

**MINUTES OF ORDINARY MEETING OF COONAMBLE SHIRE COUNCIL  
HELD IN THE SHIRE CHAMBER, COONAMBLE ON WEDNESDAY, 13<sup>TH</sup>  
OCTOBER, 2010 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 and A. Karanouh.  
Also present were the General Manager, Mr. Griffiths, the Director of Corporate Services, Mr Warren. The Director of Engineering Services, Mr Brodbeck and Mrs Moorhouse.

**2.0 ACKNOWLEDGE ORIGINAL OWNERS OF THE LAND**

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

**3.0 PUBLIC QUESTION TIME**

No persons were present at this time.

**4.0 APOLOGY**

**8737 RESOLVED** on the motion of Crs. Webb and Karanouh that an apology for non attendance be accepted from Cr Don Schieb.

**5.0 DELEGATIONS**

No request was received from persons to address Council.

**6.0 DECLARATIONS OF INTEREST**

Two declarations of interest were made as follows:

*Councillors Horan and Webb – Item No 11.5 – Sale of Furniture to the Aboriginal Medical Service – CEO and Board Member respectively.*

**7.0 CONFIRMATION OF THE MINUTES**

**8738 RESOLVED** on the motion of Crs. Webb and Karanouh that the minutes of the Extraordinary Meeting of Coonamble Shire Council and the minutes of the Ordinary Meeting of Coonamble Shire Council, both held on 8 September, 2010, be confirmed, with an addition and an amendment to the Extraordinary Meeting Minutes in accordance with the following resolution.

**(i) Extraordinary Meeting of Council: Crime Prevention Committee:**

**8739 RESOLVED** on the motion of Crs. Webb and Karanouh that the following Councillors be elected as members of the Council's Crime Prevention Committee, together with the Mayor by virtue of his Office:

***Crs. Schieb, Karanouh and Webb.***

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***(ii) Extraordinary Meeting of Council: Coonamble Heritage & Historical Museum Committee:***

Council note that the delegates on this Committee should be Crs Webb and O'Brien (Cr Cullen resigned from the Committee previously), together with the Mayor, by virtue of his office.

**8.00 RESOLUTION BOOK UPDATE**

**8740 RESOLVED** on the motion of Crs. Webb and O'Brien that the Resolution Book Update be received and dealt with.

**(a) Planting Turf – Showground Pavilion – Min No 8723**

Cr Karanouh referred to this item and in response to his question the Director of Engineering Services advised that because of high traffic volumes during functions it would not be practical to have turf and suggested a paved area 2 metres wide be constructed at both doorways.

**9.0 MAYOR'S ACTIVITY REPORT**

The Mayor presented his verbal report for the period since last meeting advising he had attended the following functions:

- Moorambilla – opened the festival. Advised he had been approached by Ms Leonard regarding options for the next three years, with a written request to be forthcoming.
- Gulargambone Rural Transaction Centre Annual General Meeting – attended with General Manager. Congratulated the Committee which does a great job.
- Saleyards Meeting – discussions regarding future direction of the facility.
- Mayor's Ball
- Advised Corporate Visit for the Indoor Arena will be held in April/May 2011. Suggested the \$25,000 set aside for the visit remain in reserve until needed.
- Applications for position of General Manager – informed Councillors that this matter would be discussed in Closed Session today.

**8741 RESOLVED** on the motion of Crs. Horan and Karanouh that the Mayor's Report be adopted.

**10.0 CORRESPONDENCE**

**8742 RESOLVED** on the motion of Crs. Webb and O'Brien that the Correspondence be received and dealt with.

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**Section A – For Consideration by Council:**

**10.1 ST BRIGID'S SCHOOL D7 (33455)**

Stating each year at Presentation Night book prizes are awarded to children in each class for Achievement, Effort and Christian Attitude with an Encouragement Award to each child in Kindergarten Advising this year Presentation Night is Friday 10 December and seeking Council's support by way of a financial contribution.

**10.2 COONAMBLE PUBLIC SCHOOL D7 (33545)**

Referring to Presentation of Awards night and seeking Council's support by way of a financial contribution towards prizes for students.

The General Manager stated that Council in the past has contributed to the five schools in the Shire towards their Presentation Night awards – he said last year the amount approved was \$100 each.

**8743 RESOLVED** on the motion of Crs Karanouh and O'Brien that Council agree to contribute \$100 to each of the five Schools in the Shire towards prizes for Presentation Night Awards.

**10.3 HILL ROGERS SPENCER STEER A12 (33483)**

Providing audit report for year ended 30 June 2010 and thanking Council staff for their cooperation during the visit.

The General Manager said a copy of the Auditors Report is attached to the Business Paper. Mr Griffiths said the matter is also dealt with in the report by the Director of Corporate Serviced in Item 12.4.

**8744 RESOLVED** on the motion of Crs O'Brien and Karanouh that Council note the Auditors Report for year ended 30 June 2010.

**10.4 OFFICE OF THE ATTORNEY GENERAL P5 (33471)**

Referring to Council's letter concerning juvenile crime and saying while there are many challenges in dealing with young offenders, the Government is committed to protecting citizens of NSW from crime. Referring to the *Young Offenders Act 1997* which was introduced to tackle youth crime and anti-social behaviour and to ensure young people face the consequences of their actions and learn to take responsibility for their behaviour. Pointing out it also provides police with a number of options when dealing with young offenders.

The General Manager stated that because this is a lengthy letter he provided a copy for each Councillor as an appendix to the business paper.

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Council debated this matter at length, noting the amount of crime currently occurring and the lack of action on the part of local police. Councillors cited instances where drinking and unacceptable behaviour is constantly occurring, particularly in Macdonald Park. It was noted that the area is an Alcohol Free Zone, but police seem reluctant to act allowing situations to become out-of-hand.

Cr Karanouh and the General Manager are to attend a meeting in Dubbo this afternoon where Circle Sentencing will be discussed – this method of controlling offenders is to be brought to Coonamble Court.

Councillors stated they are extremely disappointed with the apathetic attitude of the local police, advising there have been complaints received from the public that the police in some instances do not respond to calls.

