

WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD AT THE COONABARABRAN HIGH SCHOOL HALL ON THURSDAY, 21 JUNE 2012 COMMENCING 9.10AM

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PRESENT: Cr Peter Shinton (Chairman), Cr Campbell, Cr Dissanayake, Cr Lewis, Cr Powell, Cr Schmidt, Cr Sullivan, Cr Todd, General Manager, Director Corporate Services, Director Technical Services, Director Environmental & Community Services.

In attendance: K Francis and T Draper (minutes)

APOLOGIES: Nil

9.12am

407/1112 RESOLVED that Council move into Committee of the whole under section 373 of the Act.

Sullivan / Powell
The motion was carried

9.12am

Forum

Bev Rayner addressed council regarding the Driver Reviver organisation and the need for more seating at the Driver Reviver location and other maintenance around BBQ area at the Coonabarabran Visitor Information Centre.

9.19am

Aubrey Dunn on behalf of Coonabarabran RSL Club addressed council regarding the closure times of John Street (highway) for Remembrance Day and VP Day ceremonies not being long enough and requested more time. Mr Dunn also mentioned that the Australian flag wasn't flown on the Queen's Birthday and wished Council to ensure this happens in the future.

The Mayor called for Declarations of Interest (to declare pecuniary or non-pecuniary interest) from Councillors and senior staff in any matter listed in the Agenda for consideration at the meeting.

Councillor Dissanayake declared pecuniary interest in confidential item 2C.

9.30am

408/1112 RESOLVED that Council move out of Committee of the whole under section 373 of the Act.

Sullivan / Powell
The motion was carried

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGLE SHIRE COUNCIL HELD ON 17 MAY 2012

409/1112 RESOLVED that the minutes of the ordinary meeting of the Warrumbungle Shire Council held on 17 May 2012 be endorsed.

Todd / Powell
The motion was carried

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ADOPTION OF THE RECOMMENDATIONS OF THE WARRUMBUNGLE SHIRE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON 21 MAY 2012

410/1112 RESOLVED that the minutes of the Warrumbungle Shire Local Emergency Management Committee meeting held on 21 May 2012 be adopted.

Schmidt / Campbell
The motion was carried

9.35am

Councillor Coe joined the meeting

ADOPTION OF THE RECOMMENDATIONS OF THE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON 16 MAY 2012

411/1112 RESOLVED that the minutes of the Tourism and Economic Development Advisory Committee meeting held on 16 May 2012 be adopted.

Campbell / Dissanayake
The motion was carried

ADOPTION OF THE RECOMMENDATIONS OF THE ADMINISTRATION BUILDING PROJECT COMMITTEE MEETING HELD ON 21 MAY 2012

412/1112 RESOLVED that the Minutes of the Administration Building Project Committee meeting held on 21 May 2012 be adopted.

Sullivan/ Schmidt
The motion was carried

9.38am

GENERAL MANAGER'S REPORT

1.1 June 2012 Report from Manager of Human Resources

Received.

1.2 Request for change of Meeting Date

413/1112 RESOLVED that the request for a change of date for the Ordinary July 2012 Council meeting be denied. The Ordinary July 2012 Council meeting will be held on Thursday 19th July 2012.

1.3 Notice of Motion from Councillor Sullivan

414/1112 RESOLVED that Council liaise with Coonabarabran High School and Coonabarabran Public School, to improve the safety of the entrances and exits of the schools on the Newell Highway.

Sullivan/Todd
The motion was carried

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1.4 Leave of Absence – Cr Todd

415/1112 RESOLVED that Council accepts the written notification from Cr Todd and grants a Leave of Absence from the Ordinary July Council meeting.

Coe / Lewis
The motion was carried

1.5 Brick Bats and Bouquets

Received

1.6 Poll September 2012

Received.

1.7 Notice of Motion – Quality of Town Water Supplies

416/1112 RESOLVED that Council investigates the reasons behind the recent failures/problems in the quality of the town water supplies of Baradine, Coonabarabran and Mendooran, and then prepares a costed, time-framed schedule of works to eradicate such problems in the foreseeable future **AND FURTHER** that Council's Communications Officer investigates the various options of disseminating information to the affected communities, so that residents receive timely and comprehensive directions as to what actions are required.

