHORITY R4 (31771)

Saying that over the past 12 months the Authority has been working with reserve trusts and councils to improve the quality of Crown reserve information across NSW. Stating that to assist councils meet the reporting requirements prescribed in the *Crown Lands Act 1989* the Authority, in consultation with trusts and councils, developed an online reporting system – the Crown Reserve Reporting System (CRRS). Thanking Council for submitting the Crown Reserve Annual Report 2008-2009 in CRRS.

The Director of Corporate Services informed Council that this is another time-wasting exercise imposed on councils, saying that every parcel of Crown land has to be included in the reports, which are of no benefit to Council.

8201 RESOLVED on the motion of Crs. Karanouh and Canham that the information be noted.

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10.38 REGIONAL DEVELOPMENT AUSTRALIA ORANA D5-2 (31769)

Referring to Council's application for funding for a Shop Local Campaign 2009 in the local area and advising the application was not successful. Advising the very innovative *Keep Coonamble Kicking* Campaign has received funding under the Small Chambers Community Fund provided by the Department of Industry and Investment and as such, the application has been declined.

8202 RESOLVED on the motion of Crs. Canham and Webb that the information be noted.

10.39 MR BARRY JACKSON R8-11 (31749)

Referring to an application to close portion of the lane running from Bimble Street to Dubbo Street, which has been advertised and saying he is opposed to this proposal or any other closure of laneways in Coonamble township. Stating reasons for his objection.

10.40 ST & PB BUTLER R8-11 (31772)

Objecting to the closure of portion of lane running between Bimble and Dubbo Streets. Saying they are concerned that other people will request to have portions of the lane closed thus eliminating rear access to their property.

The General Manager informed the meeting that this proposal has been advertised in accordance with Council's policy for the closure of laneways and the above two were the only objections received.

8203 RESOLVED on the motion of Crs. Cullen and Karanouh that Council agree to close the portion of lane adjacent to property owned by Mr. Anthony Smith, subject to all costs associated with the closure being borne by the applicant.

10.41 MR & MRS DEANS "THE GRANGE", BARADINE SR2 (31265)

Saying it has come to their attention that Council has been offered a grant to bitumen the Tooraweenah road. Pointing out that the Tooraweenah Road leads to the famous Warrumbungle Ranges and saying shouldn't we be encouraging the 'tourist dollar'. Stating that most main roads from Coonamble enjoy more bitumen – maybe it's time they enjoyed the same as everyone else!

10.42 GRAHAME & CONNIE EDGAR R8-2-1 + SR2

Writing to strongly support the sealing of Tooraweenah road from the point at which the bitumen ends (30kms east of Coonamble) to the Shire boundary. Pointing out they consider it a great negligence on Council's part not to take advantage of the significant potential that the tourist industry offers the community by failing to link the Warrumbungle National Park and the Macquarie Marshes. Challenging Council to take a lead and seal this important road.

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8204 RESOLVED on the motion of Crs. O'Brien and Webb that these letters be considered in conjunction with reports by the Director of Engineering Services and the General Manager on this matter later in the day.

10.43 TOURISM NEW SOUTH WALES T3-8 (31264)

Thanking Council for its interest in Regional Flagship Events Program funding and submitting an application. Saying unfortunately the 2010 Coonamble Rodeo & Campdraft was not successful on this occasion. Saying further information will be provided if sought.

8205 RESOLVED on the motion of Crs. O'Brien and Canham that the information be noted.

10.44 KEVIN HUMPHRIES, MP –MEMBER FOR BARWON R2 (31266)

Forwarding copy of email sent to Andrew Stoner, Leader of the Nationals, Duncan Gay, Shadow Primary Industry, Gladys Berejiklian, Shadow Transport and andrew@kotzur.com regarding rail branch lines.

It was noted that Mr. Humphries addressed Council earlier in the day.

8206 RESOLVED on the motion of Crs. Webb and O'Brien that the information contained in the email be noted.

10.45 KEVIN HUMPHRIES MP – MEMBER FOR BARWON

Advising that following a series of correspondence from Council it would be good to catch up, discuss, clarify and take forward a number of issues, including:

1. The Coonamble rail branch line upgrade – the Country Rail network maintenance tender has been issued. Where is it up to?
2. The issue of waste disposal and container deposit legislation. Currently a national review of CDL. There are a number of proposals that will affect local councils.
3. Law and order issues including staffing and vacancies.

Further advising that he has arranged to meet the Local Area Commander Bob Noble in Coonamble on 16 December at 2 p.m. Inviting councillors and others to attend.

The General Manager informed Council that he has approved Mr. Humphries' use of the Committee Room for this meeting. Mr. Griffiths requested that Councillors attend the meeting if they are available.

