

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 1**

---

**PRESENT:** Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate Services (Rebecca Ryan), Director Technical Services (Kevin Tighe) and Director Environmental & Community Services (Tony Meppem).

**In attendance:** Manager Administration & Customer Service (S Morris) (minutes) and Corporate Services Administration Officer (Kobie Francis) (Ipad support).

**10.03am**

**Forum**

Virginia Birks addressed the meeting regarding Development Application No. 20/1213  
Provided additional information re DA.

**10.12am**

**Presentations**

Staff Excellence in Achievement Award (first quarterly award 2013) presented to Maree Thompson by the Mayor.

Award Certificate presented to Glennis Mangan by Bob Freebairn for leadership and management of the Warrumbungle Bush Fire Recovery Centre.

**10.18am**

**REPORTS**

**Item 1 Minutes of Ordinary Council Meeting – 21 February 2013**

**268/1213 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council meeting held on 21 February 2013 be endorsed.

**Coe/Capel**  
**The motion was carried**

**Item 2 Responses to Questions from last meeting**

Received

**Item 3 Minutes of Local Emergency Management Committee Meeting  
– 17 January 2013**

**269/1213 RESOLVED** that:

1. Council notes the minutes from the Local Emergency Management Committee held on 17 January 2013 at Coonabarabran.
2. That a Recovery Committee be formed.

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

**Item 4 Minutes of Local Emergency Management Committee Meeting  
– 18 February 2013**

**270/1213 RESOLVED** that Council notes the minutes from the Local Emergency Management Committee held on 18 February 2013 at Coonabarabran.

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

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM**

**PAGE 2**

---

**Item 5 Minutes of Robertson Oval Advisory Committee Meeting  
– 20 February 2013**

**271/1213 RESOLVED** that:

1. Council accept the minutes from the Robertson Oval Advisory Committee meeting held on 20 February 2013 at Dunedoo.
2. That a site plan of the Robertson Oval complex is prepared by Council that outlines existing facilities including playing fields, roads and general infrastructure and property boundaries.

**Coe/C Sullivan  
The motion was carried**

**Item 6 Minutes of Traffic Advisory Committee Meeting held on 28 February 2013**

**272/1213 RESOLVED**

1. That Council accepts the Minutes of the Traffic Advisory Meeting held on 28 February 2013 at Coonabarabran.
2. That an advance warning sign, 'Truck Turning' be installed on northern and southern approaches to Silo turnoff on Baradine Road, which is to be positioned in accordance with Australian Standard AS1742.2.
3. That request by St Michael's School to close Merrygoen Street between Yarrow Street and Tucklan Street and, Yarrow Street between Merrygoen Street and Tallawang Street on 5 May 2013 from 11.00 am to 2.30 pm be approved subject to compliance with RMS Guidelines and Council's Road Closure Policy.
4. That the Committee meet with the owner of the property at the Old Coolah Saleyards to discuss concerns and refer the matter to the March 2013 meeting.
5. That the section of Castlereagh Highway within Warrumbungle Shire between Gilgandra and Mendooran be assessed for use by AB Triples.
6. That
  - (i) Council staff and available Committee members inform the Chamber of Commerce regarding the development of a Traffic Control Plan for the Bunny Bazaar event on 30 March 2013 **FURTHER** that when the Traffic Control Plan has been developed it is to be forwarded to the Committee members.
  - (ii) Council's Manager Asset & Design to gain approval from RMS to have the Over Dimension Route gazetted as a B Double Route for the duration of the Bunny Bazaar event on 30 March 2013. It was noted that the approval is to come from the RMS Traffic Operations Manager.
7. That request by North West Equestrian Expo to close Reservoir Street on the 1 and 2 June 2013 between 9.30 am and 2.30 pm, for the purpose of conducting a Cross Country Event, be approved subject to development of a Traffic Control Plan and compliance with Council's Road Closure Policy and Guidelines **FURTHER** that the Committee engage the North West Equestrian Expo to discuss 'no go' areas for horses. This includes Nelson Street and Edwards Street, riders should instead use the off-road tracks.