Council noted it has provided a significant amount of funds in trying to curtail incidents of crime and assisted the police with a financial contribution to purchase cameras. Councillors are at a loss to know what else can be done to form a working relationship with the police, who do not even make an officer available to attend meetings to discuss law and order issues.

The General Manager reminded Councillors that over the years Council has met with Police Ministers to no avail – he said deputations were received by Ministers in 2004, 2006 and 2008.

**8745 RESOLVED** on the motion of Crs Webb and Canham that Council lodge a formal complaint with the Regional Commands (cc to NSW Police Minister & Supt Bob Noble) regarding inappropriate responses, lack of action in handling law and order issues, lack of presence in the community and generally citing Council's lack of confidence in its local senior police officer.

**10.5 LOCAL GOVERNMENT & SHIRES ASSOCIATIONS OF NSW T3  
(33554)**

Inviting expressions of interest to present a case study pertaining to the program at the Local Government Tourism Conference to be hosted by Sutherland Shire Council from Wednesday 9 to Friday 11 March 2011. Advising the theme of the conference is '***Gone Fishing! Back Soon...***'

The General Manager informed Council that he had been informed by the Tourism Development Manager that the topics to be covered do not lend themselves to him conducting a presentation at the Conference. Mr. Griffiths stated that the TDM will determine, at a later time, if attendance is considered advantageous to this Shire.

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**8746 RESOLVED** on the motion of Crs O'Brien and Webb that Council note that a presentation will not be made at the Local Government Tourism Conference in March 2011.

**10.6 MRS MARIE McLELLAN D5-6 (33547)**

Bringing to Council's attention the state in which St Pat's Supper Room Hall was left following the recent Moorambilla Workshop. Saying she was appalled at what she found when entering the Hall to set up for a function on Thursday afternoon. Stating she has never seen such filth, toilets stuffed with paper and excreta left not flushed – the stench was overpowering. Commenting that if this is the manner in which these people live and operate it does not paint a pretty picture for the image of Moorambilla. Requesting that the complaint be tabled at Council's meeting.

**10.7 PARISH SECRETARY, OUR LADY OF PERPETUAL HELP PARISH  
D5-6 (33555)**

Advising that Moorambilla Festival Inc used St Pat's Hall & Supper Room to hold workshops over the weekend of 17 – 19 September – with an agreement that all rubbish be removed and the venue left reasonably tidy. Reporting the state in which the premises was found – toilet paper/hand towel strewn all over the floor, toilets stuffed with paper, not flushed and the smell was overpowering. Saying the Parish does its best to accommodate the festival each year, but is not prepared to clean up the filth that was left. Stating the Parish seems to have some sort of problem each year resulting from the festival (whether it be the Church or St Pat's Hall/Supper Room). Saying if this is the way these people live, it does not leave a good impression of the Festival and/or Committee. Asking that the letter be tabled at Council's meeting.

**8747 RESOLVED** on the motion of Crs. Karanouh and O'Brien that Council forward copies of both letters to the Moorambilla Committee and advise the authors that the Festival, whilst supported by Council, is not under its auspice.

**10.8 THE HON LINDA BURNEY MP**

Forwarding copy of letter dated 22 July 2010 sent to The Hon J Hatzikstergos regarding Council's application for the endorsement of Coonamble Shire Council Crime Prevention Plan 2009 – 2012 as a Safer Community Compact under the Children (Protection and Parental Responsibility) Act 1997. Saying Community Services has considered the Crime Prevention Plan and she is advised Community Services has been working with both Coonamble and Cobar DV Collectives to develop a DV case management service to deliver case management with an emphasis on early intervention, but with some capacity for brokerage of crisis support.

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Advising the service will be managed by Inspiration House – Dubbo Women’s Housing Program and is expected to be operation by October 2010 and operate part-time only. Pointing out ongoing accommodation will not be available, but the project will receive one-off funding of \$121,072 for establishment costs and \$161,640/annum renewable in 2010/11 to be used across both Coonamble and Cobar.

Pointing out there is expectation Community Services would commit \$107,000 for the establishment of a DV crisis care service that includes accommodation and any available funding would be provided to the Crisis Care Service management committee. Stating that as Community Services does not have any unallocated renewable funding available, this aspect of the Plan merits further clarification.

The General Manager said the delay in this matter is inexcusable and has resulted from delays from the Attorney General’s Department in dealing with the Plan.

**8748 RESOLVED** on the motion of Crs Karanouh and O’Brien that Council instruct staff to make the necessary adjustments to the Plan and express its deep concern at the further delays.

**10.9 DR BILL & MRS ANNE KRUSE D7 (33539)**

Requesting a grant of \$1,000 for a reprint of the publication *Oral Histories of the Aboriginal Women and Men of Gulargambone*, the key outcome of the recent Gulargambone Oral History Project. Advising the project has been an outstanding success and the first print run of 100 copies was distributed to the participants, supporters and various libraries. Saying the funding of \$1,000 would be used to print a further 100 copies of which the majority would be sold through two eight two eight – those funds then being used for another reprint of the book – no profit would be made from sales.

The General Manager made the comment that it would appear Council is required to provide funding for every project that is undertaken with insufficient backing. Cr O’Brien said she was under the impression that MPREC agreed to provide the funding for a reprint.

**8749 RESOLVED** on the motion of Crs. O’Brien and Webb that Council decline to contribute funding of \$1,000 for a reprint of the book due to financial constraints.

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**10.10 KEEP AUSTRALIA BEAUTIFUL NSW K1 (33533)**

Issuing invitation to attend the 2010 Tidy Towns Celebration Weekend in Lockhart from 5 - 7 November. Saying the weekend offers the opportunity to interact with and learn from new and old Tidy Town participants as well as discover what made Lockhart the 2010 State Winner and Australian Tidy Town Finalist.

The General Manager stated that Council usually provides some financial assistance to members of the Gulargambone community to attend this annual function. However no request has been received this year.

Cr O'Brien informed the meeting that Gulargambone had gained another Award this year and handed information concerning the Celebration Weekend to the General Manager. She indicated that no representatives from Gulargambone would be attending. The Mayor offered Cr O'Brien the opportunity to attend, however she said it would not be possible.