8207 RESOLVED on the motion of Crs. Webb and O'Brien that the information be noted.

11.0 REPORT BY GENERAL MANAGER

8208 RESOLVED on the motion of Crs Karanouh and O'Brien that the report submitted by the General Manager be received and dealt with.

11.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

8209 RESOLVED on the motion of Crs. O'Brien and Schieb that Council note Development Application Nos. 035/2009 & 042/2009, along with Complying Development Application Nos. 049/2009, 051/2009 & 052/2009, have been approved under delegated authority since the last meeting.

11.2 WESTERN COUNCILS LOCAL ENVIRONMENTAL PLAN 2009 – RESUBMITTED FROM NOVEMBER MEETING.

The General Manager referred to this item, which was resubmitted from the November meeting to give Councillors further opportunity to peruse the draft Standard Instrument Local Environmental Plan. The draft document was provided to the November meeting and the General Manager said Councillors were requested to bring their copy to this meeting.

Again the General Manager draw Council's attention to the fact that the zonings are standard and cannot be changed, with other mandatory clauses marked as "compulsory". Mr. Griffiths said Council needs to carefully consider the objectives of each of the zones, development that is permitted without consent, with consent and those that are prohibited in any particular zone.

He said that whilst Council has the ability to change parts of the Standard LEP, the format and those clauses marked "compulsory" may not be changed under the Standard Instrument (Local Environmental Plans) Order 2006 pursuant to the Environmental Planning and Assessment Act 1979.

The General Manager said this is the final task under the Land Use Project which is funded by the Department of Planning for the five Councils making up the Western Councils' Sub-Region.

8210 RESOLVED on the motion of Crs. O'Brien and Canham that Council adopt the preliminary draft plan unchanged.

11.3 POLICY – UNION PICNIC DAY

The General Manager referred to representations from the USU regarding the need for a policy for the Union Picnic Day. He said the draft policy has been on public exhibition, with the closing date for submissions being Friday 20 November, 2009. Mr. Griffiths said no submissions were received.

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8211 RESOLVED on the motion of Crs. Canham and O'Brien that Council note no submissions were received and now formally adopt the Policy on the Union Picnic Day, which will:

- (1) Allow non-financial members to observe Union Picnic day.
- (2) Require non-financial members of a Union to submit a leave application in accordance with the Award for either annual leave, time in lieu of overtime or leave without pay.
- (3) Ensure that the Local Government (State) Award provisions relating to Union Picnic Day be observed.

11.4 AMENDED FEES – USE OF SHOWGROUND PAVILION & FACILITIES

The General Manager referred to Council's decision to reconsider charges already adopted for the use of the Pavilion (including facilities therein). Mr. Griffiths said the amended fees have been on public exhibition, with the closing date for submissions being 20 November, 2009. He said that no submissions were received.

Mr. Griffiths said Council should note all groups will be required to pay a Security Deposit of \$400 and a Key Deposit of \$150 (both refundable subject to facility being left in a clean and tidy condition and key returned to Council).

8212 RESOLVED on the motion of Crs. Karanouh and Schieb that Council formally adopt the following charges for hire of the Showground Pavilion and the various facilities provided therein and that these fees be added to the Fees & Charges for 2009/10, noting that no submissions were received following public exhibition of these charges:

<i>Facility</i>	<i>Up to 20 persons (\$)</i>	<i>21 – 50 persons (\$)</i>	<i>51 – 100 persons (\$)</i>	<i>100 plus persons (\$)</i>
Pavilion Only	40	75	120	200
Pavilion & Kitchen	70	130	200	320
Pavilion & Bar	70	130	200	320
Pavilion, Kitchen & Bar	100	185	280	440
Kitchen Only	30	55	80	120
Bar Only	30	55	80	120
Kitchen & Bar	60	110	160	240

11.5 ADVERTISING

The General Manager referred to the instruction issued at the November meeting that a review of advertising costs be undertaken. He said the request was based around costs however he pointed out that Council has numerous statutory obligations to advertise in a paper distributed throughout the Shire.

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Mr. Griffiths said this Council has had a contract with The Coonamble Times for many years and takes the opportunity to utilize the set space to keep the community informed of items of interest.

The General Manager reported that this Council currently pays a contracted price of \$371.50/week which represents a 41% discount on the casual rate for display items of \$4.75 per column centimetre. Mr. Griffiths also provided comparisons with other newspapers of similar size in neighbouring centres.

He said a reduction in the size of Council's advertisement from 140 column centimetre down to – say – 70 column centimeters would result in a proportional decrease in cost, however the charge of \$2.65 currently paid would still apply.