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 3**

---

8. That request by Coonabarabran Pony Club to close Reservoir Street on Sunday, 21 April 2013 between 9.30 am and 3.00 pm, for the purpose of conducting a One Day Event, be approved subject to compliance with Council's Road Closure Policy and Guidelines.
9. That the proposal to limit truck parking in Crane Street is withdrawn as it was deemed unnecessary after liaising with local businesses in Crane Street.
10. That request by Warrumbungle Wheelers Incorporated to conduct a recreational Bike Ride Event on River Road and a Time Trial Race on Timor Road on the 6 and 7 April 2013 be approved subject to the race event being advertised in the local paper, a police permit obtained for the race, a traffic control plan is signed off by authorised persons and that the event complies with NSW Guidelines for Bicycle Road Races, and Traffic and Transport Management for Special Events.
11. That the Traffic Advisory Committee meeting scheduled for Thursday, 28 March 2013 be rescheduled to Wednesday, 27 March 2013, Ms Sharon Grierson of RMS to attend the meeting on behalf of Jackie Barry.

**Clancy/Todd**  
**The motion was carried**

**Item 7 Minutes Bushfire Appeal Advisory Panel – 7 March 2013**

**273/1213 RESOLVED** that Council endorse the recommendations of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting being that the Advisory Panel allow the Mayor's fund to accept tied donations where the purpose of the donation agrees with the requirements of the Public Fund Rules and Guiding Principles; and **FURTHERMORE** that funding accepted under tied donations be used for the purpose specified by the donor and the expenditure of such funds not require further Advisory Panel approval.

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

**Item 8 Report from Human Resources**

Received.

**Item 9 First Annual Conference of Local Government NSW**

**274/1213 RESOLVED** that the Mayor, General Manager, two Councillors attend the first annual conference of Local Government NSW Conference, **FURTHERMORE** that all transport, transfers, accommodation and meals be provided as per the policy.

**Clancy/Todd**  
**The motion was carried**

**Item 10 Brick Bats and Bouquets**

Received.

**Item 11 Pecuniary Interest Returns**

Received.

**Item 12 Community Consultation Meetings April 2013**

**275/1213 RESOLVED** that Council conduct the first of the 2013 Community Consultation meetings inviting community feedback on the following dates and venues from 5.30pm-7.00pm as per the following schedule:

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 4**

---

Monday 8 April	Mendooran	Mendooran Hall
Tuesday 9 April	Baradine	Baradine RTC
Wednesday 10 April	Coonabarabran	Coonabarabran Council Chambers
Monday 29 April	Dunedoo	Dunedoo Multipurpose Building
Tuesday 30 April	Coolah	Coolah Council Chambers
Wednesday 1 May	Binnaway	Binnaway Town Hall

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

**Item 13 Privacy Management Plan**

**276/1213 RESOLVED** that Council:

1. Adopt the new Model Privacy Management Plan
2. Provide a copy of the updated Privacy Management Plan to the Privacy Commissioner.

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

**Item 14 Meetings attended on 27 February 2013**

Received.

**10.38am**

**277/1213 RESOLVED** that Item 30 regarding DA 20/1213 be brought forward for consideration at this time.

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

**Item 30 Rescission Motion Item 39 (February 2013) Development Application 20/1213**

**278/1213 A motion was moved by Councillor Clancy seconded by Councillor**

**Andrews** that the following resolution of Council be rescinded:

Minute number 252/1213 'that pursuant to section 80 of the Environmental Planning and Assessment Act 1979 Council refuse Development Application 20/1213 for the subdivision of Lot 36 DP 705202 into two lots for the following reasons;

1) The Right of Carriageway over adjoining land does not provide sufficient access for the operation of an intensive agriculture operation.

2) The application has not successfully demonstrated that the land can be operated as a viable agricultural operation.

3) The application has not demonstrated that an adequate and legal supply of water for irrigation is available

4) There is a lack of comprehensive soils information particularly to justify the suitability of the site for a permanent planting

5) The development does not meet the objectives of the Rural 1 (a) zone as it will create the fragmented and isolated development of rural land

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 5**

---

6) The property access road is not able to comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.

**The motion was put and lost.**

**Councillors Clancy, Andrews and Todd** voted in favour of the motion to rescind Resolution 252/1213.

**Councillors R Sullivan, Schmidt, Coe, C Sullivan, Capel and Shinton** voted against the motion to rescind the motion.

**10.50am**

**279/1213 RESOLVED** that Council resume consideration of the matters as itemised in the agenda.

**Schmidt/Sullivan  
The motion was carried**

**Item 15 Bank Reconciliation for month ending 28 February 2013**

**280/1213 RESOLVED** that Council accept the Bank Reconciliation Report for the month ending 28 February 2013.

**Coe/Capel  
The motion was carried**

**Item 16 Rates Report for Month ending 28 February 2013**

Received.

**Item 17 Investments and Term Deposits**

**281/1213 RESOLVED** that Council accept the Investments Report for the month ending 28 February 2013.

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

**Item 18 Water Charge Request for Write Off Assessment No. 130**

**282/1213 RESOLVED** that Council not accede to the request from the property at Assessment No 130 to write off the Water Consumption.