**8750 RESOLVED** on the motion of Crs. Karanouh and O'Brien that Council not provide funding towards attendance at the 2010 Tidy Towns Celebration Weekend.

**10.11 DEPARTMENT OF PLANNING B11 (33512)**

Pointing out the *Environmental Planning and Assessment Regulation 2000* (the Regulation) plays an important role in supporting the planning provisions of the Environmental Planning and Assessment Act 1979. Inviting council to make a submission on the draft *Environmental Planning and Assessment Regulation 2010* currently on exhibition for public comment.

The General Manager said this is the latest effort to further regulate planning provisions at the expense of the community.

**8751 RESOLVED** on the motion of Crs Karanouh and Webb that Council not make submission on the draft Environmental Planning and Assessment Regulation 2010.

**10.12 NSW OUTBACK DIVISION OF GENERAL PRACTICE LTD M3 (33470)**

Saying Council would be aware that in April this year the Commonwealth formed a National COAG Agreement to implement change to the current health system in Australia. Advising that the NSW Outback Division of General Practice has considered carefully the detail of proposed reform and developed a case for a remote PHCO.

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Saying a position paper has been prepared in direct response to key justifications supported by the Commonwealth and seeks to present conceptually a case to support a unique rural and remote collaborative that can be closer to the ground, better reflect and respond to local priorities and work within the true spirit of the reform agenda.

Encouraging Council to visit [www.yourhealth.gov.au](http://www.yourhealth.gov.au) for more information on the reforms and their proposed implementation. Stating the Division will be working in the coming weeks to gain formal feedback from health stakeholders including local government.

The General Manager informed Council that a submission was made on the LHNs and PHCOs with the assistance of Cr O'Brien and others, which identified a number of the issues raised by the NSW Outback Division of General Practice.

**8752 RESOLVED** on the motion of Crs Karanouh and O'Brien that Council note the concerted effort being made by all interested parties in reforming the delivery of hospital services throughout the central west and western areas of NSW.

**10.13 SHIRES ASSOCIATION OF NSW R8-10 + R8-6-2 (33526)**

Response from the Legal Officer following Council's enquiry regarding closing of unsealed roads.

**10.14 SHIRES ASSOCIATION OF NSW R8-10 + R8-6-2 (33561)**

A further response from the Legal Officer following Council's enquiry regarding verbal warnings to offenders.

The General Manager said that copies of both letters were included with the business paper to give Councillors the opportunity to peruse the contents. He said it would be too difficult to have staff perform this task – only qualified personnel can issue warnings. Mr. Griffiths said we have only two qualified people and they would not be able to monitor the number of roads.

**8753 RESOLVED** on the motion of Crs Webb and O'Brien that Council note the legal advice portrays extreme difficulty in undertaking the proposed enforcement on unsealed roads of illegal use during periods of wet weather and remove the instruction for staff to carry out such duties.

**10.15 COONAMBLE SWIMMING CLUB INC D7 (33521)**

Seeking sponsorship for the swimming carnival to be held on Sunday 28 November, 2010. Saying any support would be appreciated and acknowledged throughout the program.

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**8754 RESOLVED** on the motion of Crs. O'Brien and Cullen that Council decline to contribute towards the swimming carnival due to the massive costs associated with providing the pool complex.

**10.16 MURRAY DARLING BASIN AUTHORITY**

Issuing a communication alert regarding dates for community information sessions. Saying dates and locations to discuss the *Guide to the Proposed Basin Plan* (which will be released on Friday 8 October 2010) have been added to the website at [www.mdba.gov.au](http://www.mdba.gov.au) Stating that many venues are limited in size so they would appreciate RSVPs when they are confirmed.

The General Manager informed the meeting that the Dubbo Information Session will be held in the afternoon of 4<sup>th</sup> November at the Dubbo RSL Club from 3.00 pm to 6.00 pm. He said the OROC AGM has been moved from Nyngan to Dubbo and will commence at 1.00 pm to facilitate attendance at this information session.

**8755 RESOLVED** on the motion of Crs. Karanouh and Webb that Council be represented at the Murray Darling Basin Plan information session in Dubbo on 4 November 2010 by Crs Horan and Webb, together with the General Manager.

**10.17 CH & DA NEWBOLD TRANSPORT**

**PR1225-212 (33586)**

Advising their business is expanding and finding it difficult to stockpile materials, gravel, sand, dirt, quarry product and the like in present premises. Submitting an interest in a block at "The Meglo", saying they would like to set up their screening plant, stockpile, bulk materials and products and park heavy machinery. Advising the industrial subdivision is not an option because the blocks are not big enough as they would require approximately 3 hectares.

The General Manager advised that Council is in the process of selling 4 hectares to a local trucking company and listed the terms of the transaction.

**8756 RESOLVED** on the motion of Crs Canham and O'Brien that Council agree to the sale of 3 hectares of "The Meglo" adjacent to the block recently sold to another company to Newbold Transport, subject to the following conditions:

- Purchaser to be responsible for the cost of electricity supply extension;
- Purchaser to be responsible for the extension of town water supply to the site, noting that the quantity of supply will be minimal;
- Price to be \$3,800 per hectare;
- Purchaser to be responsible for the full cost of survey, subdivision, plan registration and legal costs associated with the transaction;
- Vehicular entrance to conform with Council requirements;

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- Business to be operational within two years, otherwise the land revert to Council for the price paid by the purchaser.

**10.17 DEPARTMENT OF LOCAL GOVERNMENT S13 (33574)**

Seeking the cooperation of all NSW councils in undertaking a state-wide swimming pool safety education campaign before the 2010/2011 swimming season. Encouraging councils to deliver a locally based campaign that draws attention to the critical importance of swimming pool barriers meeting the requirements of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*. Advising brochures will shortly be delivered to councils and requesting that they be distributed to every backyard pool owner and occupier. Saying that further information can be found on the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

A copy of this correspondence was included with the business paper due to the importance of the topic.

**8757 RESOLVED** on the motion of Crs. Cullen and O'Brien that Council note the information contained in the circular, paying particular attention to the insistence that Council must enforce the regulations covering private swimming pools.