Campbell / Sullivan
The motion was carried

1.8 Delivery Program 2012-2016

417/1112 RESOLVED that Council adopts the Warrumbungle Shire Council Delivery Program 2012-2016.

Schmidt / Campbell
The motion was carried

418/1112 RESOLVED that Council accede to the request by Coolah Pre School to put \$15,000 in the 2012/2013 budget for the refurbishment of the Pre School premises

Powell / Dissanayake
The motion was carried

1.9 Operational Plan 2012-2013

419/1112 RESOLVED that Council adopts the Warrumbungle Shire Council Operational Plan 2012-2013 which includes details of the activities to be engaged in by the Council for the year, detailed budget and Council's Revenue Policy **FURTHERMORE** the General Manager reports to Council on the status of projects and activities quarterly by exception.

Powell / Schmidt
The motion was carried

1.10 Resourcing Strategy

420/1112 RESOLVED that Council adopts the Resourcing Strategy; being the Long Term Financial Plan (2012-2022), Asset Management Plan (2011-2022) and Workforce Management Plan (2012-2016).

Schmidt / Powell
The motion was carried

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1.11 Determination of the Local Government Remuneration Tribunal

421/1112 RESOLVED that Warrumbungle Shire Council adopts the maximum annual fee of \$10,200 for Councillors and \$22,310 for the Mayor for the 2012-2013 financial year, being in accordance with the determination of the Local Government Remuneration Tribunal and Section 249 of the Local Government Act 1993.

Campbell / Schmidt
The motion was carried

1.12 Application for Annual Leave – General Manager

422/1112 RESOLVED

1. That Council approve two (2) weeks accrued Annual Leave for the General Manager in August 2012.
2. That Rebecca Ryan be appointed Acting General Manger during the absence of the General Manager for this period of Annual Leave.

Schmidt / Coe
The motion was carried

10.27am

Cr. Sullivan left room

DIRECTOR OF CORPORATE SERVICES' REPORTS

2.1 Bank Reconciliation - Month Ending May 2012

423/1112 RESOLVED that Council accept the Bank Reconciliation and Investments Report for the month ending 31 May 2012.

Campbell / Schmidt
The motion was carried

10.29am

Cr. Sullivan returned

2.2 Rates and Charges Collection Report up to and including May 2012

Rates Report

Received.

2.3 Air conditioning Units – Coonabarabran and Coolah Offices

424/1112 RESOLVED that Council provide a supplementary vote of \$75,000 to replace the Coonabarabran Office Air conditioning units to be installed prior to 30 June 2012 **FURTHERMORE** a budget of \$20,000 be allocated for Coolah Office Stage 1 in the 2012-2013 budget; as per the recommendations from GHD.

Sullivan / Powell
The motion was carried

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2.4 Managed and Support Services – IT

425/1112 RESOLVED that Council accepts the fixed fee proposal from Andor Systems for Managed and Operational Support Services for \$10,485 per month for 12 months commencing June 2012.

Sullivan / Schmidt
The motion was carried

2.5 Workstations/Cabling – Data and Voice

426/1112 RESOLVED that Council provide a supplementary vote of \$129,200 to complete the Workstations Cabling – Data and Voice Project **FURTHERMORE** endorsing the General Manager contracting of National Technical Services for the cabling upgrade project.

Schmidt / Campbell
The motion was carried

2.6 May 2012 Stocktake Report

427/1112 RESOLVED that Council note the results of the May 2012 stocktake and approve a write off value totaling \$4,438.24.

Sullivan / Campbell
The motion was carried

10.40am

DIRECTOR OF TECHNICAL SERVICES' REPORTS

3.1 Amenities at Robertson Oval – A Strategy for Improvements

428/1112 RESOLVED

1. That repairs and renewal is undertaken on the existing building in Robertson Oval including refurbishment of the roof, electrical wiring and kitchen facilities and furthermore a supplementary vote of \$26,000 sourced from funds held under the S94A Plan.
2. That a Robertson Oval committee is established to advise Council of future development of amenities at the Oval. Furthermore the Committee is established in accordance with the Charter outlined in Attachment 1.0.

