

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 16 MAY 2013
COMMENCING 10.01AM** **PAGE 1**

PRESENT: Cr Peter Shinton (Chairman), Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, 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)

One minute silence was observed in memory of former Councillor Coolah Shire Council - Mrs Joyce Tuckwell OAM and former Councillor Narrabri Shire Council – Mr Ross Panton OAM.

10.02am

Forum

Patrick Healey addressed the meeting expressing concerns regarding water, trees and the drain on his property. He would like trees removed. Mr Healey was advised to make an appointment to meet with Council representatives regarding his concerns.

10.04am

Don Walton as a representative of the Baradine Tennis Club addressed the meeting regarding the Baradine tennis courts and offer from Catholic Church to transfer the land to Council. Mr Walton informed the meeting that funds currently held by the Club help keep the Club going however there are issues with maintenance, watering, rolling and marking. The Club would also like the surface of the courts changed to bitumen or synthetic grass.

10.10am

APOLOGIES: Cr Todd

341/1213 RESOLVED that in accordance with Resolution 312/1213 granting leave of absence, that the apologies of Cr Todd be accepted.

Coe/Capel
The motion was carried

REPORTS

Item 1 Mayoral Minute – General Manager’s Annual Performance Review

342/1213 RESOLVED:

1. That Council appoints a Performance Review Panel for the term of Council that will comprise of;
 - i. Mayor Peter Shinton
 - ii. Deputy Mayor Murray Coe
 - iii. Councillor Ron Sullivan and
 - iv. Councillor Victor Schmidt.

2. That Council delegates the function and role of the Performance Review Panel to;
 - i. conducting the Performance Reviews of the General Manager
 - ii. reporting the findings and recommendations of these reviews to Council and
 - iii. development of the new Performance Agreements for the following period.

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3. That Council engage LGNSW Management Solutions to provide external facilitation of the General Managers 2012-2013 Performance Review and new Performance Agreement 2013-2014 including delivery of training to Councillors in Performance Management.

Shinton/Coe
The motion was carried

Item 2 Minutes of Ordinary Council Meeting – 18 April 2013

343/1213 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 18 April 2013 be endorsed.

Schmidt/Coe
The motion was carried

Item 3 Minutes of Traffic Advisory Committee Meeting – 24 April 2013

344/1213 RESOLVED:

- 1) That Council accepts the Minutes of the Traffic Advisory Committee meeting held on 24 April 2013 at Coonabarabran
- 2) That request by Gunnedah Cycling & Triathlon Club Inc. to conduct the Annual Sundowner Cycle Race on Saturday, 22 June 2013 be approved subject to approval and concurrence from RMS and NSW Police.
- 3) That request to install unbroken edge lines at highway locations where stock travelling directly from one side of the road to the other side be referred to the RMS for consideration and approval.
- 4) That request by Cycling NSW to conduct the Santos North West Cycle Tour on Friday, 21 June 2013 and Saturday, 22 June 2013 be approved subject to approval and concurrence from RMS and NSW Police.

Schmidt/R Sullivan
The motion was carried

Item 4 Minutes of Plant Advisory Committee Meeting – 1 May 2013

345/1213 RESOLVED:

- 1) That Council accepts the Minutes of the Plant Advisory Committee meeting held on 1 May 2013 at Coonabarabran
- 2) That funding for replacement of Plant Item No 148 be considered a potential Revote into 2013/2014.
- 3) That a 'blended' approach is taken to selling trade vehicles, which includes advertising in the local paper, online auction as well as auctions and local dealers.
- 4) That an allocation of \$33,000 be made for purchase of Mobile Traffic Lights within the current budget.

R Sullivan/Coe
The motion was carried

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Item 5 Minutes of Robertson Oval Advisory Committee Meeting – 24 April 2013

346/1213 RESOLVED that Council accept the minutes from the Robertson Oval Advisory Committee meeting held on 24 April 2013 at Dunedoo.

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

Item 6 Minutes of the Finance and Projects Committee Meeting 1 May 2013

347/1213 RESOLVED:

- 1) That Council accepts the Minutes of the Finance and Projects Committee Meeting held on 1 May 2013 at Coonabarabran noting that Cr Andrews was in attendance not Cr C Sullivan.
- 2) That Council include a summary on the balance of restricted assets in future QBRS.
- 3) That ELE Internal Restriction is increased to a balance of 30% at year end 2013.
- 4) That the balance of any internal profit on the plant fund is kept as a Restricted Asset and that going forward an internal restriction be established for funds associated with Councils plant activity.
- 5) That Council keep in restriction the balance of any revotes to the following year.
- 6) That Council approve the supplementary vote requests totalling \$240,361.
- 7) That the Financial Sustainability of NSW Local Government Sector Report (April 2013) be presented to May Council Meeting with the recommended strategic directions for consideration by the full Council.