8213 RESOLVED on the motion of Crs Cullen and O'Brien that Council retain the status quo.

11.6 MEETING WITH POLICE MINISTER

The General Manager reported investigation revealed that applications for the Coonamble Constable position have not yet closed. He said the position of Sergeant at Gulargambone has closed, with no applications being received and will, thus, move to the next stage whereby it will be offered to eligible officers. Mr. Griffiths said that given it is a relatively senior position he is reliably informed that filling it should not be overly difficult.

The General Manager pointed out that that the Inspector responsible for this area placed a full page advertisement on the Police Staff Newsletter, showing the advantages of Coonamble. A copy was attached to the business paper for Councillors' perusal.

Mr. Griffiths informed the meeting that he has written to the local member requesting that a meeting be arranged with the Minister for Police, however no response has been received to date.

8214 RESOLVED on the motion of Crs Webb and Karanouh that Council defer further action on this matter until after the meeting with Inspector Noble on Wednesday, 16 December and that if a satisfactory solution cannot be reached, Council arrange to meet with Asst. Commissioner Steve Bradshaw.

11.7 SHARE FARMING

The General Manager informed Council that the issue of share farming Council's farming pursuits was referred to the Farming Committee. Mr. Griffiths said he has been requested to convey the following information to Council in connection with this matter.

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- “The Meglo” was purchased in 1992 with the view to have land available for agricultural pursuits should development be possible. Since that time some three parcels have been subdivided and sold with a fourth being approved by Council at the last meeting.
- A share farming agreement is normally for a three year period with profits being distributed on a two-thirds, one-third basis.
- The Farming Committee needs flexibility to make on-the-spot decisions, which would not suit a share farming arrangement. Also it is not possible to give a guarantee that part, or all of the land is available for any length of time, even for a season until harvested. This is borne out by the recent sale to GrainCorp which threatened Council with the loss of the crop proceeds from the 40 hectares sold.
- The Common is subject to agreement on an annual basis by the Commoners at their annual general meeting and cannot be guaranteed for more than one year. It was intended that the virgin country of the Common would be farmed for next season, but this has now been put on hold due to this report and the climatic conditions which could result in no feed being available for commoners’ stock.
- Whilst the Airport country was not included by Council in the request, it is again highlighted that security clearance is needed by at least the overseer of farming activities on the site. The Manager of Rural Industries is an authorised person.
- The entering into a share farming agreement could lead to a liability for loss of potential profits should Council lose the trust of the Commoners or have the ability to sell part or all of “The Meglo” to a developer.

The General Manager pointed out that the realization of this year’s income is not yet apparent but it does appear that some \$250,000 will be available to carry out next year’s farming operations and a community project as determined by Council.

8215 RESOLVED on the motion of Crs. Cullen and Webb that Council adopt the recommendation of the Farming Committee to maintain the status quo.

11.8 RECORDING OF COUNCIL MEETINGS

The General Manager referred to this matter and reported that Council’s Code of Meeting Practice, which was reviewed in December, 2008 in accordance with legislative requirements, states:

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***“Tape Recording of Meeting of the Council or a Committee Prohibited
Without Permission:***

Clause 74 (1) A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of the Council only with the authority of the Council or Committee.”

He said some Councils record meetings as a matter of course and utilize those tapes for verification of minutes, if required, before they are destroyed. The General Manager referred to other Councils he has previously been involved with and said there has always been the view that recording restricts debate and serves no purpose.

Mr. Griffiths said that if recording is to be carried out, it should be by way of a sound system that cannot be bypassed and utilised by Councillors religiously. He said the cost of a comprehensive sound system incorporating recording facilities has not been sourced, but would be in the vicinity of \$7,000 and no funding has been provided in this year’s Management Plan.

Cr. Karanouh said he was keen to have meetings recorded as a means of correctly documenting discussions and decisions.

8216 RESOLVED on the motion of Crs. Webb and Canham that Council retain the status quo.

Cr Karanouh requested that his name be recorded as voting against this resolution.

8217 RESOLVED on the motion of Crs. O’Brien and Schieb that staff investigate the cost of a speaker system for the Council Chamber.

11.9 S.H. 18 CASTLEREAGH HIGHWAY - ROTARY REST AREA - TOILETS

The General Manager reported that Council is in receipt of a development application from the Rotary Club of Coonamble which is incomplete and further information has been requested.

Mr. Griffiths referred to a notation in the documentation that “all cleaning and maintenance to be carried out by Coonamble Shire”. He said he is unaware of any undertaking by Council to carry out any cleaning or maintenance at its cost and said it would be prudent that a determination be made at this time, noting that the RTA has advised it will not be maintaining the facility.

