



# **Warrumbungle Shire Council**

## **Council meeting**

**Thursday, 17 September 2009**

**to be held at the Council Chambers, Coolah**

**commencing immediately after the  
Special Meeting - (Call of Council)  
which commences at 1.00 pm**

***MAYOR***

Councillor Peter Shinton

***DEPUTY MAYOR***

Councillor Murray Coe

***COUNCILLORS***

Councillor Kerry Campbell

Councillor Tilak Dissanayake

Councillor Ray Lewis

Councillor Mark Powell

Councillor Victor Schmidt

Councillor Ron Sullivan

Councillor Denis Todd

***MANAGEMENT TEAM***

Robert Geraghty (General Manager)

Carolyn Upston (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Tony Meppem (Acting Director Environmental Services)

Rebecca Ryan (Director Community Services)

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009

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Date: 14 September 2009

Cr Peter Shinton  
Mayor  
Warrumbungle Shire Council  
John Street  
COONABARABRAN 2357

Cr Shinton

## AGENDA

I submit the following report for Council's consideration at its meeting to be held on 17<sup>th</sup> September 2009. I further attach relevant reports from the Directors to me for the consideration of Council.

**CONFIRMATION OF MINUTES** of the ordinary meeting of Warrumbungle Shire Council held on 20 August 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Tourism and Economic Development Advisory Committee meeting held on 29 July 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Traffic Advisory Committee meeting held on 27 August 2009

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.....  
**R J GERAGHTY**  
**GENERAL MANAGER**

**2.00pm**

**Presentation:**

James Harding and Eric Roth – regarding solar / gas powered power station with desalination plant **AND** Mr Kevin Humphries presenting on possible funding sources. Mr Mark Coulton tendered his apologies and is unable to attend this presentation.

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## **Matter to be dealt with “in committee”**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The item relates to the extension of council chambers and is classified CONFIDENTIAL under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

.....  
**R J GERAGHTY**  
**GENERAL MANAGER**

# WARRUMBUNGLE SHIRE COUNCIL

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## GENERAL MANAGER'S REPORT

## ANNEXURE 1

### 1.1 PREMIER & DISTRICT LIONS CLUB

Council has received a request for a donation for the 7 A-Side Cricket Weekend which is being held for the 17<sup>th</sup> consecutive year.

Their letter states:

*The Lions Club of Premier & District will be holding their 7 A-Side for the 17<sup>th</sup> consecutive year on 26<sup>th</sup> and 27<sup>th</sup> September 2009. 30 teams from all over the state will compete in a two-day knockout competition, which has become very popular and keenly sort after.*

*The 7 A-Side Cricket weekend involves volunteers from community organisations in Premier and neighbouring villages. It is the only function the small village holds to raise money for local charities and non profit organisations. All funds raised over the weekend support groups such as the local Pre School, SES, CWA and School P&C.*

*As a member and representative of the Lions Club of Premier & District I am writing on their behalf to request your assistance in sponsoring the weekend with a kind donation.*

### RECOMMENDATION

That Council not accede to this request.

### 1.2 MENDOORAN DUNEDOO AGED HOSTEL LTD

A request has been received from the Mendooran Dunedoo Aged Hostel Ltd for Council to acquire the old Dunedoo Hospital site.

Their letter says,

*The committee of the Mendooran Dunedoo Aged Hostel Ltd are seeking help to acquire a building site to construct Self Care Units in Dunedoo. We have approached New South Wales Health re purchasing the Old Dunedoo Hospital, they can not sell the Hospital as it is constructed on Crown Land.*

*Therefore if the Council could see their way clear to apply to the Crown Land Department to take over the Land for the Dunedoo Community, as a site to construct Self Care Units for the Ageing, this would make the purchase of the Old Dunedoo Hospital possible. We would then be able to demolish the buildings not required and construct duplex Self Care Units of 2 bedrooms, kitchen, living area, laundry, and garage, as required on the land. There would be no building construction cost to Council.*

*Warrumbungle Shire Council would be the Trustee of the land for the Crown Lands Department.*

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*Trusting our Council can help us with this request, to satisfy a need for Self Care Units in our district.*

**General Manager's comments:**

Council should consider this request carefully before determining the acquisition of the Old Dunedoo Hospital site.

**RECOMMENDATION**

For Council's consideration and further that a committee including the Mayor, Deputy Mayor and General Manager be formed to progress this matter for Council.