**Schmidt/C Sullivan  
The motion was carried**

**283/1213 RESOLVED** that notification be included when distributing rates notices regarding owner responsibility for water leaks.

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

**Item 19 Local Aboriginal Lands Council Keeping Place**

**284/1213 RESOLVED** that:

1. Council provides in principle support for the establishment of a Keeping Place at the Coonabarabran Visitor Information Centre

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 6**

---

2. That Working Group made up of Council, Office for Environment and Heritage and Coonabarabran Local Aboriginal Lands Council established to progress implementation of project including development of MOU and lodgement of funding applications
3. That a design be drawn up and quotes called for the renovation of the Coonabarabran VIC to accommodate the Diprotodon Exhibition, Keeping Place and Art Space and funding applications be prepared.

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

**285/1213 RESOLVED** that Council investigate provision of storage for historical records retained by the Coonabarabran Family History Group.

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

**Item 20 Request to Write Off Rates and Charges**

**A motion was moved by Councillor R Sullivan seconded by Councillor Schmidt** that Council agree to write off all Interest and Legal Fees for this assessment totalling \$3,120 and offer the owners a payment plan for the repayment of the Rates and Annual Charges outstanding totalling \$4,132.

**An amendment was moved by Councillor Coe seconded by Councillor Andrews** that council agree to write off the interest, legal fees, rates and annual charges totalling \$7,252.00.

**The amendment was withdrawn.**

**286/1213 A further amendment was moved by Councillor Clancy seconded by Councillor Coe** that a strong letter be forwarded to the solicitors advising that Council will not accede to the request to write off the interest, legal fees, rates or charges.

**The further amendment was put and carried**

**The motion became the substantive motion and was put and carried.**

**11.30am**

**287/1213 RESOLVED** that standing orders be suspended to break for morning tea.

**Todd/R Sullivan  
The motion was carried**

**11.50am**

**288/1213 RESOLVED** that standing orders be resumed.

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

**Item 21 Access to 'Glen Alvin' Via Rail Level Crossing and Right of Carriageway**

**289/1213 RESOLVED** that Council continue to consult with ARTC regarding the existing level crossing between the properties 'Claredale', 'Pine Park', 'Ewetopia' and 'Glenveigh' and advise relevant owners on the outcome of the consultation.

**FURTHER** that Councillors Coe and C Sullivan be party to those discussions.

**Clancy/Capel  
The motion was carried**

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 7**

---

**Item 22 Council Committees – Election of Chairperson for the Local Traffic Committee.**

**290/1213 RESOLVED** that Council elect Councillor Shinton to the position of Chairperson of the Local Traffic Committee.

**R Sullivan/C Sullivan  
The motion was carried**

**Item 23 2012 /2013 Technical Services Works Program – Road Operations & Urban Services**

Received.

**Item 24 Regional State of the Environment Report**

**291/1213 RESOLVED** that Council agree to participate in the Regional State of the Environment Reporting project at a cost of \$3,000 per annum for the term of this Council.

**R Sullivan/Clancy  
The motion was carried**

**Item 25 Cobbora Coal Mine**

**292/1213 RESOLVED** that Council note the report on progress and actions so far in making submissions to the Planning Assessment Commission and in attempting to negotiate a Voluntary Planning Agreement with Cobbora Holding Company.

**Coe/Clancy  
The motion was carried**

**Item 26 Trial Relocation of Community Care Vehicle**

**293/1213 RESOLVED** that Council support the implementation of a three (3) month trial of the relocation to Baradine of the vehicle formerly housed at Mendooran, and that services to Mendooran be provided through Coonabarabran, **FURTHERMORE** that the increase in Community Transport Program funding expected in 2013 be allocated to the Northern half of the shire to provide transport for non-HACC eligible, transport isolated residents to access Community Transport services.

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

**Item 27 OOSH Policies**

**294/1213 RESOLVED** that Council adopt the following twenty (20) policies detailed in the report regarding the Coonabarabran After School and Vacation Care service.

