

WARRUMBUNGL SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL
HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 21 NOVEMBER 2012
COMMENCING AT 4.05PM. PAGE 1**

PRESENT Cr Gary Andrews, Cr Anne-Louise Capel, Cr Murray Coe, Cr Victor Schmidt, Cr Peter Shinton, Cr Chris Sullivan, Cr Ron Sullivan, Cr Denis Todd, Acting General Manager Tony Meppem, Director Technical Services Kevin Tighe, Acting Director Community Services Fiona Luckhurst and Acting Director Corporate Services Stefan Murru.

IN ATTENDANCE C Nasmith, K Francis and C White

APOLOGIES Cr Fred Clancy, General Manager Steve Loane

**Todd/Capel
The motion was carried**

Mayor called for Disclosures of Interest
Nil

**Mayoral Minute
142/1213**

That Council agree to affix the Common Seal of Council to all relevant documents to create easements and contracts to facilitate the supply of electricity to the new Council administration offices at lot 121 DP 865988 John Street Coonabarabran.

**Shinton/Schmidt
The motion was carried**

1. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF WARRUMBUNGL SHIRE COUNCIL HELD 18 OCTOBER 2012.

143/1213 RESOLVED that the Minutes of the Ordinary Meeting of the Warrumbungl Shire Council held 18 October 2012 be endorsed.

**Coe/Todd
The motion was carried**

2. ADOPTION OF RECOMMENDATIONS OF THE ADMINISTRATION BUILDING PROJECT COMMITTEE MEETING HELD 3 SEPTEMBER 2012.

144/1213 RESOLVED that:

1. the Minutes of the Administration Building Project Committee meeting held 3 September 2012 be endorsed.
2. the Committee authorise the General Manager to pay David Payne Construction's invoice number 3304.
3. the Committee decide on Official Opening options:
 - a. The official opening of the new Council Administration Building be held in February or March 2013
 - b. The public be invited to view the new building from 2pm to 4pm on opening day
 - c. A civic function with dinner be held in the evening with guests being invited such as the Governor and former Councillors.

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

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**3. ADOPTION OF RECOMMENDATIONS OF THE ADMINISTRATION BUILDING
PROJECT COMMITTEE MEETING HELD 24 SEPTEMBER 2012.**

145/1213 RESOLVED that:

1. the Minutes of the Administration Building Project Committee meeting held 24 September 2012 be endorsed.
2. A report from David Payne Construction is to be presented to the committee regarding an electrical incident that occurred on the building site Thursday 20 September.
3. The Committee authorise the General Manager to pay the True Vision Designs invoice.
4. That council proceed to install and connect 200 amp power at a cost of \$18,508 plus GST for the new administration building in Coonabarabran. This cost is not included in initial budget with David Payne Constructions and will come from contingency funds.
5. That Council proceed with second gate to make the rear car park attached to the new administration building secure
6. That the colour of the Chamber desks be
 - desktop - Galileo EssaStone
 - black recessed kick board
 - modesty curtain side and intermediate panels -Seductive Limba " Timber look Laminate in Diamond gloss finish
 - bullnose strip to front surface and top capping to be made of Galileo EssaStone

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

**4. ADOPTION OF RECOMMENDATIONS OF THE ADMINISTRATION BUILDING
PROJECT COMMITTEE MEETING HELD 10 OCTOBER 2012.**

146/1213 RESOLVED that:

1. That the Minutes of the Administration Building Project Committee meeting held on 10 October 2012 be endorsed.
2. To accept variation for resilient finishes. Costing's from finishing budget for the amount of \$19,632.99
3. Committee approves the change from Swipe Cards to Touch Pads with a PIN plus the additional 3 doors – price to be brought to next meeting
4. That the process for ordering the furniture for the Council Chambers commences and that the furniture is ordered through Corporate Express for the price of \$65,525 (ex GST)

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

**5. ADOPTION OF RECOMMENDATIONS OF THE ADMINISTRATION BUILDING
PROJECT COMMITTEE MEETING HELD 22 OCTOBER 2012.**

147/1213 RESOLVED that:

1. That the Minutes of the Administration Building Project Committee meeting held on 22 October 2012 be endorsed.
2. Recommend to the Finance Projects Committee for supplementary vote requests for furniture and footpath, being non contract building project items

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

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**6. ADOPTION OF RECOMMENDATIONS OF THE TRAFFIC ADVISORY COMMITTEE
MEETING HELD 25 OCTOBER 2012.**

148/1213 RESOLVED that:

1. the Minutes of the Traffic Advisory Committee meeting held 25 October 2012 be adopted.
2. no further action be taken in relation to concerns raised with pedestrian safety at the Over-dimension Route in Anne Street and installation of pedestrian crossing at the intersection of Namoi Street and Dalgarno Street, Coonabarabran following discussions with concerned residents.
3. the request by Coonabarabran Pony Club to close Reservoir Street on Sunday, 9 December 2012 between 9.30 am and 3.00 pm to conduct the annual One Day Event be approved subject to compliance with Council's Road Closure Policy.
4. the request by Baradine Central School to conduct a Horse Parade on Thursday, 25 October 2012 between 8.30 am and 9.30 am as per the following revised route be approved.

Revised Route

- i. Commence from Baradine Showground to Lachlan Street; to Darling Street; to Wellington Street.
 - ii. Return from Wellington Street to Namoi Street; to Lachlan Street; to Baradine Showground.
5. the request by Baradine RSL to close Narren Street at the Memorial near the Swimming Pool on 11 November 2012 between 11.00 am and approximately 11.30 am be approved subject to Council's Road Closure Policy.

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

**7. ADOPTION OF RECOMMENDATIONS OF THE FINANCE AND PROJECTS
COMMITTEE MEETING HELD 12 NOVEMBER 2012.**

149/1213 RESOLVED that:

1. Council accepts the Minutes of the Finance and Projects Committee Meeting held 12 November 2012 at Coolah and that the following resolutions contained in the minutes be endorsed
2. Council appoint the Chief Financial Officer as the Responsible Accounting Officer
3. a report be bought back to Council in regards to the Capital Protected Notes and CDO Investment portfolio from prior to the global financial crisis (2007-2012).
4. Council approve the supplementary vote requests as presented with the inclusion of a vote for \$4,000 to cover the furniture and fittings purchase at the Coolah Medical Centre and exclusion of the request from Connect 5 for the reduction of \$3,776 income.
5. Council implement a procedure to check new year rates charges each year as a result of VG Valuations so that any properties that incur an increase above 20% be notified.

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

8. RESPONSES TO QUESTIONS FROM LAST MEETING

For Council's information.

9. REPORT FROM HUMAN RESOURCES

For Council's information.

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10. POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS

150/1213 RESOLVED that Council endorse the November 2012 version of the Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors, with the following amendments:

1. Conferences – That the Australian Council of Local Government Conference be removed from the list and the Mining Related Council's and Australian Local Government Association be inserted.
2. Travel Expenses – The maximum amount of Taxi fares of \$100 be able to be increased with the consent of the General Manager in exceptional circumstances.
3. iPad's - That all Councillors be provided with an iPad to enable electronic business paper use.
4. Mayor Private use of Council vehicle- That the mayor be permitted to use the Council vehicle for private use within the shire in between official engagements held on the same day.

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

11. ANNUAL REPORT 2011/2012

151/1213 RESOLVED that Council note the contents of the 2011/2012 Annual Report and that it is submitted with the State of the Environment Report to the Minister for Local Government.

**Schmidt/Capel
The motion was carried**

12. ACTING GENERAL MANAGER APPOINTMENT

152/1213 RESOLVED that:

1. Council resolve to delegate the powers of the General Manager to the position of Acting General Manager where necessary during times of absence of the General Manager.
2. Mr Tony Meppem be appointed to the position of Acting General Manager for Warrumbungle Shire Council from 26 October 2012 until the return of the General Manager Mr Loane or the December 2012 Council meeting whichever comes first.
3. in future the General Manager and/or the Mayor will directly appoint the person within the organisation to act in the position of Acting General Manager to assume the delegations of General Manager.

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

13. AUTHORITY OF DELEGATION

153/1213 RESOLVED that Council delegate the functions of the General Manager to the position rather than the name of the incumbent. **FURTHERMORE** that sub delegations be applied to a position rather than the individual person.

**Capel/Andrews
The motion was carried**

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14. REQUEST FOR LEAVE OF ABSENCE – CR TODD

154/1213 RESOLVED that Council accepts the written notification from Cr Todd and grants a Leave of Absence, for medical reasons, from the Ordinary December 2012 Council meeting. **FURTHERMORE** that Council acknowledge that Cr Todd is not available as an alternative for the Castlereagh Macquarie County Council meeting to be held on 19 December 2012.