Attachment 1.0

TERMS OF REFERENCE FOR ROBERTSON OVAL ADVISORY COMMITTEE

PURPOSE OF THE COMMITTEE

Assess the condition and usefulness of the existing amenities buildings at Robertson Oval in Dunedoo and based on existing and potential sport and recreation demands, determine a strategy for the amenities building that best meets the needs of users.

DUTIES

- Determine current and potential sport and recreation users of the amenities building in Robertson Oval including volume and frequency of use.
- Assess the feasibility of upgrading existing building in terms of benefits and costs.

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- Canvass and report on options for management of any upgraded amenities building.
- Liaise with consultants for preparation of any amenities concept plan.
- Confirm extent of Robertson Oval complex by confirming property boundary and determine preferred location of any upgraded amenity facility.
- Investigate and obtain external sources of funding
- Make recommendations to Council on any matter related to amenities building at Robertson Oval.

COMMITTEE STRUCTURE

- **Membership** – Two Councillors, Manager Urban Services, Co-ordinator Dunedoo Development Group, Four (4) members of the community.
Council will determine community membership on the Committee following a public call for expressions of interest to be a member of the committee.
- **Secretariat** – Manager Urban Services
- **Meeting Frequency** – Every two months or as determined by the Committee or Council.

Coe / Powell
The motion was carried

3.2 Proposed Rail Road Interface Agreement between Australian Rail Track Corporation, Roads and Maritime Services and Council

429/1112 RESOLVED that Council enter into an Interface Agreement with the Australian Rail Track Corporation and Roads and Maritime Services for management of safety risks at rail road crossings on the ARTC network of leased railway lines, utilising the model agreement developed by ARTC and RMS and subject to agreement on the schedule of interfaces.

Schmidt / Campbell
The motion was carried

3.3 Kerbside Collection of Bulky Waste

430/1112 RESOLVED to hold Item 3.3 regarding kerbside collection of bulky waste over until further negotiations can be done with the Contractor.

Coe / Sullivan
The motion was carried

10.46am

431/1112 RESOLVED that standing orders be suspended to break for morning tea and student mock council meeting.

Sullivan / Todd
The motion was carried

11.40am

432/1112 RESOLVED that standing orders be resumed.

Sullivan / Todd
The motion was carried

11.40am

Cr Sullivan, Mayor Shinton and Cr Lewis were absent at this time

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3.4 Proposal to Extend Water Main in Baradine Aerodrome Road, Baradine 433/1112 RESOLVED:

1. Council proceed with construction of water main in Baradine Aerodrome Road subject to the following properties all making a commitment to make a \$6,789 contribution to the project; Lot 218 DP704151, Lots 92,3,D,C,B,A all in DP750246.
2. In corresponding with the landowners a payment plan will be offered over a 10 year period.

Campbell / Schmidt
The motion was carried

3.5 Request to Assume Control of Shared Road – Myall Plains Road

434/1112 RESOLVED that the request by the Department of Primary Industries, on behalf of the property 'Glencoe' to convert the Crown Road share of Myall Plains Road that traverses their property to Local Government control is approved subject to no cost to Council. Furthermore, the request to close an unformed section of Local Government Public Road adjoining the southern boundary of Glencoe between Lot 3 DP226134 and Lot 63 DP753392 is also approved.

Powell / Schmidt
The motion was carried

3.6 Mow Creek – Preliminary Road and Waterway Design

435/1112 RESOLVED that construction drawings for a road crossing of Mow Creek are based on the following design parameters;

- vehicle design speed of 80kph,
- Waterway capacity equivalent to or better than an annual exceedance probability of 5%.

FURTHERMORE further options and costings to be brought back to council for consideration.

Powell / Schmidt
The motion was carried

12.17pm

DIRECTOR OF ENVIRONMENTAL & COMMUNITY SERVICES REPORTS

12.20pm

Director Technical Services left the room

4.1 Acquisition of Crown Land in Dunedoo

436/1112 RESOLVED that Council write to the division of Crown Lands expressing Council's interest in acquiring the following crown lands for future development of residential land in Dunedoo and seeking the divisions terms and conditions for acquisition by Council:

- (a) Lots 6-10 Section 29 DP 758364 Talbragar St Dunedoo
- (b) Lots 3 & 4 Section 39 DP 758364 Adelyne St Dunedoo
- (c) Lots 7-9 Section 39 DP 758364 Mogimil St Dunedoo

Powell / Todd
The motion was carried

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12.25pm

Director Technical Services returned to the meeting

12.26pm

Cr Sullivan returned to the meeting

4.2 Development Assessment Report DA 81/1112

437/1112 RESOLVED:

1. THAT Council as the consent authority, grant consent to Development Application No. 81/1112 subject to the following conditions.