**10.18 DEPARTMENT OF PREMIER & CABINET (LOCAL GOVERNMENT)  
C13-1 (33575)**

Advising that the introduction of standardised LEPs has seen an increase in the number of councillors wishing to make pecuniary interest exemption applications to the Minister for Local Government under section 458 of the *Local Government Act 1993*. Saying the accountability of local government is paramount and the pecuniary interest provisions of the Act are there to ensure that councillors exercise their decision-making functions in a proper and transparent manner.

Stating that if council forms the view that section 458 applications are required then council should follow Circular to Councils 06-62 *Applying for pecuniary interest exemptions under section 458 of the Local Government Act 1993* to ensure that the consideration of applications occurs early.

The General Manager stressed that Councillors must ensure that pecuniary interest obligations are adhered to during the new LEP process and the review of the Land Use Strategy should land owned by themselves or persons covered under the requirements be considered for rezoning.

**8758 RESOLVED** on the motion of Crs. Karanouh and O'Brien that Council note the requirements for Declarations of Interest that may affect individual councillors during the review of the Land Use Strategy and the new LEP process.

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**10.19 AUSTRALIAN VISITOR RADIO T3-1 (33591)**

In a letter to the Tourism Development Manager advising they are working on Coonamble Visitor Radio production for the next twelve months to market the VIC and Shire to visitors. Enclosing copy of current advertisement which can be changed to suit present needs. Advising the full cost for the year's promotion is \$680 (GST inclusive) – looking forward to working with Council continuing to promote Coonamble.

The General Manager reported that Council has, for many years, contributed to the Coonamble Visitor Radio FM 88.

**8759 RESOLVED** on the motion of Crs. Karanouh and O'Brien that Council continue to support Coonamble Visitor Radio.

**Section B – For Council's information**

**10.20 COUNTRY ENERGY S10 (33454)**

Providing a copy of the Annual Streetlighting Performance Report for Coonamble Shire Council for the 2009/2010 financial year. Stating the report tracks Country Energy's street lighting activities in the Coonamble area in line with its Public Lighting Management Plan.

**10.21 KATRINA HODGKINSON MP S4+W1 (33431)**

Thanking Council for its response regarding the Country Towns Water Supply and Sewerage Program and the information contained therein. Advising she will be collating information from councils/water utilities throughout the State and use it to construct an accurate picture of the current state of the CTWSS.

**10.22 REGIONAL DEVELOPMENT AUSTRALIA D5 (33439)**

Forwarding a copy of the Regional Plan 2010 – 2020 which is part of the road map to take Orana forward over the next ten years. Stating that as part of community consultation and engagement RDA Orana will be undertaking a series of information forums in 2011 across the region to promote the Regional Plan and work with community to ensure they have carriage of the plan for the region.

**10.23 AUSTRALIAN RURAL ROAD GROUP INC R8-1 (33398)**

Welcoming Council as a member of the Australian Rural Road Group Inc and thanking it for participation in endeavouring to secure the future reliability of our local road network. Advising Mr Luke Frazer from Juturna Consulting has been commissioned to prepare a funding submission on behalf of the group. Pointing out the submission will be supported by economic modelling to display the impact if local roads are not maintained to an acceptable standard.

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The General Manager informed the meeting that Councillor Cullen attended the recent meeting at the Coonamble Bowling Club and he may wish to convey other issues from that event.

**10.24 HAZEL JACKSON S5 (33406)**

Accepting the name of the Poultry Pavilion at the Showground as *The Barry Jackson Memorial Poultry Pavilion*. Saying she and family members appreciate this offer.

**10.25 NSW DEPARTMENT OF PLANNING B11+G5-40-2 (33477)**

Advising that the Department of Planning is calling for applications for Planning Reform Fund grant funding. Saying round seven of the Program will focus on the delivery of strategic planning projects that support the implementation of state policies including metropolitan and regional plans and strategies along with projects that improve service delivery and performance across the planning system. Advising closing date for applications is c.o.b. 13 October 2010.

**10.26 NSW JUSTICE & ATTORNEY GENERAL P5 (33493)**

Writing to keep Council informed of services provided by the Community Justice Centres (CJC). Saying they offer a free mediation and conflict management service throughout NSW to help people resolve their disputes. Advising they are happy to provide a speaker to attend a staff meeting or training day to explain the service.

**10.27 CASTLEREAGH LOCAL AREA COMMAND P5 (33552)**

Providing media releases on actions taken throughout the LAC for varying periods since last meeting. Both releases were included for Councillors information.

**10.28 PARLIAMENTARY SECRETARY, TREASURER, MINISTER FOR STATE & REGIONAL DEVELOPMENT, SPECIAL MINISTER OF STATE N4 (33549)**

Advising the Australian Government has amended the Migration Regulations to permit a waive of the health requirement for four visa classes subject to the agreement of participating States and Territories. Pointing out the NSW Government has recently endorsed a decision which will ensure NSW is aligned with other participating States & Territories in the Commonwealth Government's Health Waiver Scheme.

**10.29 WANDERERS TENNIS CLUB F7 (33519)**

Thanking Council for its financial support of \$5,000 towards fencing of the clubhouse and surrounds. Confirming that work will be completed by December 2010 as per grant conditions.

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Saying the committee was keen to ensure a local contractor be given the opportunity to quote and it is waiting quotations, along with a formal quote from Blue Dog Fencing. Expecting a decision to be made early October and erection of the fence to begin in November.

**10.30 NSW RURAL FIRE SERVICE B13 (33480)**

Saying the matter of hazard complaint was raised recently and taking the opportunity to explain the procedure in an attempt to clear up any doubtful areas.

A copy of correspondence from the Rural Fire Service was attached to the business paper.

The General Manager said it should also be noted that a copy of the Complaint Form has been sent to Council so that complainants can be given a copy to complete and take up with the NSW Rural Fire Service.

**10.31 TAFE WESTERN COONAMBLE CAMPUS D6 (33558)**

Thanking Council for allowing students undertaking the TVET Animal Studies Certificate II the opportunity to visit the Shire and receive a presentation from Council's Ranger, Cass Boyce. Also thanking Cass for her effort and saying the students enjoyed the experience.