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

15. COBBORA COAL MINE

155/1213 RESOLVED that Council note the report and determine its position in relation to the presentation to the Planning Assessment Commission regarding the Cobbora Coal Project at its hearing on 11 December, 2012. **FURTHER**, that the General Manager and Director Environmental and Community Services speak at the forum on behalf of Council. **FURTHERMORE**, that Council make a joint submission with Wellington Shire Council.

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

16. PROCEDURE RELATING TO TRAFFIC ISSUES

For Information

17. 2012/2013 FINANCIAL ASSISTANCE GRANT CALCULATIONS

156/1213 RESOLVED that Council accept the NSW Local Government Grants Commission details for the 2012/2013 Financial Assistance Grant Calculations.

**Schmidt/Andrews
The motion was carried**

18. BINNAWAY SEWERAGE SCHEME PROPOSAL

157/1213 RESOLVED that:

1. in relation to the potential funding of the Binnaway Sewerage project Council agrees to the principle that any scheme establishment capital works costs could be funded by increased access charges across all users of the Sewerage Fund.

Sullivan/Todd

In favour: Cr Andrews, Cr Todd, Cr R Sullivan, Cr C Sullivan
Against: Cr Capel, Cr Coe, Cr Shinton, Cr Schmidt

The Mayor exercised his casting vote to declare the Motion **Lost**.

2. In relation to the funding of the previous water treatment plant capital works at Mendooran Council agree in principle that the users of that water supply continue to fully fund the costs of repayment of the loan.

**Coe/Schmidt
The motion was carried**

3. Council conduct a survey of the owners of all current rateable properties within the town of Binnaway with the aim of determining the majority opinion of residents toward the desire for installation of a sewerage scheme given the available funding options.

**Schmidt/Capel
The motion was carried**

19. BRICK BATS AND BOUQUETS

For Council's information.

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20. FUNDING AGREEMENT LIRS ROUND 1 BRIDGE REPLACEMENT PROJECT

158/1213 RESOLVED that Council authorise the Mayor and General Manager to sign and affix the Council Seal to the NSW Division of Local Government Local Infrastructure Renewal Scheme 4% Interest Subsidy Funding Agreement for the 2012/2013 Replacement of 4 timber bridges, replacement project at a total project value of \$2.3 million.

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

21. LIRS ROUND 2 BRIDGE REPLACEMENT AND NEW BRIDGE PROJECT

159/1213 RESOLVED that Council lodge an application under the second round of the NSW Division of Local Government Local Infrastructure Renewal Scheme (LIRS) for the completion of the Timber Bridge Replacement and New Bridge Program at a total project cost of \$3.1M; being Aerodrome Bridge Baradine, Baradine Creek Bridge, Ross Crossing, Warkton Bridge, Coonagooney Bridge, Kenebri Bridge and Black Gully Bridge.

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

22. QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDING 30.09.2012

160/1213 RESOLVED that Council accept the Quarterly Budget Review Statement for the quarter ending 30 September 2012, and approve the requested supplementary votes for a total value of \$837K.

**Schmidt/Coe
The motion was carried**

23. DONATIONS TO COMMUNITY GROUPS FOR THE DEVELOPMENT OF COUNCIL ASSETS

161/1213 RESOLVED that Council approve the following wording in the Financial Assistance to Others Policy item No 5.4.3 Development Applications to read *'That Council donate the equivalent amount of the development application costs in total only levied on works to be undertaken by community groups on Council-owned facilities with such funds to be provided from the Donation-Other Budget'*, **FURTHERMORE** that the Donations budget allocation for Development Application Fees be increased to \$9,423 and Round Two (2) of the Financial Assistance Grants total to be reduced to \$5,422.

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

24. BANK RECONCILIATION FOR THE MONTH ENDING 31.10.2012

162/1213 RESOLVED that Council accept the Bank Reconciliation report for the month ending 31 October 2012.

**Schmidt/Capel
The motion was carried**

25. INVESTMENTS AND TERM DEPOSITS MONTH ENDING 31.10.2012

163/1213 RESOLVED that Council accept the Investments Report for the month ending 31 October 2012.

**Capel/Schmidt
The motion was carried**

26. RATES REPORT FOR MONTH ENDING 31.10.2012

For Council's information.

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27. MAINTENANCE 4 IRWIN STREET, COOLAH

164/1213 RESOLVED that Council approve the supplementary vote for \$5,000 for 4 Irwin Street to undertake some immediate repair and maintenance works which include installation of air conditioning/heating and an oven.

**Capel/Schmidt
The motion was carried**

28. KENEBRI SPORTS GROUND

165/1213 RESOLVED that Council include Kenebri Sports Ground, Lots 2 and 47 DP 750294 in the portfolio of lands available for grazing leases. **FURTHERMORE** Council advertise for expressions of interest in removing the failing structures and playground equipment.