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The General Manager stated the proposal includes two flush toilets with disabled access and a pump-out waste tank. He said the only method of pumping-out is via a contractor (eg Septic Sam) and this may be required as regular as monthly. As an example, Mr. Griffiths said the facility on the Castlereagh Highway mid-way to Walgett required pumping out (even though it is a composting toilet) and the cost to the RTA via Council was around \$15,000.

Mr. Griffiths said that that a quarterly pump-out could run to an annual expense of \$60,000, depending on use, abuse and other factors. He said Council needs to carefully consider the daily cleaning costs, maintenance requirements and, in particular, the high cost of pump-out.

8218 RESOLVED on the motion of Crs. O'Brien and Schieb that the Rotary Club of Coonamble be advised that Council is not willing to fund the maintenance and cleaning requirements of the facility.

11.10 MEETING WITH MINISTER FOR TRANSPORT

The General Manager referred to the submission developed by Council seeking an urgent upgrade of the Coonamble branch line to Class 3 standard. He said that submission was forwarded to the Premier and six Ministers and the Duty MLC for the Barwon electorate on 26 November, 2009. Mr. Griffiths said that around 11 a.m. on 30 November, 2009 he received advice from the Duty MLC, The Hon Christine Robertson, that an appointment was possible with the Minister for Transport, The Hon David Campbell, at 5.30 p.m. the following day.

Mr. Griffiths said that discussions with the Mayor centred around a delegation of three to four - five people were selected. He said Cr Tom Cullen led the delegation, Mr Bill Burnheim attended as a prospective developer, Mr David Ginns from GrainCorp (representing the Managing Director) and Council's Economic Development Manager, Mrs Lee O'Connor along with himself.

The General Manager reported that the Minister gave a fair hearing and appeared to understand the issues and the denigration of development propositions that would increase employment numbers in this Shire. Mr. Griffiths said the short answer given was that there is no potential for additional funding for grain branch lines as the National Party had rejected the potential to set up 'rail trails' across the State that would reduce expenditure and create small amounts of income for upgrading of lines.

However, Mr. Griffiths said the Minister showed interest in Council's proposals for public/private partnership upgrading and the potential availability of an increased freight levy to cover the cost of the Class 3 line. He said that whilst there were no immediate positive outcomes the Minister is now aware of our urgent concerns and he is awaiting a report from Rail Infrastructure Corporation

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that will address a way forward for branch lines and gave an undertaking for Council to be involved in the RIC investigations.

The General Manager stated that railways are the responsibility of the State Government and although the Federal Government has absolved from providing funding, it is planned to meet with the Federal Minister in an effort to gain portion of the funding with another portion to come from private enterprise as a 'carrot' to have the State Government provide the balance.

8219 RESOLVED on the motion of Crs Cullen and Karanouh that Council continue to pursue the upgrading of the 56 kilometres of rail line from Armatree to Coonamble by seeking meetings with Federal Ministers, encouraging private enterprise to participate and continuing to seek audience with State Ministers.

11.11 LAND USE STRATEGY

The General Manager referred to discussions with representatives of the Department of Planning this morning. He said that Council's resolution at the October meeting in regard would not be accepted because it does not comply with the provisions of the Environmental Planning and Assessment Act. Mr. Griffiths said in all probability Council will be required to complete a new Land Use Strategy to enable the requirements of a new LEP to be met at a cost in excess of \$100,000.

8220 RESOLVED on the motion of Crs. Karanouh and Canham that Council defer any action on this matter until the Department of Planning has written to Council outlining its issues, noting that the representatives have undertaken to assist Council in the process of attempting to identify areas that could be used for rural residential purposes.

GINTY ESTATE

8221 RESOLVED on the motion of Crs. Horan and Cullen that the General Manager prepare a report and produce a map of the area for presentation to Council so that a decision can be made on the future of the Estate.

At this juncture, 1.06 p.m., the meeting adjourned for lunch and resumed at 2.08 p.m.

12.0 REPORT BY DIRECTOR OF CORPORATE SERVICES

8222 RESOLVED on the motion of Crs Canham and Webb that the report by the Director of Corporate Services be received and dealt with.

12.1 RATE COLLECTIONS

8223 RESOLVED on the motion of Crs. Webb and O'Brien that the Total Combined Rate Collections to 30 November 2009 be noted.

12.2 LIST OF INVESTMENTS

8224 RESOLVED on the motion of Crs. Webb and O'Brien that that the Investments held at 30 November 2009 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 Policy.

12.3 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

The Director of Corporate Services informed Council that the existing Freedom of Information Act 1989 is to be replaced by the Government Information (Public Access) Act 2009. He said it is expected the new Act will commence early in 2010.