**10.32 MRS DEANNA (BUFFY) CANHAM S13-4 (33576)**

Withdrawing her letter seeking to renew the pool kiosk lease on the same terms as the previous year. Submitting an amended proposal for the 2010/2011 season that Council pay her \$300/week and 12% turnstile revenue at the conclusion of the season.

The General Manager reported that Mrs Canham withdrew her offer when she was advised that the pool would be open until 7.00 p.m. along with the issue of the new gates. He said Council should note that a condition of the lease is that the kiosk service be available while the pool is open to the public.

Council noted that the Director of Engineering Services has met with Mrs Canham and agreed to her request for an additional \$100/week.

**10.33 HON TONY KELLY MLC MINISTER FOR PLANNING E5-2 (33572)**

Referring to the priority program for the delivery of Standard Instrument LEPs and saying that 25 of the 67 targeted for completion by the end of June 2011 have been finalised. Advising of two potential scenarios where funding may be made available under the Local Environmental Plan Acceleration Fund.

The General Manager informed the meeting that Council is already participating in this program.

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**10.34 NSW DEPARTMENT OF PLANNING E5-2 (334578)**

Advising that as a consequence of the Savings and Transition provisions in the Environmental Planning and Assessment Act 1979 all LEPs where a section 65 Certificate was issued prior to 1 July 2009 and which were not finalised before 1 July 2010 have been brought into the current Part 3 of the Act or have ceased to have any effect. Reminding councils that draft "amending" LEPs where a section 65 Certificate was not issued prior to 1 July 2009 must be finalised or brought into the current Part 3 by 1 January 2011. Pointing out that if one of these two actions is not undertaken the draft LEP will also cease to have any status as a draft Environmental Planning Instrument. Saying that where Council may not be able to finalise a draft LEP in accordance with this timeframe it may wish to consider incorporating the draft plan into its Principal LEP.

**10.35 MR MARK COULTON, MEMBER FOR PARKES L9 (33577)**

Forwarding copy of letter from the Office of the Hon Frank Sartor regarding Council's support for a national container deposit system. Saying the NSW Government shares Council's interest in increasing the recovery of packaging waste for recycling. Pointing out the Australian Packaging Covenant commenced on 1 July 2010 and builds on the previous covenant which set recycling and packaging targets and required industry action plans. Pointing out that further information is available at [www.ephc.gov.au](http://www.ephc.gov.au)

The General Manager said that Council made these representations on 22 February 2010.

**10.36 COONAMBLE LITTLE ATHLETICS D7+P1-11 (33451)**

Advising representatives have met with the Zone Athletics Coordinator regarding the Zone Championships in December. Pointing out all improvements it intends to undertake will be permanent. Asking Council to consider financial assistance to complete the projects outlined which is estimated at \$8,500 (plus costing from Council for long jump excavations).

The General Manager informed the meeting that the Director of Engineering Services has advised that the Coonamble Little Athletics has been authorised to proceed with its requirements.

**8760 RESOLVED** on the motion of Crs. Webb and O'Brien that the information contained in Item Nos.10.20 – 10.36 be received and noted.

**11.0 REPORT BY GENERAL MANAGER**

**8761 RESOLVED** on the motion of Crs Webb and Canham that the report submitted by the General Manager be received and dealt with.

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**11.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**8762 RESOLVED** on the motion of Crs Karanouh and O'Brien that Council note Development Application Nos 033/2010 – 035/2010, together with Complying Development Application No 032/2010, were approved under delegated authority since the last Council meeting.

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

The General Manager reported 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.

Mr Griffiths said that Council, on 11 November, 2009, 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.

**8763 RESOLVED** on the motion of Crs Karanouh and Webb 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 November meeting, taking into account any submissions received.

**11.3 LOCAL PUBLIC HOLIDAY – COONAMBLE SHOW**

The General Manager referred to the letter from the NSW Department of Industrial Relations which was tabled at the September meeting when Council resolved to refer it to the recently formed Chamber of Commerce due to the impact granting public holidays may have on local businesses.

Mr Griffiths said that as a response had not been received staff made enquiries and was advised that members of the Chamber of Commerce are still in the "setting up" stage and, as a meeting had not been held, the letter was not considered.

**8764 RESOLVED** on the motion of Crs. Karanouh and Webb that Council make application for the gazettal of a public holiday for Wednesday, 1 June 2011 (the second day of the Coonamble Show) for the Shire of Coonamble.

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**11.4 CONN FAMILY APPEAL TRUST**

The General Manager referred to the tragedy that befell the Conn Family in 2005 and the Mayor's Appeal for the three surviving children. He said application was made through the Department of Gaming and Racing for authorisation to establish the Appeal and raise funds and a requirement of this is the establishment of a Trustee to administer the funds.

The General Manager said that the Trust Deed was finalised, registered and operational in 2005 to permit the distribution of Appeal funds, however Council has not authorised the execution of the Deed under Council's Common Seal.

Council noted the Trust has been set up as a Section 355 Committee under the Local Government Act 1993 and Trustees may be replaced at any time following resignation, death or disqualification. The General Manager said that Trustees must comply with the provisions of the Trust Deed at all times and provide both financial and information reports on a regular basis.

**8765 RESOLVED** on the motion of Crs. Karanouh and O'Brien that Council authorise the affixing of the Common Seal to the Trust Deed for the Conn Family Appeal Trust.

At this juncture, the Mayor vacated and Chair – Cr Horan and Cr Webb left the room, having previously declared an interest in the following matter. Cr Cullen was elected Chairman.

**11.6 FURNITURE – YALCOGRIN STREET RESIDENCE**

The General Manager reported that, as part of the purchase and renovation of the medical practitioner's house at Gulargambone, Council purchased furniture - including white goods - for the premises at a cost of approximately \$10,000.

Mr Griffiths stated that the Coonamble Aboriginal Health Service has offered to purchase that furniture for near cost, on the understanding that it will be delivered to Coonamble for placement in the Nash Street premises which has been designated for use by the Service.

He said it could be held that the furniture should be offered for general sale, however the additional administrative workload that would accrue is considered unacceptable for no financial return, due to the offer being near the initial purchase price.