**1.3 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM**

The Australian Government has announced additional funding of \$220 million for the Regional and Local Community Infrastructure Program (RLCIP) in 2009/10. The RLCIP is designed to stimulate local economies and support employment by building community projects. It will assist councils build and modernize community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure.

The additional \$220 million of RLCIP funding is comprised of two components:

- \$100 million allocated to all 566 of Australia's councils and eligible local government areas on a formula basis; and
- \$120 million available for larger Strategic Projects on a competitive basis.

Warrumbungle Shire Council has been allocated \$224,000.

Council will need to submit project proposals to the Department and must comply with the new round's guidelines in order to be eligible for funding. These guidelines are currently being finalized and will be made available via the Department's website later in 2009. It is expected that successful projects will be announced during the first half of 2010.

**RECOMMENDATION**

For Council's consideration and further, that Council determine how the \$224,000 will be spent.

**1.4 COUNCIL MEETING TIMES**

Councillor Dissanayake has requested agreement from Council to have the October Council meeting commence at 9.00am. Councillor Dissanayake has a Rural Doctors' meeting late that evening.

This request is submitted for Council's consideration.

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## **RECOMMENDATION**

For Council's determination.

### **1.5 BINNAWAY RAIL HERITAGE & PRESERVATION GROUP INC**

Council is in receipt of a request for a donation for the Binnaway Rail Heritage & Preservation Group Inc as follows:

*The members of the Binnaway Rail Heritage & Preservation Group Inc would be very appreciative if Council would consider refunding the amount of \$359.00 which was paid for the Development Application for the Caretakers' flat.*

## **RECOMMENDATION**

For Council's consideration and if approved where the funds will be taken from.

### **1.6 UNION PICNIC DAY**

In the Local Government State Award there is a requirement for a Union Picnic Day. The Award has now recommenced to apply to NSW Local Government after the State Government legislated to bring Council back under the NSW Industrial Legislation.

When the Work Choices Legislation applied Council determined to provide a day's leave thus retaining the old Union Picnic Day concept. That day off was extended to all staff. With the award now applying there are significant changes from the previous arrangement.

The Award states:

#### *UNION PICNIC DAY*

- (i) Union Picnic Day shall for the purposes of this award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the council and the union(s).*
- (ii) The union(s) shall advise the council of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.*
- (iii) Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.*
- (iv) Employees who are not financial members of the union(as) and who are not required to work on Union Picnic Day, may apply to council to take annual leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by council, or may be required by council to make up time.*

In approving the previous arrangement for "Union Picnic Day" Council has required that there be one day for all staff – this requirement needs to remain.

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The United Services Union has canvassed its staff and are now advising the majority vote is for Monday 26<sup>th</sup> October 2009 as the designated Union Picnic Day.

There will be issues about whether Council offices are open or not. It is appropriate that Council determine to close its offices.

## **RECOMMENDATION**

That Council agree to the union Picnic Day at Warrumbungle Shire be 26<sup>th</sup> October 2009 as requested by the majority of financial Union members. Further, that the Council offices at Coonabarabran and Coolah be closed to the public that day.

## **1.7 LEAVE OF ABSENCE**

Council has received a request from Councillor Todd for a leave of absence from the 15<sup>th</sup> October 2009 Council meeting.

## **RECOMMENDATION**

For Council's consideration.

## **1.8 NATIONAL ROADS CONGRESS**

Council has been invited to attend the 2009 ALGA National Local Roads and Transport Congress which is being held in Mackay, Queensland from the 8<sup>th</sup> to 10<sup>th</sup> November 2009.

The Mackay Congress will be the tenth time that Local Government has held a conference to consider the national approach to issues concerning roads and transport.

It is necessary for Council to be represented at this Congress to ensure that the importance of the programme is reinforced with the Federal Government. The Council has been, in the past, represented by the Mayor and General Manager, however, this year the General Manager will be on leave at that time.

## **RECOMMENDATION**

That Council determine its representation at the 2009 ALGA National Local Roads and Transport Congress in November.

## **1.9 AUSTRALIA DAY**

In 2009 Warrumbungle Shire Council participated in the Australia Day Ambassador programme and hosted two Ambassadors within the Shire. Again, six separate functions were held, one in each town – Baradine, Binnaway, Coolah, Coonabarabran, Dunedoo and Mendooran and the awards were presented to each recipient at the function held in the town in which they resided with the successful nominations being announced prior to Australia Day.