Mr. Warren said the intention of the GIPA Act is to make as much information as possible held by an agency available to the public. He stated that under the new Act there is a presumption to disclose information unless there is a compelling public interest not to make a disclosure. Mr. Warren referred to the mandatory disclosures which must be published on the website, free of charge, unless it would impose unreasonable additional costs to the agency. He said the agency must record all information that is not published due to the public interest test.

Council noted the Director of Corporate Services will hold a delegation from the General Manager to assess formal applications, thereby allowing the General Manager to conduct internal review.

The Director reported that staff time will be required to comply with this Act as it places quite rigorous obligations on staff and time resources. He said ever-increasing governance requirements will result in the need for increased staff resourcing at a higher skill level.

8225 RESOLVED on the motion of Crs. Webb and O'Brien that Council note the information pertaining to the introduction of the Government Information (Public Access) Act 2009 and also note increasing governance workload imposed on Council by State Government regulation.

12.4 ANNUAL REPORT

The Director of Corporate Services reported that under section 428(1) of the Local Government Act 1993 Council must, within five months after the end of each year prepare a report as to its achievements with respect to the objectives and performance targets set out in its Management Plan for that year. He said a copy of the report was sent to the Department of Local Government on Friday, 20 November, 2009.

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Mr. Warren said that requirements of the report are to provide detailed information relating to Councillor activities, expenses provided and training undertaken by Councillors relating to the performance of their civic function. He said detailed information is also required relating to the administration of the Companion Animals Act 1998.

8226 RESOLVED on the motion of Crs. O'Brien and Karanouh that Council note the tabling of the Annual Report for 2008/2009 and that a copy of the report was furnished to the Department of Local Government on 20 November, 2009.

13.0 REPORT FROM DIRECTOR OF ENGINEERING SERVICES

8227 RESOLVED on the motion of Crs. Karanouh and Webb that the report by the Director of Engineering Services be received and dealt with.

13.1 PROPOSED TOORAWEEAH ROAD UPGRADE

The Director of Engineering Services referred to Council's decision to consider possibilities of sealing the 'missing link' of the Tooraweenah Road, noting that Warrumbungle and Gilgandra Councils have completed sealing their portions of the road.

Mr Gamage submitted a comprehensive report and estimate for Council's consideration. The General Manager also provided an addendum to the report.

The Director informed Council that base material from Mt Magometon crusher is excellent product for base course, however 150mm thick base course proved to be very expensive. He said an option of stabilised base course was considered as an alternative, given the low volume of traffic on the road.

Mr. Gamage said this type of seal pavement serves well over 25 years if AADT is less 500 and it may be fair to say that increased traffic volume of the road after proposed seal would not reach this figure within the next 20 years. He said potential volume of heavy vehicles was also considered and although it will have a serious effect on the road pavement and its life, it is however not possible to make a reasonable quantified prediction of heavy vehicle traffic. The Director said that life of pavement can be expected to be 20 years, with resealing recommended in 10 years time.

The Director of Engineering Services reported that the cost of 5m wide seal pavement with a 6m formation was calculated be \$2,700,000. He said this is based on availability of water for construction being the sewer water ponds at Coonamble, however if good rain falls before construction, local turkey nest ponds could provide sufficient water for construction and in such case, a cost saving of up to \$200,000 can be achieved.

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Mr. Gamage estimates that the cost of 7m wide seal pavement with an 8m wide formation is around \$3,500,000, with the same cost saving of \$200,000 if local water is available for construction.

In his addendum, the General Manager reported on discussions held with the Mayor and Director of Engineering Services from Warrumbungle Council, who are willing to support a regional application for the upgrading of the road along similar lines to that developed by Narrabri Council for the upgrading of the Coonamble to Bingara Road, via Pilliga. Mr. Griffiths said it is hoped to hold similar discussions with Gilgandra Council, although some ten years ago it declined to participate in such a project.

The General Manager stated that Council's Roads Management Plan identifies a potential five year local road reconstruction plan which has been developed using the technical scoring system of roughness, pavement condition, seal width and formation width. He said that Plan was developed as a response to the poor condition of roads following years of prioritization of spending on an "ad hoc" basis, along with no resealing and reloaning programs being carried out.

Council's attention was directed to the Roads Plan which also addresses the design criteria for roads of varying types and the Tooraweenah Road is a Type 3 which means a sealed road should have a pavement width of 8 metres and a sealed width of 7 metres, with line marking in the centre only. The General Manager stated that should Council agree with the Director's option to have only a 5 metre wide seal with a 6 metre formation, the Roads Plan needs to be amended and placed on public exhibition for the requisite period.