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Councillors noted that the Local Government Act provides that Council assets may not be sold without a resolution of Council. Cr Karanouh asked the initial price of the furniture and was informed that it cost approximately \$9,500 two years ago. Cr O'Brien said, in her opinion, it was a very acceptable price and she supported the General Manager's suggestion.

**8766 RESOLVED** on the motion of Crs. O'Brien and Karanouh that Council accept the offer for the furniture and white goods from Coonamble Aboriginal Health Service of \$9,500 + GST, including delivery to Coonamble.

The General Manager said he had an offer of \$80,000 for the premises, which he would not accept. The interested party then asked about rental and was advised rent would be \$150/week (with furniture) or \$130/week (without furniture). The offer was rejected.

At this time, the Mayor and Cr Webb returned to the meeting and the Mayor resumed the Chair.

Councillor Horan said he would now put the offer to his Board and indicated that he expected it would agree to the price.

**11.6 RECLASSIFICATION OF LAND**

The General Manager reported that when the Local Government Act 1993 was implemented Council classified its land in accordance with the provisions for operational and community land. He said since that initial classification Council has purchased various allotments of land and omitted to resolve that the land be classified "Operational" and, in accordance with the Local Government Act, automatically became "Community" land under the Local Government Act.

A list of the land was handed to Councillors at the meeting.

Mr Griffiths said land classified "Community" cannot be sold, leased or developed even though it was purchased, for example, as a residence for medical practitioners or for development as residential land for future sale. He provided a list of issues that must be considered when identifying public land for reclassification and briefly outlined the process Council must follow.

**8767 RESOLVED** on the motion of Crs. Karanouh and Webb that Council resolve to reclassify the land listed as "Operational" on the attachment to these minutes and notify the Department of Planning of its intention to develop a Local Environmental Plan for that purpose.

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**URGENT BUSINESS – SUPPLEMENTARY REPORT BY GENERAL  
MANAGER**

**8768 RESOLVED** on the motion of Crs Webb and O'Brien that the following item be classified "urgent business" and dealt with.

**11.7 AUSTRALIA DAY CELEBRATIONS**

The General Manager informed Council that there was no response to Council's recent advertisement calling for expressions of interest for an Australia Day Coordinator. He said the Australia Day Coordinator is usually employed from September to February and without a designated organiser the event cannot be held.

Council noted that the role is classified Grade 8 Salary Point 1 paying \$34.85/hr (which includes casual loading). The General Manager said the position provides for 3 hours/week and Council's budget allocation for the total cost is \$5,000, with any additional income being provided by business/community contributions.

The Mayor suggested that Council not hold a "formal" event, but grant free entry to the pool and provide a barbecue on Australia Day. Cr Karanouh requested permission to approach community organisations to ascertain whether he can get some interest. The General Manager said there is no time as Ambassador applications should be lodged now.

**8769 RESOLVED** on the motion of Crs Karanouh and Webb that Cr Karanouh be authorised to approach community organisations endeavouring to get a coordinator for the Australia Day Celebrations and that Council not apply for an Ambassador for the 2011 event.

**12.0 REPORT BY DIRECTOR OF CORPORATE SERVICES**

**8770 RESOLVED** on the motion of Crs Karanouh and O'Brien that the report by the Director of Corporate Services be received and dealt with.

**12.1 RATE COLLECTIONS**

**8771 RESOLVED** on the motion of Crs. Webb and O'Brien that the Total Combined Rate Collections to 30 September 2010 be noted.

**12.2 LIST OF INVESTMENTS**

**8772 RESOLVED** on the motion of Crs. Webb and O'Brien that that the Investments held at 30 September 2010 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.

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**12.3 RETURNS – DISCLOSING PECUNIARY INTEREST**

The Director of Corporate Services tabled disclosure of interest returns completed by councillors and designated persons in accordance with the requirement that they be tabled at the next meeting of Council after 30 September. Mr Warren said the returns are for period 1 July 2009 to 30 June 2010.

**8773 RESOLVED** on the motion of Crs Karanouh and O'Brien that Council note the tabling of the returns disclosing interests of councillors and designated persons for the period 1 July 2009 to 30 June 2010.

**12.4 FINANCIAL REPORTS & AUDIT REPORT – YEAR ENDED 30 JUNE 2010**

The Director of Corporate Services reported that Hill Rogers Spencer Steer, Council's Auditors, have completed their audit of Council's records for the year ended 30 June 2010 and provided a report to Council – (reference Item 10.3 Precis of Correspondence + Appendix A).

Mr Warren said 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 stated that these reports are tabled at this meeting and a copy has been provided to each Councillor.

The Director stated that Council has unrestricted cash and investments amounting to \$67,000 available to provide liquidity for day to day operations.

**8774 RESOLVED** on the motion of Crs Webb and O'Brien that Council note the tabling of the presentation and tabling of its Auditors Report and Financial Reports for the year ended 30 June 2010.

**13.0 REPORT BY DIRECTOR OF ENGINEERING SERVICES REPORT**

**8775 RESOLVED** on the motion of Crs. O'Brien and Webb that the report by the Director of Engineering Services be received and dealt with.

**13.1 HOUSEHOLD GARBAGE COLLECTION**

The Director of Engineering Services referred to the new garbage household collection contract which commenced in October with a change to pick-up times. Mr Brodbeck said alterations to collection days were made to overcome complaints from proprietors of Castlereagh Street business houses who, under the previous arrangement, were required to place bins out on Sunday night to ensure collection on Monday morning.

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Mr Brodbeck reported some problems with business proprietors placing bins out for a twice-weekly collection – he said this worked with a Monday/Friday pick-up, but is not practical with a Tuesday/Thursday service. The Director stated that, at this stage, the situation will be monitored and informed the meeting that the contractor is keen to provide a workable service.

Cr Karanouh stated that business houses, especially food outlets, must have at least two services per week, especially in the summer months.

The Director referred to discussions with the new contractor and said it has become apparent that many households and institutions are receiving more services than are paid for. He said those receiving extra services will be advised of their entitlements, together with the necessary cost increase should they require the extra service to continue.

Council noted that when the Director has had the opportunity to monitor collections and ascertain how many weekly pickups are being provided in some instances, he will then contact those business proprietors/individuals advising their options.