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At the ordinary March 2009 meeting Council resolved that the structure of Australia Day awards system from 2010 would be as follows:

## **Shire Wide Awards -**

- Citizen of the Year, Young Citizen of the Year, Senior Citizen of the Year, Sportsperson of the Year and Young Sportsperson of the Year awards would be administered and awarded through Warrumbungle Shire Council

## **Local Awards that may be considered by each community -**

- Certificates of Recognition would be administered and awarded by each community development group and could also encompass the Group Community Service and Sports Team of the Year awards
- That each community would organize the Australia Day function in their community with Council representatives attending to present the awards for the Shire wide awards

Council has again been requested to indicate if it wishes to participate in the Ambassador programme for 2010 with registrations closing on the 16<sup>th</sup> October 2009.

## **RECOMMENDATION**

That Council participate in the Ambassador Programme for 2010 with an Ambassador generally for the North and one generally for the South.

## **1.10 DELEGATIONS TO THE GENERAL MANAGER**

The General Manager has been acting under the delegations of the previous Coonabarabran Shire Council, Resolution Number 161 of the 19<sup>th</sup> October 1999 meeting and it is now prudent for Council to consider these delegations and to endorse them for the Warrumbungle Shire Council.

Councillors should review the delegations to determine their adequacy for Warrumbungle Shire Council.

## **RECOMMENDATION**

For Council's consideration.

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## **DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER SECTION 377, 379 & 381 LOCAL GOVERNMENT ACT 1993**

### **FUNCTIONS OF THE GENERAL MANAGER**

In pursuance of Section 335 of the Local Government Act, 1993, the General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:

- (i) the day to day management of the Council;
- (ii) to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
- (iii) to appoint staff in accordance within the organisation structure and resources approved by the Council provided the General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
- (iv) to direct and dismiss staff; and
- (v) to implement the Council's equal employment opportunity management plan.

### **DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER**

In pursuance of Section 377, 379 & 381 of the Local Government, 1993, the Warrumbungle Shire Council hereby delegates to the **GENERAL MANAGER, Robert James Geraghty**, the exercise of the powers, functions, duties and authorities contained in the Local Government Act, 1993 and the various other Acts listed in Schedule 1.

**This instrument of delegation shall commence on the 17<sup>th</sup> September 2009 and remain in force until otherwise amended or revoked in writing.**

# WARRUMBUNGLA SHIRE COUNCIL

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Generally the following are delegated as well as schedules 1 and 2 hereto attached.

## **GENERALLY**

### **Administration**

- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council.
- To authorise the payment of the salaries and wages of the employees of Council within the sums voted by Council for expenditure thereon.
- To exercise and implement the powers, authorities, duties and functions of the Council under the Local Government Act and any other Act of Parliament or any rule, regulation, ordinance or bylaw under or pursuant to any such Act, subject to Section 377 (What may be delegated).
- To exercise and implement any resolution or policy of the Council subject to Section 377.
- To control all correspondence of Council with all official mail to be addressed to the General Manager and for all outgoing mail, Section 603 Certificates of Local Government Act and Section 149 Certificates of Environment and Planning Act to be signed by himself or other persons authorised by him in any emergent circumstances.
- To determine the matters which are to be included in the business papers of Council in line with Council's policies and general practice and, in particular, matters to be referred to Closed Meeting in line with Council's policy in relation to confidentiality and the provisions of the Local Government Act, 1993, (Section 10). These would generally include:
  - i reports on matters which cannot be determined under delegated authority;
  - ii reports required to be submitted under any Act or Regulation.
  - iii matters requiring a determination of Policy;
  - iv reports directed by the Council to be submitted;
  - v matters essential for the Council's information;
  - vi matters requested by the Mayor;
- To authorise the purpose and travel arrangements of Council's representatives and staff outside Council's area on Council business and the reimbursement of the associated expenses including the attendance of the General Manager and Directors to attend one only annual conference or their professional organisation each year ie the Institute of Municipal Management, the Local Government Engineers, the Health and Building Surveyors.
- To authorise the purchase of stationery, seek quotes for office equipment, and acceptance of quotes for amounts covered within the budget.
- To authorise the issue of letters of reference for introduction under the Seal of Council, in consultation with the Mayor. Furthermore, letters of reference may be issued by the General Manager under Council's letterhead at his discretion.