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

Item 7 Responses to Questions from last meeting

Received.

Cr Coe raised issue regarding Dunedoo toilets and adherence to previous resolution regarding toilets remaining open.

Item 8 May 2013 - Report from Human Resources

Received.

Item 9 Workplace Safety Report

Received.

Item 10 Staff leave

348/1213 RESOLVED that Council notes the report and endorses the action of the General Manager in implementing individual employee leave management plans to ensure accrued Annual Leave is reduced to 10 weeks and accrued RDO's to 4 days at any given time.

**Capel/Schmidt
The motion was carried**

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Item 11 Staff Achievement Award

349/1213 RESOLVED that Council accepts the recommendation from MANEX and presents Andy Roper, Roller Operator with the First Quarter Warrumbungle Shire Council Employee Excellence in Achievement Award.

**Capel/Andrews
The motion was carried**

Item 12 Request for Leave of Absence – Councillor Clancy

350/1213 RESOLVED that Council accepts the written notification from Councillor Clancy and grants a Leave of Absence from the Ordinary July 2013 Council meeting.

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

Item 13 Request for Leave of Absence – Councillor Coe

351/1213 RESOLVED that Council accepts the written notification from Councillor Coe and grants a Leave of Absence from the Ordinary June 2013 Council meeting.

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

Item 14 Notice of Motion – Councillor Coe

A motion was moved by Councillor Coe seconded by Councillor Schmidt that Warrumbungle Shire Council cease the standard practise of outdoor staff travelling on overtime to start work on the job site
The motion was put and lost.

352/1213 RESOLVED that a report be prepared and brought back to Council on review of overtime, plant utilisation, works program, options for staggering of start times and workforce management.

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

Item 15 NSW Treasury Financial Sustainability of NSW Local Government Sector

353/1213 RESOLVED that Council accepts the TCorp Financial Sustainability of the NSW Local Government Sector report released by the DLG noting the strategic initiatives recommendations proposed in preparations of the 2013/2014 – 2016/2017 Delivery Program/Operational Plan and review of the Resourcing Strategy (Workforce Management Strategy, Long Term Financial Plan and Asset Management Plan).

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

Item 16 Future Directions for NSW Local Government – Twenty Essential Steps and Strengthening NSW Remote Communities – The Options

354/1213 RESOLVED that Council notes the Future Directions for NSW Local Government – Twenty Essential Steps **FURTHERMORE** that the General Manager, Mayor and Councillors participate in the regional Councils consultation session facilitated by the NSW Local Government Review Panel.

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

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Item 17 Constitutional Recognition of Local Government

355/1213 RESOLVED that Council endorse the Mayor and General Manager support to the LGNSW and ALGA national campaign for Constitutional Recognition of Local Government.

**Schmidt/Coe
The motion was carried**

Item 18 Reviewed Warrumbungle Shire Community Strategic Plan

356/1213 RESOLVED that Council endorse amendments to the existing Warrumbungle Shire Community Strategic Plan and place on public exhibition for 28 days seeking community input and feedback.

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

Item 19 Operational Plan and Delivery Program 2012/2013 to 2016/2017

357/1213 RESOLVED that Council endorse the draft Warrumbungle Shire Council Delivery Program 2013/2014 -2016/2017 and Operational Plan 2013/2014 place on public exhibition for at least 28 days, to be presented with feedback and community comment at the June 2013 meeting.

**Schmidt/Clancy
The motion was carried**

Item 20 Brick Bats and Bouquets

Received.

Item 21 Staff Uniform – Ties and Scarves

358/1213 RESOLVED that Council approve the addition of a tie Sample C with stars and scarf sample A without green lines to the corporate uniform.

**Capel/Schmidt
The motion was carried**

Item 22 Bank Reconciliation for month ending 30 April 2013

359/1213 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 30 April 2013.

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

Item 23 Rates Report for Month ending 30 April 2013

Received.

Item 24 Investments and Term Deposits

360/1213 RESOLVED that Council accept the Investments Report for the month ending 30 April 2013.

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

Item 25 Request for Change of Category Rates Assessment No 3298

361/1213 RESOLVED that Council approve the change of category for Property Assessment No 3298 from Business to Rural Residential being land included in Occupational Permit 13211.