1. GENERAL CONDITIONS

1. The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawings labelled SITE PLAN and associated photos, undated, drawn by Joan Redfern, and received by Council on 27 April 2012.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred to the public.)

2. CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT

3. Prior to commencement the applicant is to make suitable arrangements with Council for garbage disposal and recycling facilities for the development.

(Reason: To ensure waste is disposed of in the correct manor.)

4. The shop premises must advise Council and NSW Food Authority prior to commencement of business. This will require the following:-

(a) Advice submitted to Council's Environmental Services Department, and

(b) Notification to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notification through the following website: www.foodauthority.nsw.gov.au

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(Reason: To ensure compliance with environmental health legislation)

3. CONDITIONS TO BE COMPLIED AT ALL TIMES

5. The business may be open for business only between the following hours:-

7:30am- 9:30pm Daily

Upon expiry of the permitted hours, all restaurant services shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

(Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

6. All loading and unloading operations shall be carried out wholly within the confines of the site, and not from the footpath or roadway for the life of the development.

(Reason: To ensure that deliveries can occur safely within the site and do not adversely affect traffic or pedestrian amenity)

7. The site is to be appropriately illuminated. The level of illumination and/or lighting intensity used to illuminate the site is to be controlled to ensure that excessive light spill or nuisance is not caused to any nearby premises. Additionally the lighting must comply with the requirements of the Orana Regional Environmental Plan.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

8. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

9. The applicant must make toilet facilities available for customers of the business at all times while the business is operating.

(Reason: To protect the public health)

10. Any signage associated with the development must be approved by Council in writing prior to it being displayed.

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(Reason: To protect the amenity of the area)

11. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:-

a) NSW Food Authority's Mobile food vending vehicles; Operation, construction and food handling guidelines

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation.)

12. Waste oil shall be stored for disposal in suitable containers and disposed of at Council's Waste Depot or by an approved contractor.

(Reason: To prevent contamination of the environment)

13. Grey water associated with the development must be disposed of in accordance with Council requirements.

(Reason: To prevent contamination of the environment)

14. The applicant shall ensure that the footpath area between the concrete kerb of Crane Street and the property boundary is provided with a finish that is hard wearing and meets council's Technical Services Department policies for the full width of the development. The cost of footpath treatment in accordance with Technical Services requirements shall be met by the applicant and no use of the business is to commence until such times as the director of Technical Services has given approval for the completed works.

(Reason: To ensure an appropriate surface for access to the premises is maintained.)

15. The access gates to the proposed premises shall either swing inwards or shall be sliding and under no circumstances shall gates swing outwards to encroach on public land.

(Reason: To prevent obstruction of the road reserve)

16. The applicant shall provide at no cost to Council a suitable street garbage bin immediately in front of the property. The bin is to be located and of a design approved by Council's Director of Technical Services and be installed prior to use of the business.

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(Reason: To ensure adequate disposal of refuse generated from the development)

12.30pm

Mayor Shinton and Cr Lewis returned to room

Councillors Coe, Dissanayake, Powell, Schmidt, Sullivan, Todd, Lewis & Shinton voted in favour of the recommendation to grant consent to Development Application No. 81/1112. Councillor Campbell voted against granting consent.

12.32pm

4.3 Execution of Documents under Council Seal – Community Services Programs 438/1112 RESOLVED that the Mayor and General Manager be authorised to attach the Council Seal and sign the Funding Agreements for DoHA and Family Community Services (ADHC) **AND FURTHER** that the Mayor and General Manager be authorised to attach the Council Seal and sign the ADHC Funding Variation 2011 2012.