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## **Accounts - Payment**

- Authority to pay all accounts as they fall due, subject to the proviso that a list of accounts paid is submitted to Council for information.

## **Cheques/Orders for Goods - Signing**

- To sign and or to specify the servants authorised to sign cheques and orders for goods of Council.

## **Complaints and Requests**

- Instruct staff to take any necessary action in connection with any complaints or requests received, subject to all major matters being reported to Council.

## **Correspondence**

- To reply to all routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council.

## **Staff Matters**

- Exercise the powers of the Council in relation to:
  - a The day to day management of Council employees.
  - b The conduct of staff education and staff attendance at training courses and computer user group.
  - c Engage and dismiss casual staff as and when required within the provisions made in the approved estimates.
  - d Deal with all industrial disputes involving the Council and its staff, subject to any formal dispute being referred to Council.
  - e Within the funds voted by Council to approve overtime being worked by staff in all departments or divisions of Council when considered necessary subject to any directions or policy of Council from time to time.
  - f Authority to approve staff leave.

## **Responsible Accounting Officer**

- To designate an appropriate employee of Council as the responsible accounting officer in accordance with Part 4 of the Local Government (Financial Management) Regulation 1993.

## **Advances - Cash**

- To fix and vary the level of cash advances.

## **Common Seal**

- To make orders for the attaching of Council's common seal to all documents to which it is considered necessary to affix the common seal subject to subsequent advice to Council at its next regular meeting where not previously resolved.

## **Communications**

- To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council if the Mayor is unavailable or if the Mayor so authorises.

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## **SCHEDULE 1**

### **LOCAL GOVERNMENT ACT, 1993**

#### **(a) Chapter 6 - Services Function**

##### **(i) PART 2 - PUBLIC LAND**

Section 54 - Issue of Land Classification Certificates.

#### **(b) Chapter 7 - Regulatory Function**

##### **(i) PART 1 - APPROVALS**

Section 68 - Approval of activities specified in the table (Section 68 Local Government Act), except in so far as the Local Government Act, 1993, the regulations or a local policy adopted by the Council allows the activity to be carried out without approval.

Section 82 - To modify provisions of Clauses 54 and 55 of the (Approvals) Regulations.

Section 94 - Determination of Applications by granting approval, either conditionally or subject to conditions, or by refusing approval.

Section 95 - Exercising Council's power for deferred commencement of approvals.

Section 96 - Exercising Council's power to grant Staged Approval.

Section 97 - Exercising Council's power to apply Conditions concerning security.

Section 98 - Exercising Council's power to impose Other Conditions.

Section 99 - Giving of notice to applicants of determination of Applications.

Section 100 - Review of Determination where made by a delegation of Council.

Section 106 - Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.

Section 107 - Exercise Council's power to extend or review an approval.

Section 108/  
109 - Exercise Council's power to revoke or modify an approval in any of the following circumstances:-

**(a)** if the approval was obtained by fraud, misrepresentation or concealment of facts;

**(b)** for any cause arising after the granting of the approval which, had it arisen before the

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approval was granted, would have caused the Council not to have granted the approval (or not have granted it in the same terms);

(c) for any future failure to comply with a requirement made by or under the Local Government Act, 1993 relating to the subject of the approval; and

(d) for any failure to comply with a condition of the approval.

## **(c) Chapter 7 - Regulatory Function**

### **(ii) PART 2 - ORDERS**

Section 124 - Order a person to do or refrain from doing a thing specified in Column 1 Table No.2 (Chapter 7 - Orders) if the circumstances specified opposite in Column 2 of the Table exists and the person comes within the description opposite it in Column 3 of the Table.

Section 125 - Order a person responsible for a public nuisance to abate such nuisance.

Section 132 - Give notices of an Order under Section 121.

## **(d) Chapter 8 - Ancillary Functions**

### **(i) PART 1 - ACQUISITION OF LAND**

Section 186/187 - Negotiate on Council's behalf for the acquisition of land for the purpose of exercising any of the functions, up to the stage of presenting offers to Council for determination.

### **(ii) PART 2 - ENTRY ON TO LAND AND OTHER POWERS**

Section 191/ 192 - Authorise Council employees (or other persons) to enter any premises for the purpose of enabling the Council to exercise its functions.