**Schmidt/Clancy
The motion was carried**

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Item 26 Request for Change of Category Rates Assessment No 11104-02

362/1213 RESOLVED that Council approve the change of category for Property Assessment No 11104-02 from Business to Rural Residential for land described in Lot 3 DP787413.

**Capel/Andrews
The motion was carried**

Item 27 Cleaning Contract Warrumbungle Shire

363/1213 RESOLVED that Council seek tenders for the current Cleaning Contract for the five (5) buildings in Coonabarabran being Coonabarabran Council Chambers, Coonabarabran Library, Community Services Building, Visitor Information Centre and Coonabarabran RFS Headquarters **FURTHERMORE** that all other sites be assessed and considered moving to a Cleaning Contract as staff leave or retire.

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

Item 28 Quarterly Budget Review Statement for the Quarter Ending 31 March 2013

364/1213 RESOLVED that Council accept the Quarterly Budget Review Statement for the quarter ending 31 March 2013, and approve the requested supplementary votes for a total value of \$240K.

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

Item 29 Local Land Services – Transition Update

365/1213 RESOLVED that Council note the NSW State Government proposed transition to Local Land Services, including recommendations from the Local Land Services Stakeholder Reference Panel presented to the Minister Hon Katrina Hodgkinson.

**Clancy/Capel
The motion was carried**

11.45am

366/1213 RESOLVED that standing orders be suspended to break for morning tea.

**Capel/ Schmidt
The motion was carried**

12.06pm

367/1213 RESOLVED that standing orders be resumed.

**Capel/Schmidt
The motion was carried**

**Item 30 Summary of 2011/12 NSW Water Supply and Sewerage Performance
Monitoring Report for Warrumbungle Shire Council**

368/1213 RESOLVED that Council notes the summary of 2011/12 NSW Water Supply and Sewerage Performance Monitoring Report for Warrumbungle Shire Council.

**Clancy/Capel
The motion was carried**

Item 31 Yaminbah Fire Shed – Council Seal

369/1213 RESOLVED that Council authorise the Mayor and General Manager to affix Council's seal and sign the contract between Council and the Owner for the purchase of land for Yaminbah Fire Shed.

**Clancy/Schmidt
The motion was carried**

Item 32 2012 /13 Technical Services Works Program Road Operations and Urban Services

Received.

Item 33 Macquarie Regional Library

370/1213 RESOLVED that

1. That Council adopt the MRL 2013/2017 Draft Strategic Plan and 2013/2017 Draft Delivery Program, including the Annual Operational Plan, Budget (based on increasing the 2012/2013 contributions by 3.4% and for 2014/2015 by the annual general rate variation increase as determined by the NSW Government plus 15% for book stock) and Revenue [Fees and Charges] Policy as submitted, be adopted and placed on public exhibition for a period of twenty-eight (28) days.
2. That the 2013/2017 Draft Strategic Plan and 2013/2017 Draft Delivery Program, including the Annual Operational Plan and Budget be adopted by Council and exhibited for a period of twenty-eight (28) days.

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

Item 34 Family Day Care Policy

371/1213 RESOLVED that the following Castlereagh Family Day Care Relief Educator Policy be endorsed by Council:

Family Day Care Relief Educator Policy

1. CSP FOCUS AREA: COMMUNITY AND CULTURE

2. INTRODUCTION

2.1. Subheading

This policy facilitates the engagement of a Family Day Care Relief Educator by an Educator. The relief educator may be required to provide the education and care for the service in an approved Family Day Care Residence when the primary educator is unavailable

3. OBJECTIVES AND COVERAGE OF THE POLICY

3.1. Subheading

PARENT RESPONSIBILITIES

- Parents will familiarise themselves and understand the implications of relief care arrangements before completing a Parent Permission Relief Care form.
- Parents must advise the primary educator of their required care hours before relief care commences and pay appropriate fees for these notified hours, in accordance with the primary educator's Fees and Charges Schedule. The notified hours may not necessarily be the same as the original booked hours with the primary educator. However fees will apply for all of the notified hours during the relief care period, including absences from care.
- Parents must complete attendance records provided by the relief educator for their child during the relief care period.