**Schmidt/Todd
The motion was carried**

The meeting was suspended at 6.47pm for dinner and resumed at 7.15pm

29. YAMINBAH FIRE SHED

166/1213 RESOLVED that Council name the new NSW RFS shed on Quaker Tommy Road Coonabarabran, for the Yaminbah Rural Fire Brigade in memory of Mr Harry Eastburn.

**Capel/Andrews
The motion was carried**

30. 2012/2013 TECHNICAL SERVICES WORKS PROGRAM – ROAD OPERATIONS

For Council's information.

31. PROPOSAL TO EXTEND CYCLEWAY SOUTH ALONG NEWELL HIGHWAY

167/1213 RESOLVED that:

1. application is made to RMS for funding under the 2013/2014 cycleway program to construct 500 metres of concrete off road cycleway between Kirban Street and the Caravan Park on the Newell Highway at a total cost of \$120,000.
2. a capital expenditure allocation of \$120,000 is included in the 2013/2014 budget considerations for construction of a cycleway in Coonabarabran, with a revenue allocation of \$60,000.

**Schmidt/Andrews
The motion was carried**

32. WATER CHARGES – REQUEST FOR WRITE OFF

168/1213 RESOLVED that Council approve a write off of \$533.37 for the water charge on assessment 1487, due to a faulty water meter reading during March 2012.

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

33. WATER CHARGES – REQUEST FOR WRITE OFF

169/1213 RESOLVED that Council write off the difference between the full amount of the account and the average water bill of \$10.00, resulting in a write off of \$2825.20.

**Schmidt/Coe
The motion was carried**

WARRUMBUNGL SHIRE COUNCIL

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34. PLAN MAKING DELEGATIONS

170/1213 RESOLVED that Council give approval to the General Manager to accept the delegations under Section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans.

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

35. ILLEGAL WASTE DUMPING

171/1213 RESOLVED that Council endorse the actions of Council staff in the recent prosecution by Council staff of a person found to have dumped waste illegally.

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

36. JOINT REGIONAL PLANNING PANEL

172/1213 RESOLVED that Council nominate Mayor Peter Shinton and the Director Technical Services Kevin Tighe to be Council's representatives on the Western Joint Regional Planning Panel, as required.

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

37. REQUEST FOR REFUND OF WASTE COLLECTION CHARGES

173/1213 RESOLVED that Council amend the current rate bill and future rate notices to reflect that the owners of assessment 12300.1 do not have access to the waste collection service.

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

38. SWIMMING POOL LEGISLATION

174/1213 RESOLVED that Council be aware of the introduction of the Swimming Pools (Amendment) Act 2012 and the extra requirements made on swimming pool owners and Council.

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

39. DEVELOPMENT APPLICATIONS

175/1213 RESOLVED that Council note the applications received for the month of October 2012, the applications held pending as at 31 October 2012 and their status, and of those approved during October 2012, under Delegated Authority.

**Capel/Schmidt
The motion was carried**

40. NAMING BABY CREEK ROAD BRIDGE

176/1213 RESOLVED that Council write to the Geographical Names Board requesting permission to name the bridge over Baby Creek Road at Ulamambri the 'Bob Salisbury Bridge'.

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

41. REGIONAL STATE OF ENVIRONMENT REPORT 2012

177/1213 RESOLVED that Council adopt the Regional State of the Environment 2012 report.

**Schmidt/Capel
The motion was carried**

42. ORANA ARTS BOARD MEETING REPORT

For Council's information.

WARRUMBUNGLE SHIRE COUNCIL

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43. CASTLEREAGH FAMILY DAY CARE POLICIES

178/1213 RESOLVED that Council endorse the following Family Day Care Policies and Procedures:

1. Access Policy
2. Advertising Policy
3. Child Enrolment and Orientation Policy
4. Code of Conduct Policy
5. Collaborative Partnerships with Families Policy
6. Confidentiality of Records Policy
7. Determining Responsible Person Policy
8. Ethical Conduct Policy
9. Fee Policy
10. Governance and Management of the Service Policy
11. Managing Records Policy
12. Professional Development Policy
13. Registration of Educators and Staff Policy
14. Registration of Family Day Care Educator Assistants Policy
15. Support Visits by Co-ordination Unit Staff Policy
16. The Participation of Volunteers and Students on Practicum Policy
17. The Roles of Educator's Families and Other Household Members Policy
18. Acceptance and refusal of authorisation Policy
19. Child Protection Policy (Keep them Safe)
20. Educational Program and Practice Policy
21. Inclusion and Diversity Policy
22. Interactions with Children Policy
23. Positive Guidance of Children's Behaviour Policy
24. Administration of First Aid Policy
25. Administration of Medication Policy
26. Children's Health Policy
27. Dealing with Infectious Diseases Policy
28. Incident, Injury, Trauma and Illness Policy
29. Medical conditions Policy including asthma, diabetes, anaphylaxis
30. Nappy Changing and Toileting Policy
31. Nutrition, food and beverages, dietary requirements Policy
32. Sun Protection Policy
33. Tobacco, drug and alcohol free environment Policy
34. Assessment of Family Day Care Residences and approved venues Policy
35. Delivery and collection of children from the service Policy
36. Excursions Policy
37. Fire Equipment Policy
38. Pet and other animals Policy
39. Sleep and Rest Policy
40. Storage of Dangerous Substances and Dangerous Equipment Policy
41. Supervision Policy
42. Transport Policy
43. Water Policy
44. Workplace Health and Safety Policy
45. Customer Service and Satisfaction Policy
46. Grievance Handling Policy
47. Non Compliance Policy

**Schmidt/Capel
The motion was carried**

WARRUMBUNGL E SHIRE COUNCIL

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44. AFTER SCHOOL AND VACATION CARE POLICIES

This item held over for discussion at the December meeting.

45. BINNAWAY MACQUARIE REGIONAL LIBRARY

179/1213 RESOLVED that Council request Macquarie Regional Library to amend the opening hours of the Binnaway service point to 9.00am - 1.00pm on Friday, to coincide with the Doctor's visit, and that Macquarie Regional Library seek to recruit a local Librarian.

**Andrews/Todd
The motion was carried**

8.07 pm

180/1213 RESOLVED

- (a) that Council go into closed committee to consider business relating to Tenders and a commercial matter.
- (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.

**Coe/ Schmidt
The motion was carried**

8.35 pm

181/1213 RESOLVED that Council come out of closed committee.

**Coe/ Schmidt
The motion was carried**

The Acting General Manager announced the following resolution to the open meeting.

Item 1C Tenders for Design and Construction of Three Bridges; Tongy, Bugaldie Creek and Saltwater Creek No 2

182/1213 RESOLVED that:

1. the tender for design and construction of Bugaldie Creek Bridge and demolition and removal of the existing bridge be awarded to Bridging Australia Constructions, for a price of \$653,290 (excluding GST)
2. the tender for design and construction of Saltwater Creek No 2 Bridge be awarded to Fernandes Constructions, for a price of \$906,445 (excluding GST), and further that should Fernandes not accept the Tender for design and construction of one bridge only, that Council offer Saltwater Creek No 2 Bridge to Waeger Constructions Australia, for a price of \$827,500 (excluding GST)
3. the tender for the design and construction of Tongy Bridge and demolition and removal of the existing bridge be awarded to Waeger Constructions Australia, for a price of \$632,500 (excluding GST)

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

WARRUMBUNGLA SHIRE COUNCIL

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QUESTIONS WITHOUT NOTICE

Cr R Sullivan

- Enquired if Council could be of any assistance with regard to the recent closure of Bungabah Meats. The Mayor advised that a licence is required to be on-site at the facility for any clean-up measures and at this stage Council has exhausted all avenues of assistance

Cr Todd

- Requested Council advertise calling for interested members of the community to join appropriate Council community committees
- Baradine silo requires permanent 'trucks turning' signs

Cr Capel

- Enquired when the garbage facilities review would commence. The Acting General Manager advised that this was underway
- Trip to Warren regarding Pyrolysis information (tyre recycling), is there an outlet here. The Acting General Manager advised that there was not a facility locally
- Bats infiltrating urban areas

Cr Coe

- Requested maintenance for the approaches to Montague Bridge
- Cobbara Coal Project – should this not proceed would compensation be available with regard to impact on local businesses

Cr C Sullivan

- Requested information sessions to review budget information for more in-depth clarification and understanding
- Dunedoo Health Council meeting – should Council be more involved
- Night meetings

Cr Schmidt

- Roads maintenance – street sweeper required between Brain's and the Stand Arcade
- Encourage businesses from other areas to invest in the Warrumbungle Shire
- Land clearing in a Forest Reserve, Timor Road – Council to investigate

There being no further business the meeting closed at 9.01pm.

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CHAIRMAN