Section 194 - Authorise the use of force for the purposes of entering premises.

Section 201 - Make application to an authorised Justice for the issue of a Search Warrant.

## **(e) Chapter 11 – How Are Councils Staffed**

### **(i) PART 3 – PUBLIC OFFICER**

Section 342 - Designate a member of staff as a Public Officer.

Section 353 - Prohibit staff from engaging in private employment or contract work outside Council.

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## **(f) Chapter 12 - Operation of Councils**

### **(i) PART 3 - SALE OF COUNCIL PROPERTY - PLANT AND EQUIPMENT**

To dispose of Council plant and equipment by way of sale at the best offer received when:

- (1) the sale of such item of plant and equipment is approved in the current year's annual operating plan and budget or approved by the Asset Management Committee; or
- (2) the item of plant, equipment or material is obsolete, unserviceable and/or surplus to Council's requirements and the sale of such item of plant or equipment represents the most cost effective option.

### **(ii) PART 4 - INSURANCE**

Section 382 - Make arrangements for adequate insurance against public liability and professional liability.

## **(g) Chapter 15 - Council Finances**

### **(i) PART 3 - ORDINARY RATES**

Section 514 - Determine and declare the categorisation of land for the purpose of making an ordinary rate.

Section 515 - Determine and declare the categorisation of land as farmland.

Section 516 - Determine and declare the categorisation of land as residential.

Section 517 - Determine and declare the categorisation of land as mining.

Section 518 - Determine and declare the categorisation of land as business.

Section 519 - Determine and declare the categorisation of vacant land.

Section 520 - Issue notices of categorisation of land.

Section 523 - Review determinations of categorisation of land.

Section 525 - Determine applications for change of categorisation of land.

Section 548A - Determine applications for aggregation of land values by Council and to adjust and re-levy accordingly.

### **(ii) PART 5 - LEVYING OF RATES AND CHARGES**

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Section 552 - Determination of what land may be subject to a water supply special rate or charge.

Section 553 - Determination of time at which land becomes subject to special rate or charge.

## **(iii) PART 6 - RATEABLE LAND**

Section 555 - Determination of what land is exempt from all rates.

Section 556 - Determination of what land is exempt from all rates, other than water supply special rates and sewerage special rates.

## **(iv) PART 7 - PAYMENT OF RATES AND CHARGES**

Section 564 - Approval of agreements as to periodical payment of rates and charges.

Section 569 - Issue and serve notices on occupiers for liability for payment of unpaid rates and charges.

## **(v) LOCAL GOVERNMENT GENERAL REGULATION (2005)**

Clause 131 - To write off Rates and Charges in accordance with the regulation under this clause.

- To write off Rates and Charges up to \$10,000 in accordance with this clause (errors, at law or cost effectiveness).

- To write off debts to Council up to \$500.00 in accordance with this clause.

## **(vi) PART 13 - INVESTMENTS**

Section 625 - Arrange the investment of money that is not, for the time being, required by the Council for any other purpose.

Money may only be invested in the following:-

(a) in any security authorised by the Trustee Act; or

(b) in a form of investment notified by order of the Minister published in the Government Gazette.

## **(vii) LOCAL GOVERNMENT GENERAL REGULATION, 2000**

Clause 144 - To apply water restrictions under the terms of this clause.

## **OTHER ACTS**

The General Manager is further delegated to act specifically in terms of the following Acts and Regulations:



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## **RURAL FIRES ACT 1997**

Section 66 Issue Notices requiring owners or occupiers (not being a public authority) of land to carry out bush fire hazard reduction work.

Section 67 Resolve objections to Section 66 Notices.

Section 70 Enter on land and carry out bush fire hazard reduction work.

Division 2A Investigate bush fire hazard complaints.

Sections 100D,

100E, 100F, 100G Issue bush fire hazard Certificates.

Section 100H Remedy and restraint for breaches under Sections 100F and 100G by bringing proceedings in the Land & Environment Court.

Section 131 To serve penalty notices on a person.

## **COMPANION ANIMALS ACT, 1998**

To authorise staff to carry out and undertake all Council's functions and take legal actions under the Companion Animals Act, 1998 and Regulations.

## **FOOD ACT, 2003 AND FOOD REGULATIONS 2004**

Powers and authorities as the appropriate enforcement agency under the Food Act 2003 and Food Regulations 2004.