Relating to Health and Safety:

1. Hygiene
2. Nutrition
3. Hazardous Materials
4. Transportation
5. Animals
6. Sun Protection
7. Water Safety
8. Emergency Evacuation
9. Management of Basic First Aid
10. Management of Incident, injury and Trauma

## WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM PAGE 8

---

11. Illness and Infectious Diseases
12. Immunisation
13. Dealing with Medical Conditions including Anaphylaxis, Asthma, diabetes
14. Administration of Medications
15. Child Protection

Relating to Programming:

1. Daily Routines
2. Programs
3. Inclusion and Diversity
4. Excursions
5. Videos and Films

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

### **Item 28 Development Applications**

**295/1213 RESOLVED** that Council note the Applications Approved, during February 2013, under Delegated Authority.

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

### **Item 29 Waste Management Strategy**

**296/1213 RESOLVED** that Council place the draft Waste Management Strategy on public exhibition and consult with the community and relevant employees seeking feedback prior to further action. **FURTHER** that membership of Council's Waste Management Committee be increased to include all Councillors.

**Clancy/Andrews**  
**The motion was carried**

### **Item 30 Rescission Motion Item 39 (February 2013) Development Application 20/1213**

This matter was dealt with earlier in the meeting.

## **QUESTIONS AND MATTERS OF CONCERN**

### Cr Todd

- Aerodrome Road (Coonabarabran) ramps, damaged – needs repairs
- Pilliga Pottery road – needs maintenance – review maintenance schedule
- Ipad – connectivity problems

### Cr Capel

- Signs down on Coolah Creek road
- Mendooran Development meeting – no large item pick up in September – letterbox drop – DECS advised that no resident received large item pick up in September
- Mendooran Women's Day – very good day
- Increase for toilet cleaning requested at camping area – level of usage increasing
- Mendooran - Road maintenance – bitumen to the rest area to replace gravel
- B & B at Mendooran affected by road closure of Yarrow Road – sand build up in causeway – creek still flowing and sand will be removed once creek dries up.
- Mendooran Mechanics Hall kitchen needs to be investigated from health aspects



## WARRUMBUNGLE SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM PAGE 9

---

- Weeds Council – Farnell Road, weeds have returned.
- Unmanned pools – to be investigated – use of swipe cards
- GM advised that this is being investigated
- Praise for manning of the tip.

### Cr Andrews

- Induction of volunteers

### Cr C Sullivan

- Request that General Manager provide an update on mine for Dunedoo residents at community consultation meeting or on radio.
- Slow replies to letters including emails following receipt acknowledgement
  - Enquiry regarding broken water pipe
  - Injury to rate payers – footpath injuries
  - Septic tank and absorption – letters
- Mendooran – key for Hall to remain in local hands.
- Railway road is in need of grade
- Dunedoo pool needs repairs
- Library – attendance at 2 meetings. Advised that Minutes are sufficient for Council's information
- MPS requiring a couple of fixed bins in front of MPS (Hospital) in Digilah Street at Dunedoo.

### Cr Coe

- Spoke regarding his report on Castlereagh Macquarie County Council meeting. Retiring staff members will not be replaced.
- Stock crossing highway – white lines along highway edge cause a problem for cattle/sheep. Request for break in continual white line on edges of road to permit property owners to move stock across road in a specific area.
- (Refer to Traffic Committee for consideration)
- Orana Road river crossing. Could Council rebuild similar structure? DTS advised that Council needs to meet the requirements of Fisheries Department guidelines. Suggested that Council submit plan of proposed structure to Fisheries for determination and guidance on requirements.

### Cr Clancy

- Legal opinion on purchase of medical centre – new intentions expressed to council.
- Request for Activity report on Warrumbungle quarry operations.
- Extension to our cycleways – any update from RMS regarding funding. Review of bike plan – when may that take place.
- Traffic management for Bunny Bazaar – traffic control plans submitted with some changes required. DTS advised that Pedestrian barriers to be placed so crossing of street is at intersections.

### Cr Schmidt

- Enquiry as to legal status that fluoride is in drinking water. Do we need to notify members of the public? DTS informed the meeting that Council advertised intention

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM** **PAGE 10**

---

to fluoridate. Should Council have notified commencement of fluoridation? DTS to investigate this matter.

- Water supplies – plans and locations of water pipes and sewerage pipes – mapping of those pipes is required. Matter to be investigated.
- Update on RV friendly shire wide and dump sites.
- Offended by Cr Clancy personal attack of DECS and Councillor Chris Sullivan

Cr R Sullivan

- Girl Guide Hall.
- Thank you to those who organised the official opening of new council chambers – great event.

**1.31pm**

**297/1213 RESOLVED** that

- (a) that Council go into closed committee to consider business relating to Tenders for casual hire of trucks and various items of plant
- (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) as outlined above
- (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.