**8776 RESOLVED** on the motion of Crs Karanouh and Webb that Council monitor the pick-up of garbage and adjust pick-up times in consultation with the contractor, if necessary.

Cr O'Brien reported that she has been approached regarding a refund for Gulargambone residents now that the recycling service has been discontinued. The Director of Corporate Services said there is no additional charge on the rate notice for recycling – an amount has been included in the garbage service charge. He said the most appropriate time to look at this issue would be around April next year when the Management Plan is being prepared.

**13.2 STATE HIGHWAY 18 – CULVERTS 39 & 40 (Reference Min No 8700)**

The Director of Engineering Services referred to the subject culverts and roadway which, he said, are located on a very flat floodplain and during periods of very wet weather the area becomes saturated.

Mr Brodbeck said the problem areas are caused by a number of factors which can be attributed to:

- low runoff rate (flow velocity) caused by the grade of the natural surface;
- the amount of vegetation which further slows the runoff,
- the construction of private accesses which redirect the natural flow,
- the capacity of the culverts and their inability to handle flows during extremely wet weather and

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- the lack of maintenance to table drains and culvert inlets and outlet channels as a result of restrictive maintenance under the single invitation contract.

The Director reported that because the flow of water is impeded by the vegetation and the grades, water is able to enter the road base which is then unable to carry the load imposed by heavy transport vehicles. He said this causes failure along the wheel paths and particularly the outer edge of the laneways. The Director further stated that long periods of saturation also allows water to escape from old butt and damaged joints in the culverts - which again results in a weakening of the pavement on either side of the culvert and, ultimately, to failure of the roadway.

Council noted that the responsibility of maintenance to this road lies with the NSW Roads and Traffic Authority and all decisions regarding work, both minor and major, are made by the RTA which provides 100% funding.

**8777 RESOLVED** on the motion of Crs Webb and O'Brien that Council inform the RTA it believes that the old butt culverts (Nos 39 & 40) need upgrading and that additional funds to enable increased maintenance to table drains and culvert outlets should be provided as part of the routine maintenance of the State Highway.

**14.0 REPORTS FROM VARIOUS COMMITTEES**

**8778 RESOLVED** on the motion of Crs. O'Brien and Webb that the reports from various committees be received and dealt with.

**14.1 MINUTES OF CONSULTATIVE COMMITTEE MEETING**

**8779 RESOLVED** on the motion of Crs. Webb and O'Brien that the minutes of the Consultative Committee meeting held on 31 August, 2010 be received and noted.

Cr O'Brien made the comment that Item 2 (a) is listed as being before the Committee since 14 August 2007 and said this is inappropriate. The Director of Engineering Services said that job descriptions should be reviewed on a regular basis to account for statutory changes and other issues that may arise from time to time. The General Manager stated that this particular matter has been a difficult one and explained its background.

Cr Cullen referred to Item 4 (c) and asked whether the Committee could change the organisational structure. The General Manager replied that only Council could change the structure. The Director of Corporate Services said the Committee has an advisory capacity only – it should make suggestions to the General Manager who has the power to act on some issues and those he cannot action are reported to Council.

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Cr Cullen asked whether it would be appropriate to have a Councillor sit on the Committee as an observer to be aware of issues that it deals with. The General Manager stated that it would achieve no purpose. Cr Cullen referred to Councillor representation in the past - the Director of Corporate Services stated that since the Better Practice Review there has not been a Councillor on the Committee.

**14.2 REPORT BY DELEGATE – CR O'BRIEN – OUTBACK ARTS MEETING**

Cr O'Brien spoke to her report, informing Council that Outback Arts is experiencing problems, with recent staff resignations, however she indicated that it is now looking at job descriptions and hoping that the organisation can move forward. She said Nyngan and Brewarrina have withdrawn from the organisation and other Councils perceive a lack of return for their investment.

The Mayor said that Council pays approximately \$7,500 - \$8,000 rent on behalf of Outback Arts as well as providing the same amount in a contribution.

**8780 RESOLVED** on the motion of Crs. O'Brien and Webb that the report covering the recent meeting of Outback Arts be received and noted.

At this juncture, 10.48 am the meeting adjourned for morning tea and resumed at 11.04 am.

**17.0 SALEYARDS MANAGER**

**8781 RESOLVED** on the motion of Crs. Webb and O'Brien that the report by the Saleyards Manager be received, noting that a more detailed report will be presented to the November meeting.

**18.0 REPORT BY CONTRACT RANGER**

**8782 RESOLVED** on the motion of Crs. Karanouh and O'Brien that the report by the Contract Ranger for the month of September, 2010 be adopted.

**16.0 REPORT BY TOURISM DEVELOPMENT MANAGER**

**8783 RESOLVED** on the motion of Crs. Webb and Canham that the report by the Tourism Development Manager be received and dealt with.

At this juncture the Tourism Development Manager was at the meeting to present his report. Mr Baldwin referred to the 18 priorities he set for completion by the end of the year and informed Council that he has finalised six of those tasks.

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He said it has been a busy time with events – Moorambilla was held in September. The TDM stated that next year it is anticipated that the Showground Pavilion will be used for the Concert. In response to a question, the TDM said grant funds are received for the festival. He said the local committee does not have anything to do with funding and pointed out that there are two entities, viz Moorambilla Inc and Moorambilla Voices.

Council noted that two – three years ago the amount of the grant totalled \$100,000. The General Manager said that if the festival is to continue the new agreement will have to have inclusions on behalf Council. He said that part of the funding agreement, as he understood, was that the events not be centralised.

The Mayor referred to a prior request that a sign be erected in Smith Park providing information about the bores and asked that it be expedited.

At this juncture, 11.25 am, the TDM left the meeting and the Economic Development Manager was in attendance to present her report.

**15.0 REPORT BY ECONOMIC DEVELOPMENT MANAGER**

**8784 RESOLVED** on the motion of Crs. Karanouh and Webb that the report by the EDM be received and dealt with.

Ms Glasson briefly mentioned the following matters listed in her report:

- Optometrist – Mayor advised using CAHS 2 days/fortnight.
- Abattoirs – no further progress. GM said he had been speaking to proposed purchaser – problems now overcome – moving forward.
- Saleyards – referred to reports – requested Councillors' comments/ input before the end of October so a comprehensive report can be tabled at the November meeting.
- Business Awards – handed out invitations – bookings can be made on line.