The General Manager drew attention to the safety issues of a 5 metre wide seal, given the potential for caravans and heavy vehicles, and said it needs very careful consideration. He expressed concern that traffic volumes could very quickly increase resulting in additional work being required in the medium term to overcome dangerous conditions for both heavy vehicles and caravans.

Council noted that interest free money through the State Government is only available over a ten year period which would result in a repayment of \$370,000/annum should the project proceed. The General Manager reported that reduction in roads spending would result in the loss or significant reduction of Council's Roads to Recovery funding as a condition of the grant is that Council maintains its ongoing funding.

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The General Manager said that to utilize the total Roads to Recovery allocation for the next four years would still result in a short-fall of \$1.2m which would need to be found from other sources. Mr. Griffiths said that would also mean that urgent works required would not occur – again reverting conditions to very poor.

Mr. Griffiths stated that an extensive search by himself and the Grants Officer from the Local Government and Shires Association has failed to identify any grant funding applicable to the upgrading of local roads. He referred to the claim that Walgett Council received such funding, however he stated those works are being carried out on regional roads under a funding program that has long since closed and their Roads Plan identifies that this is the final year of such works. Mr. Griffiths pointed out that the Tooraweenah road is a 'local' road.

A MOTION

PROPOSED by Cr Karanouh **SECONDED** by Cr Schieb that the Tooraweenah Road be sealed with a pavement width of 8 metres and a sealed width of 7 metres, **WAS LOST**.

Crs Schieb and Karanouh requested that their names be recorded as voting against this decision by Council.

The Mayor said his reasons for not supporting the sealing of the Tooraweenah Road were:

- Council has an evidence-based Roads Management Plan which does not include this work
- No grants are available and utilizing borrowed funds significantly reduces essential maintenance on other roads.

13.2 STREET LIGHTING - GULARGAMBONE

The Director reported that in August 2009 Council resolved to request Country Energy to conduct an audit of the street lighting in Gulargambone, particularly Kirban Street between Armatree and Yoolundry Streets. He said that whilst Country Energy conduct audits of street lighting, they only confirm existence of lights not the adequacy of illumination or position of lights in relation to buildings.

The Director stated that while the section of Kirban Street in question does appear to be deficient in street lighting Council should consider the volume and usage pattern of traffic in making its decision, noting that the cost to install a street light is approximately \$3,000 and no funds for additional lighting have been included in the budget.

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8228 RESOLVED on the motion of Crs.Schieb and O'Brien that Council install an additional street light in Kirban Street, with the funding of \$3,000 to be sourced at the discretion of the Director of Corporate Services.

URGENT BUSINESS – SUPPLEMENTARY REPORT BY DIRECTOR OF ENGINEERING SERVICES

8229 RESOLVED on the motion of Crs. Webb and O'Brien that the following issues be classified 'urgent business' and dealt with.

13.3 WARRENA CREEK WEIR PROJECT

The Director of Engineering stated that Council has been under pressure from the community of Coonamble, especially the Aquatic Club, to find a long term solution to the problem of flooding at the north side of the levee bank. He said that Engineering staff, together with Catchment Management Authority (CMA), has a proposal to strengthen the washed away part of the area and create another permanent spillway north side of the creek.

The Director said that a structure built in the creek obstructs the river floor and is the major cause of flooding. Mr. Gamage said that in addition to this and in order to save the water for the recreational purposes, the local Aquatic Club has created a permanent earthen structure parallel to the spillway and eastern side of it. He said it is necessary to lower the area immediately north of the flood gates and renew the dilapidated spillway across the Warrena Creek, as well as removing the structure built by the local Aquatic Club to make sure the free-flow of the river.

Council noted that the Catchment Management Authority has allocated some \$75,000 for environmental improvement in the area and Council has allocated a further \$15,000. The Director said he expects a further \$200,000 will be required to renew the spillway, however the maintenance of the river flow is the responsibility of the Department of Water & Energy NSW.

8230 RESOLVED on the motion of Crs. Karanouh and Webb that Council:

- (1) Allocate available \$90,000 for the above proposed work;
- (2) Endorse the Director of Engineering Services' proposal to negotiate with the Department of Water & Energy for the funding of \$200,000 to renew the spillway;
- (3) Subject to the proposed work not lowering the maximum current level of the Warrena Weir.

13.4 PROGRESS REPORT

The Director gave an overview of works undertaken during the period since last meeting and works rostered for completion.

13.4(d) WATER TREATMENT PLAN

The Director reported that a detailed estimate has been prepared and a comprehensive water treatment plant can be installed for an amount of \$2.5 million - this includes equipment, civil works and training. He said annual system maintenance would be extra operational expense in addition to this.