**Todd/Capel  
The motion was carried**

**1.33 pm**

**298/1213 RESOLVED** Council move out of closed Council and into open Council.

**Capel/Todd  
The motion was carried**

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

**Item 1C Tenders for Casual Hire of Trucks and Various Items of Plant – Revised List of Contractors**

**299/1213 RESOLVED** that the revised list of tendered rates for casual plant hire for the period 1 March 2013 to 28 February 2014 under the hourly rate schedule be accepted as follows:

**WARRUMBUNGLE SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM**

**Schedule 1.0 - Hourly Rate Plant Schedule**

Contractor	Plant Type	Tendered Plant Rate		
		"A" Rate	"A1" Rate	"C" Rate
Castlereagh Hire Pty Ltd	Roller Self Prop Rubber Tyre	\$88.00	\$105.00	\$55.00
Castlereagh Hire Pty Ltd	Roller Self Prop Rubber Tyre	\$88.00	\$105.00	\$55.00
CW Hall Earthmoving Pty Ltd	Roller Smooth Drum Vibrating	\$110.00	\$115.00	\$0.00
DAPS Woodchipping	Wood Chipper	\$0.00	\$0.00	\$60.00
David Arts Earthmoving	Excavator-Komatsu Class 20	\$160.01		
David Arts Earthmoving	Excavator-Kobelco Class7.5	\$116.60		
David Arts Earthmoving	Bulldozer – Dressta CI D07	\$253.00		
DC & KM Canham	Loader Track	\$130.00	\$0.00	\$0.00
Dubbo Traffic Control	Jet Patcher	\$150.00	\$180.00	
HS & HL Bowman Contracting P/L	Grader	\$165.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Grader	\$175.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Roller Multi Tyred Multipac	\$110.00	\$0.00	\$0.00
HS & HL Bowman Contracting P/L	Roller	\$110.00	\$0.00	\$0.00
IRCB Pty Ltd	Backhoe	\$117.00	\$130.00	\$94.00
IRCB Pty Ltd	Loader Front End	\$128.50	\$140.50	\$105.50
Jack's Hire Service Pty Ltd	Cherry Picker	\$0.00	\$283.00	\$0.00
Jack's Hire Service Pty Ltd	Excavator & Bobcat	\$0.00	\$360.00	\$0.00
Jack's Hire Service Pty Ltd	Message Board Solar	\$0.00	\$120.00	\$0.00
Jack's Hire Service Pty Ltd	Message Board Solar	\$0.00	\$120.00	\$0.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Traffic Lights Solar	\$0.00	\$156.00	\$78.00
Jack's Hire Service Pty Ltd	Loader Mini	\$0.00	\$340.00	\$0.00
Lewis Underground Services P/L	Backhoe FEL	\$110.00	\$110.00	\$0.00
M & I Plant Hire	Roller Smooth	\$110.00	\$0.00	\$0.00
NJ Contracting Services Pty Ltd	Crane	\$150.00	\$180.00	\$0.00
Russell's Earthmoving Pty Ltd	Bulldozer	\$187.00	\$220.00	\$0.00
Russell's Earthmoving Pty Ltd	Excavator - Tiltbucket	\$143.00	\$176.00	\$0.00
Russell's Earthmoving Pty Ltd	Excavator – Hyd Hammer	\$38.50	\$38.50	\$0.00
Russell's Earthmoving Pty Ltd	Bulldozer	\$137.50	\$155.00	\$0.00
Semmlers Sand & Gravel	Excavator	\$160.00	\$175.00	\$0.00
Semmlers Sand & Gravel	Loader	\$150.00	\$165.00	\$0.00
Semmlers Sand & Gravel	Backhoe	\$110.00	\$125.00	\$0.00
Semmlers Sand & Gravel	Grader	\$110.00	\$125.00	\$0.00
Coates Hire Operations Pty Ltd	Various Plant & Machinery	Refer Sched of Rate for Dry Hire		
Conplant Pty Ltd	Various Rollers	Refer Sched of Rate for Dry Hire		
Universal Mobile Tower Hire	Various Cherry Pickers	Refer Schedule of rates		
Max Hire Pty Ltd	Various Plant & Machinery	Refer Sched of Rate for Dry Hire		
Rollers Australia Pty Ltd	Various Rollers	Refer Schedule of Rates		

**WARRUMBUNGL E SHIRE COUNCIL**

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL HELD  
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 21 MARCH 2013  
COMMENCING 10.03AM**

**PAGE 12**

---

*Notes on Rates*

A Rate – Wet hire rate applicable for operating weekdays.

A1 Rate – Wet hire rate applicable for operating weekends.

B Rate – Rate applicable for traveling.

C Rate – Dry hire rate.

**Capel/Andrews  
The motion was carried**

There being no further business the meeting closed at 1.35pm.

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**CHAIRMAN**