Cr Cullen asked about the saleyards and made suggestions regarding ways the facility can be promoted. He said agents must work with Council and promote the local yards. Cr Cullen said it may be a good idea to produce a “fact sheet” outlining benefits of selling locally and send copies to producers. It was agreed that, as an incentive, a ‘driza-bone’ be given to the producer topping the market at each of the fat sales for the remainder of the year. It was agreed that a voucher be arranged with Leonard’s Clothing Store and that funding come from the saleyards promotion allocation.

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**15.1 INDOOR ARENA – CHANGES SINCE LAST MEETING**

Council noted the report submitted by the EDM on this matter and that the Corporate Visit scheduled for 15 – 17 October has been put back – possibly to the autumn of 2011. It was also noted that David Liddiard (Corporate Connect Ab) would be visiting Coonamble in October at which time more details will be available.

Cr Cullen referred to the concept design to be undertaken by the University students – the General Manager informed the meeting that the concept design provides only “guesstimates”. He said the detailed design would have to be completed by a qualified engineer (GHD), at which time Council will have estimates for each component of the project and would then be in a position to tender.

**8785 RESOLVED** on the motion of Crs Cullen and Webb that Council continue to support the project and the \$25,000 allocated for the Corporate Visit be held in reserve until required.

**15.2 MEETING WITH COONAMBLE GRAIN GROWERS - RAIL UPGRADE & BUSINESS MODEL**

**8786 RESOLVED** on the motion of Crs. Webb and O'Brien that the minutes of meeting held on Tuesday 7 September, 2010 be noted.

**15.3 CONSULTATION WORKSHOP (CENTRAL NSW) – CLEAN ENERGY JOBS IN REGIONAL NSW**

Council perused notes taken by the EDM at the subject workshop held on 29 September, 2010 in Orange.

**8787 RESOLVED** on the motion of Crs.O'Brien and Karanouh that the information be noted.

**15.4 COONAMBLE REGIONAL LIVESTOCK MARKET BUSINESS & MARKETING PLAN**

**8788 RESOLVED** on the motion of Crs.Cullen and Karanouh that Council:

- (a) peruse the consultants business and marketing plans, together with the research report;
- (b) provide input to the EDM prior to the end of October to enable a comprehensive report to be submitted to the November meeting so that this phase of the project can be finalized.

The EDM left the meeting at 11.45 am.

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**20.0 GENERAL BUSINESS**

**Cr Karanouh:**

- Overgrown footpaths – near former St Vincent de Paul building and various other locations.
- Kids on footpaths – riding scooters/skateboards – posing risk to themselves and others. GM said that to age 12 years no directive can be given.

**Cr O'Brien:**

- Thanked the Mayor and the General Manager for attending the AGM of Gulargambone Rural Transaction Centre. Saying the Committee was grateful of their attendance.

**Cr Cullen:**

- Mobile Crusher – DES advised that it is currently setting up – blasts done. Referred to pot holes and washaways in roads – need rock fill. DES said that there is plenty of rockfill, both for Council use and private sale.

**Cr Canham:**

- Referred to overgrown state of the Ambulance Station – requested that another letter be written, directing that the area be tidied up.

**Director of Corporate Services:**

- Referred to the Presentation of Council's Financial Statements to the public – no person attended the meeting, although it has been advertised for several weeks. Informed Council that the public has 10 days in which to make a submission. Referred to valuation of roads – said it has been ascertained that the valuation is \$30M.

**General Manager:**

- Referred to new LEP – said the rezoning of land for residential use requires a flood study and it may be prudent to conduct a full flood study of the western side of Coonamble. Pointing out that householders premiums with GIO in that area have doubled. Regarding the land in Yuma Street earmarked for development SKM already has levels and I have requested a flood study of the area.

At this juncture, 11.55 am. the General Manager was called from the meeting and this item was left in abeyance for the time being. The Mayor requested that the Directors also leave the Chamber whilst the following matter is discussed in Closed Session.

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**CLOSED SESSION**

**8789 RESOLVED** on the motion of Crs Webb and Karanouh that Council resolve into Closed Session in accordance with Section 10A of the Local Government Act 1993 clause 2 (a) which states "*personnel matters concerning particular individuals (other than councillors)*"

**8790 RESOLVED** on the motion of Crs Webb and Karanouh that the press and public be excluded from the meeting.

**MAYOR'S REPORT: APPLICATIONS GENERAL MANAGER'S POSITION.**

The Mayor referred Councillors to his report on this matter, which also included the eight applications Council received for the position of General Manager. Councillors indicated that they have perused all applications and discussed various issues.

**RESUME OPEN MEETING**

**8791 RESOLVED** on the motion of Crs Webb and O'Brien that Council resume Open Meeting.

**ADOPTION OF RECOMMENDATION OF CLOSED SESSION**

**8792 RESOLVED** on the motion of Crs. Webb and O'Brien that Council adopt the recommendation from Closed Session, as follows:

**THE COMMITTEE RECOMMENDS** that after perusing applications received for the position of General Manager the interview process be conducted at an Extraordinary Meeting of Council on a date and time to be fixed.

At this juncture, 12.10 pm, the General Manager and Director of Corporate Services returned to the meeting. The General Manager continued to report on the following matter which was left in abeyance earlier in the meeting.

**FLOOD STUDY – AUTHORITY TO PROCEED**

**8793 RESOLVED** on the motion of Crs. Webb and Karanouh that the General Manager be authorised to proceed with arrangements to have a flood study conducted of the western side of Coonamble, noting that funds to cover this expense are held in reserve.

**SES HEADQUARTERS SITE**

Cr Canham commented on the unsightly state of this area and suggested that a directive be given to SES to tidy the area.

This concluded the business and the meeting closed at 12.16 p.m. These Pages (Page 1/4659 to 26/4684) were confirmed on the **10<sup>th</sup>** day of **November** 2010 and are a full and accurate record of proceedings of the ordinary meeting of Coonamble Shire Council held on 13 October 2010.

MAYOR

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