Councillors agreed that this matter be deferred until the issue between the Office of Water and Infinity Environmental is finalized.

13.4(f) QUARRY

The Director reported that Mines Inspectors Mike Skein and Jim McMahon conducted a routine inspection at the Quarry on Thursday 28 November 2009, which resulted in the Quarry Production Manager being issued with a Section 131 of the Mine Health and Safety Act 2004 due to high dust levels from plant thus reducing visibility. Mr. Gamage said that in order to reduce the dust problem, the Mines Inspectors recommend the implementation of a spray system within a six week timeframe.

8231 RESOLVED on the motion of Crs. O'Brien and Webb that Council note the recommendation from the Mines Inspectors for the implementation of a spray system at the Quarry and make a decision when quotations are presented to the February meeting.

8232 RESOLVED on the motion of Crs. Webb and O'Brien that the report by the Director of Engineering Services be adopted.

13.5 COONAMBLE SHOWGROUND – PLAN OF MANAGEMENT

It was noted that the Plan of Management for Coonamble Showground was made available to Councillors before they received the Business Paper for this meeting so that ample time would be available for them to study the document.

8233 RESOLVED on the motion of Crs. Webb and Cullen that the draft Plan of Management for Coonamble Showground be placed on public exhibition for twenty eight days and advertised in the Government Gazette as required, prior to being formally adopted at the February 2010 meeting.

14.0 REPORTS FROM VARIOUS COMMITTEES

8234 RESOLVED on the motion of Crs. Schieb and O'Brien that the reports from various committees be received and dealt with.

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14.1 MINUTES OF MEETING OF THE OH&S COMMITTEE

8235 RESOLVED on the motion of Crs. Karanouh and Schieb that the minutes of the Occupational Health and Safety Committee meeting held on 27 October 2009 be noted.

14.2 MINUTES OF MEETING OF COONAMBLE STREETS HEAD COMMITTEE

8236 RESOLVED on the motion of Crs. that the minutes of Coonamble Streets Ahead Committee meeting held on 19 November 2009 be noted and it be pointed out to the author that Cr. Karanouh's name was not included as being present.

14.3 MINUTES OF MEETING OF CONSULTATIVE COMMITTEE

8237 RESOLVED on the motion of Crs. O'Brien and Webb that the minutes of the Consultative Committee meeting held on 1 December, 2009 be noted, including:

- Submission for 2010/11 budget presentation to Council to hire consultant to review and upgrade Council's salary system (ie position descriptions and staff appraisal documents, procedures and policies).
- Payment of sick leave on termination of employment – USU to investigate and options to be tabled at next meeting. The Mayor said any such proposal would cost Council dearly – the General Manager said he would oppose any such action.

At this juncture, Mr. Steve Baldwin, Tourism Development Manager, was in attendance to present his report.

16.0 REPORT BY TOURISM DEVELOPMENT MANAGER

8238 RESOLVED on the motion of Crs. O'Brien and Canham that the report by the Tourism Development Manager be received and adopted.

Mr. Baldwin mentioned the following :

- New Coonamble Shire web site 80% complete – staff training underway – EDMs will add businesses' details to site.
- Quambone primitive camp site – report to February meeting – only minor costs will be involved for driveway access.
- Workshops at Coonamble and Gulargambone – very successful – 34 persons attended (22 Coonamble, 12 Gulargambone)
- Thanked Mayor and Director of Corporate Services for attending Campbelltown for the Art Exhibition.
- Coonamble Streets Ahead Committee – Planning session on Tuesday.

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- In response to a question from Cr Karanouh, advised that the draft Information sign has been completed – when complete it will be erected at the mosaic – cnr Castlereagh Street.

16.1 CENTRAL NSW TOURISM

Council noted the report by the Tourism Development Manager regarding increases in current membership fees for ensuing years. Mr. Baldwin pointed out that it is reasonable to suggest that local government assist financially with the move for Central NSW Tourism to become self sustaining, however he said what is not reasonable is taking away local government input and decreased benefits.

Mr. Baldwin reported that concerns have been raised by other local government members regarding the value delivered from membership of CNSWT and feedback provided that if enough value is not delivered and fees increase in future, some members may not renew their membership.

The TDM advised that membership of Council is currently \$2,898, with a proposed increase to \$2,985 (2009/10) and \$3,284 (2010/11).

8239 RESOLVED on the motion of Crs. O'Brien and Canham that the report on the proposed changes be noted.

WEB TRAINING

Cr. O'Brien thanked the Tourism Development Officer for the web training – she said it was very good and much appreciated.