Schmidt / Coe
The motion was carried

4.4 Reclassification of Council Owned Lands LEP

439/1112 RESOLVED that:

- (a) Council amend the Planning Proposal Report dated March 2012 for the proposed reclassification of twenty (21) sites of Council owned land from “community” to “operational” by removing the proposal to reclassify item 15 of the proposal being lot 1 DP 112026 43-67 Goddard St Coolah.
- (b) The NSW Department of Planning & Infrastructure be furnished with a copy of the final adopted Planning Proposal and be requested to make the environmental plan(s).
- (c) Public notice be given upon gazettal of the local environmental plan(s).

Powell / Dissanayake
The motion was carried

4.5 Request for Refund of Tip Fees- St Vincent de Paul Society Coolah

440/1112 RESOLVED that Council advise the St Vincent de Paul Society Coolah Branch that it is unable to grant a general exemption for delivery of unsaleable goods to the Coolah waste transfer station and that Council recommends that the society apply for an appropriate donation in council’s regular donation program.

Powell / Todd
The motion was carried

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4.6 Feasibility Study – Yuluwirri Kids

441/1112 RESOLVED that Council accepts the Expansion of Yuluwirri Kids Feasibility Report (May 2012) by Semann & Slattery, and proceed to presenting the case for additional long day care and preschool places in Coonabarabran and lodge submissions to both Federal and State Governments for project capital funding support.

Schmidt / Campbell
The motion was carried

4.7 Coona iMap Project

442/1112 RESOLVED that Council accepts the Letter of Offer of \$2,400 (ex GST) from Regional Arts NSW, for the Coona iMap (Indigenous Mentor Art Program) and authorises the General Manager to sign the Funding Agreement on behalf of Warrumbungle Shire Council.

Powell / Schmidt
The motion was carried

4.8 Development Applications

443/1112 RESOLVED that Council note the Applications Received for the month of May 2012, the Applications Held Pending as at 31 May 2012 and their status, and of those approved during May 2012, under Delegated Authority.

Campbell / Schmidt
The motion was carried

4.9 Warrumbungle Shire Council 149 Certificates Processed May 2012 Received.

12.40pm

444/1112 RESOLVED:

- (a) that Council go into closed committee to consider items relating to commercial in confidence information
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (c) and (d)
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11 (2) of the Local Government Act 1993.

Schmidt / Coe
The motion was carried

12.50pm

Councillor Dissanayake declared a pecuniary interest and left the room.

1.03pm

445/1112 RESOLVED Council move out of closed Council and into open Council.

Schmidt / Coe
The motion was carried

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1.04pm

Cr Dissanayake returned to room

The General Manager announced the following resolutions to the general meeting.

1C Economic and Cultural Development

446/1112 RESOLVED

- That Council confirm its acceptance of the offer of the Coonabarabran Club Co-Operative Ltd to operate the gifted club premises as the Warrumbungle Region Art Space
- That Council establish dialogue with the potential partners in the operation of the facility to determine commitments and develop a model for management and operation.

Schmidt / Sullivan

The motion was carried

Cr Todd recorded his vote against the motion.

2C Doctors Surgery Coolah

447/1112 The General Manager has embargoed the resolution until the negotiations are finalised.

Schmidt / Powell

The motion was carried

QUESTIONS FOR NEXT MEETING

Councillor Sullivan raised the following matters

- Ratepayer road problems on TR55

The General Manager provided an update on Boral.

Councillor Schmidt raised the following matters

- Ewaste report

Councillor Coe raised the following matters

- Diesel fuel rebate has doubled
- Dunedoo Lions Club – units rented to pensioners only. Would a pension rates rebate be applicable or a donation from Council? Answer: No.
- Lewis lane approaches to bridge over Talbragar River

Councillor Shinton raised the following matters

- Thank you to the Technical Services department for the yellow line at the Driver Reviver area at the Coonabarabran Visitor Information Centre

Councillor Lewis raised the following matters

- Racecourse/Bingegrumble Rd naming confusion – the LPI has been notified of the name change by Council

Councillor Todd raised the following matters

- Dog attacks in Baradine – Council's Compliance Officers attending.

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The General Manager advised that from the July 2012 Ordinary meeting of Council the format for the business paper and minutes would be changing. If any Councillors had ideas on this they could contact the Director Corporate Services.

There being no further business the meeting closed at 1.20 pm.

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CHAIRMAN