PRIMARY EDUCATOR RESPONSIBILITIES

- On enrolment, the primary educator must advise a parent of each child in care of the educator's intent to use the relief care option. If the child is already enrolled when the primary educator decides to take up the option to use a Relief Educator, the written consent form must be completed by the parent before the relief care is provided.
- The Coordination Unit must approve the primary educator's request to use Relief Care.
- The primary educator must, prior to each occasion of relief care:
 - ~ advise the parent of each child in their care of the relief care arrangements
 - ~ provide opportunity for the parents of children in care to meet with the relief educator
 - ~ obtain written parental consent via a completed Parent Consent Form for each child who will be in care during the relief care period.
- The primary educator must inform the coordination unit of the intention to utilise a relief educator prior to the care commencing (including the name of the proposed relief educator and the period of relief care) either by:
 - ~ email or fax a Relief Care Notification Form (to be designed) to co-ordination unit
 - ~ submit to the co-ordination unit signed Parent Consent Forms for each child in care during the relief care period before relief care commences, or in the case of emergency relief care, as soon as practicable. Consent forms can be received by email or fax.
- The primary educator must not charge a fee for care for any child during the relief care period if a parent of a child does not consent to the relief care arrangements, or has agreed to use alternate care, or has refused care during the relief care period.
- The primary educator must charge the family the child's usual fee for care during the relief care period and may not penalise families by charging a higher fee for this time.
- The primary educator must negotiate care requirements, tasks required, and payment arrangements directly with the relief educator, including duration of relief care period, hours of care provision, numbers of children in care during the relief care period and any additional needs of the children.
- The Scheme shall not be responsible for, or enter into, any dispute arising between the primary educator and the relief educator regarding payment for relief care services provided or not provided, or any cancellation of care arrangements.
- The primary educator must ensure the relief educator completes an orientation of the education and care residence or venue, including emergency evacuation procedures.
- The primary educator may place her/his own children in care with the relief educator only if:
 - ~ the children are registered for care with the scheme
 - ~ vacancies exist in the education and care residence or venue (i.e. the maximum number of children in care at one time does not exceed regulatory requirements)
- The primary educator must inform Relief Care educator of any medical requirements and plans which are in place for any child using relief care.

RELIEF EDUCATOR RESPONSIBILITIES

- The relief educator will negotiate bookings for relief care directly with the primary educator and will inform the primary educator of their requirements for:
 - a) confirmation of bookings
 - b) cancellation of booking (including any fees payable for cancellation)
 - c) the relief educator adopts the fee schedule of the primary educator and invoices the primary educator for the parent portion of the fee after receiving a payment advice.
 - d) meetings with parents prior to commencement of relief care as required
 - e) orientation times including emergency evacuation procedures, the needs of children in care, duties to be performed, and services and equipment available.
- The relief educator will display their Certificate of Registration in the education and care residence or venue, at all times during the relief care period.
- The relief educator must ensure parent's sign an attendance record on arrival and departure from the education and care residence or venue each day, receipt any parent payments made on the day of relief care, and hand the payment to the primary educator.
- The Relief Educator is to submit timesheets for each child in care under the Relief Educator's name for weekly processing.
- The relief educator must issue an invoice to the primary educator for the parent portion of the fees after receiving payment advice.
- The relief educator must ensure all areas of the education and care residence or venue, meet the scheme's safety requirements and conduct the Educators Daily Hazard I.D at all times during the relief care period.
- The relief educator is responsible for maintaining Work Health and Safety standards within the education and care residence or venue at all times during the relief care period.
- During the relief care period the relief educator must undertake only those tasks normally associated with the provision of a quality education and care service, including complying with all state and federal legislative requirements and the scheme's policies and procedures, and maintaining quality education and care standards and practices, in accordance with The National Quality Framework
- The relief educator may only transport children in his/her vehicle if:
 - a) a parent / guardian of the child has signed a consent form in accordance with Family Day Care Excursion Procedure.
 - b) the vehicle and car restraints comply with all legislative requirements as stated in the Castlereagh Family Day Care Transport Policy.
 - c) evidence of a current drivers licence , car registration and car insurance details have been supplied to the Castlereagh Family Day Care Scheme.
 - d) the relief educator has conducted and documented a risk assessment regarding transporting Children

4. LEGISLATIVE REQUIREMENTS

4.1. Subheading

Education and Care Service Law Act 2010
Education and Care Services National Regulation 2011
National Quality Standard 2011
Work Health and Safety Act 2011
National Quality Standard 2011

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CFDC Transport Policy
CFDC Excursion Policy

5. POLICY SCOPE

6. ASSOCIATED DOCUMENTS

Education and Care Service Law Act 2010 Education and Care Services National
Regulation 2011
National Quality Standard 2011
Work Health and Safety Act 2011
National Quality Standard 2011
CFDC Transport Policy
CFDC Excursion Policy

7. REVIEWS AND VERSION CONTROL

Review Dates: July 2014
Version No: 1
Review Cause: New Policy
Complies with: National Law Regs. 119,144,154,163
Policy Adopted:

**Schmidt/Clancy
The motion was carried**

Item 35 Heritage Advisor Reports

372/1213 RESOLVED that Council adopt the 2012/2013 Heritage Advisor Report provided as attachment 'A' and the Draft Warrumbungle Shire Heritage Strategy 2013-2016 provided as attachment 'B' in the Business paper.