17.0 REPORT BY SALEYARDS MANAGER

8240 RESOLVED on the motion of Crs. Webb and Canham that the Saleyard Manager's Report for the month of November, 2009 be adopted.

18.0 URGENT BUSINESS - REPORT BY CONTRACT RANGER

8241 RESOLVED on the motion of Crs. Canham and Webb that the Contract Ranger's report for the month of November 2009 be classified 'urgent business' and dealt with.

8242 RESOLVED on the motion of Crs. Webb and O'Brien that the report by the Contract Ranger for the month of November 2009 be noted.

19.0 CLOSED SESSION

8243 RESOLVED on the motion of Crs. Canham and O'Brien that Council resolve to Closed Session in accordance with Section 10A of the Local Government Act 1993, *section 2(a) "personnel matters concerning particular individuals (other than councillors)"*

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8244 RESOLVED on the motion of Crs. Canham and O'Brien that the press and public be excluded from the meeting.

8245 RESOLVED on the motion of Crs. Canham and Webb that Council resume Open Meeting.

No recommendations were made whilst Council was in Closed Session.

At this juncture, 3.07 p.m., Cr. Canham left the meeting and did not return.

General Business:

Cr Karanouh:

- In response to a question from Cr Karanouh the Director of Engineering Services advised that he has inspected the footpath in front of Ag-n-Vet premises in Aberford Street and will arrange to have work carried out.
- The Director was requested to inspect pavers around the mosaic – they have dropped – it was also mentioned that the edges of the mosaic need attention as they appear to be breaking down.

Cr Schieb:

- Advised that Coonamble Livestock Health & Pest Authority has closed its office and moved to the Industrial Estate.

8246 RESOLVED on the motion of Crs. Schieb and Cullen that a letter be forwarded to the Central West Livestock Health & Pest Authority asking why it has closed its office in Tooloon Street, Coonamble and sold the premises.

- Suggested a re-organisation of structure to become more efficient – pointing out that Council's wages/oncosts far exceed its rates and annual charges revenue. Said in his opinion there are a lot of avenues to look at to minimize costs. Suggested that some jobs be amalgamated – pointing out that if some staff was sacked Council would save a significant amount which could help seal the Tooraweenah Road. Asking if the workplace could be reduced by 5 - 10 persons. Suggested that another option would be not to replace staff as they leave/retire.

The General Manager stated that staff has reduced in the last six years and another retires this Friday. He said that following a recent resignation he authorised an advertisement to fill the plant operator position. The General Manager said he would look at positions as they become vacant. Council noted that wages have increased in excess of the rate pegging limit over the past 30 years.

At this juncture, 3.27 p.m., Cr. Cullen left the meeting and did not return.

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- Raised an issue concerning the Coonamble Caravan Park – i.e. the managers are not providing linen for the cabins. Suggested that either people be advised when booking, or the fact be stated in the brochure.
- A request from a resident – where is Mungery Road? Apparently the rural addressing has her property recorded as ‘Mungery Road’.

Cr O’Brien:

8246 RESOLVED on the motion of Crs. O’Brien and Schieb that a suitable outdoor clock be purchased and located in an appropriate position at the Gulargambone Pool.

- Gulargambone War Memorial – saying that water goes onto the memorial and asked the Director of Engineering Services to inspect and rectify.
- Gulargambone Toilets – when is it expected that this work will be listed for completion.

Director of Corporate Services:

- Reminded Councillors that management planning, including the budget, commences shortly and asked that if Councillors have items to be considered in the process to contact him.

General Manager:

- Wished Councillors and their families all the best for the festive season.

Mayor:

- Debt collection – advised he had a complaint from a ratepayer who was late with an instalment – she received a letter from a Sydney solicitor acting on behalf of Council in debt recovery.

The Director of Corporate Services informed the meeting that these letters are generated free of charge. Mr. Warren stated that Council is having good results with its debt collection system. He said that some ratepayers have undertaken repayment plans time after time and not followed through – with this system all outstanding amounts are forwarded to the collection agency and proceed through the channels. The Director pointed out that prior to getting a letter from the Solicitor, ratepayers receive at least two reminder notices.

- Hickey Street – eastern end – asked the Director of Engineering Services to inspect the area and have necessary work carried out.

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Cr Karanouh:

- Advised that he has agreed to a 5 year lease on one of his shops for the installation of an ATM.

This concluded the business and the meeting closed at 3.35 p.m.

These Pages (Page 1/4369 to 38/4406) were confirmed on the day

of2009 and are a full and accurate record of proceedings of the

ordinary meeting of Coonamble Shire Council held on 9 December 2009.

MAYOR