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

Item 36 Development Applications

373/1213 RESOLVED that Council note the Applications Approved, during April 2013, under Delegated Authority.

**Coe/Clancy
The motion was carried**

Item 37 Cobbora Coal Mine

374/1213 RESOLVED that Council note the report provided on the current progress with the proposed Cobbora Coal project

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

Item 38 Planning System White Paper

375/1213 RESOLVED that Council note the release by the NSW Government of the *White Paper – A new planning system in NSW* and **FURTHERMORE** that a full report will be presented to Council at the June meeting.

**Capel/Schmidt
The motion was carried**

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12.45pm

376/1213 RESOLVED

- (a) that Council go into closed committee to consider business relating to sale of land for unpaid rates and bad debts
- (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) (b) 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.

**Capel/Clancy
The motion was carried**

12.55 pm

377/1213 RESOLVED Council move out of closed Council and into open Council.

**Capel/Clancy
The motion was carried**

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

Item 1C Sale of Land for Unpaid Rates

378/1213 RESOLVED:

1. That Council authorise Land detailed in the schedule be offered for sale at Public Auction on a date to be set in accordance with Section 713 of the Local Government Act 1993.
2. That Council apply to the Valuer-General for a valuation to be conducted on vacant land listed in the schedule.
3. A licensed Auctioneer be contracted to conduct the auction sale and the lots unsold at the auction be thereafter listed for sale.
4. Council authorise the General Manager to execute Contracts and Transfer Documents under its Common Seal.
5. That only arrangements under section 715 (2) (b) that will be acceptable prior to auction is the full payment of all rates and charges including interest, due on the land.
6. That the schedule of Land to be sold be advertised in the Government Gazette and at least one Newspaper for a period of three (3) months.

**Schmidt/Clancy
The motion was carried**

Item 2C Bad Debts to be Written Off - Debtors

379/1213 RESOLVED that Council approve the write off of \$23,165.08 being the total of recommended aged debtors for write off.

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

QUESTIONS AND MATTERS OF CONCERN

Cr C Sullivan

Cobbora Coal mine – inform community through community meeting when information is available and known.

WARRUMBUNGL E SHIRE COUNCIL

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Cr Andrews

Traffic counters on roads – regional roads. Director Technical Services advised that the counter is at Bolero Street Dunedoo and there is a program of rotation
Quarry – removal of overburden complete – drilling, blasting to occur to create stock

Cr Capel

Skate park meeting in Coolah last night – group will identify location etc and be ready to go when funds available

Cr R Sullivan

Commend staff on work on East Creek in eastern end of Coonabarabran.
Seeking a print out of bushfire costings.

Cr Schmidt

Land behind high school concerns that it is a fire hazard – need to speak to property owner which is Education Department. Staff will research identification of owner and advise

Cr Clancy

Counters on roads – were to go on Binnaway and Baradine road and on Bolero Street.
Currently on Bolero St and will be moved to others next.

QBRS – Request for a one page financial statement on business arms of council eg community services. Director Corporate Services advised that current report provides information and will be examined by Councillor Clancy who will advise whether he needs more information.

Fees and charges to be adopted to be advertised showing previous charge and future charge. Suggestion that advertisements be placed in library windows.

Cr Coe

Informed the meeting of the intentions of SES in Dunedoo to move into the RFS shed. Cr Coe enquired about the proposed use for that SES shed. Men's group started in Dunedoo and is looking for somewhere. SES Shed would be ideal. General Manager advised Cr Coe that the shed is Council property and the Group should write to council for consideration.

Cr Shinton

Mayor of Gilgandra advised that the Shire has put \$70,000 in their budget for Grandchester bridge. This raises question regarding their share for the construction of the bridge.

General Manager

Delivery program workshop 9.30 to 2.00pm (breaking for attendance at morning tea function) on Wednesday, 29 May 2013.

There being no further business the meeting closed at 1.23pm.

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CHAIRMAN