## **IMPOUNDING ACT 1993**

To appoint designated Impounding Officers and carry out all Council's functions and take legal actions under the Impounding Act 1993.

## **PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997**

Section 91 Issue Clean Up Notices.

Section 92 Undertake clean up and recover costs in relation to reasonable costs and expenses.

Section 94 Recover costs.

Section 96 Issue Prevention Notices.

Section 98 Take action where a person does not comply with Prevention Notice.

Section 187 Appoint authorised officers

Section 224 Serve a Penalty Notice

Section 264 Issue Noise Control Notices

## **PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2002**

Issue and revoke approvals for the Control of Burning under part 2A, subject to:

- Such conditions as may be specified
- Consideration of the matters as listed under Section 6G
- No approvals for burning vegetative matter being issued in village zones, industrial or

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rural residential zones except in exceptional circumstances as determined in consultation with the Department of Environment & Conservation, NSW Rural Fire Service or NSW Fire Brigade

- No approvals for burning of vegetative matter being issued during periods in which a permit is required to be issued by the NSW Rural Fire Service or other authority unless a permit is issued
- No approvals being issued for burning during periods of Total Fire Bans.

## **PUBLIC HEALTH ACT 1991**

Section 10 Exercise Functions

Section 10F Power to Enter and Inspect Premises of a Supplier of Water

Section 10I Closure of Water Supply

Section 47 Power of Authorised Officer under Part 4 – Microbial Control

Section 51 Power of Authorised Officer under Part 5 – Skin Penetration

Section 70 Inspection of Records

Section 72 Power of Entry

## **PUBLIC HEALTH (DISPOSAL OF BODIES) REGULATIONS 2002**

Section 28 Supervision of Exhumations

Section 49 Power to Enter and Inspections

## **PUBLIC HEALTH (SKIN PENETRATION) REGULATIONS 2000**

Section 4 Powers to Enter and Inspection

## **PUBLIC HEALTH (SWIMMING POOLS & SPAS) REGULATIONS 2000**

Section 6 Powers of Entry and Inspection

Section 7 Powers to Close Swimming Pool or Spa

## **PUBLIC HEALTH REGULATIONS**

Section 39 Supervision of Exhumations

Section 57 Power of Entry and Inspection

## **SWIMMING POOL ACT 1992**

Section 27 Power to Appoint Inspector

Section 28 Power of Entry and Inspection

Section 24 Issue Compliance Certificates

Section 34 Serve Notices

Section 35 Issue Penalty Notices

## **ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

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- i) The authority to determine development applications lodged for consent under Part 4 of the Environmental Planning & Assessment Act, 1979 which:
  - (a) comply with the provisions of any Environmental Planning Instrument;
  - (b) are consistent with relevant Development Control Plans, Codes or Policies adopted by the Council;
  - (c) may be considered under Part 4 Division 2 (Existing Use) of the Environmental Planning & Assessment Act, 1979;
  - (d) are the subject of public submissions to which the objection relates; [Section 90]
    - (i) solely to the type of development proposed;
    - (ii) to a design standard contained within an adopted Development Control Plan, Code or Policy;
    - (iii) to an issue that may be reasonably alleviated by the imposition of a condition of development consent.
- ii) The authority to, on behalf of the Director-General, prepare Section 65 Certificates and Section 69 Reports to the Minister to approve such amendments.

(N.B. Council must still apply to the Director to complete the relevant documents under Sections 65 and 69 of the Act).
- iii) The authority to impose conditions on a development consent granted under Part 4 of the Environmental Planning & Assessment Act, 1979, which are:
  - (a) for a purpose identified in Section 80 and 80A of the Environmental Planning and Assessment Act 1979;
  - (b) in accordance with the terms of any environmental planning instrument;
  - (c) in accordance with any development control plan, code or policy adopted by the Council;
  - (d) requirements specified by any public authority or public undertaking.
- iv) The authority to refuse a development application which:
  - (a) is prohibited under the provisions of any environmental planning instrument;
  - (b) does not comply with the statutory provisions of the Environmental Planning & Assessment Act, 1979;
  - (c) does not contain adequate information to enable assessment under the relevant heads of consideration listed in Section 76(C) of the Environmental Planning & Assessment Act, 1979.
- v) The authority to determine any request for reconsideration or variation of a condition of development consent under Section 96 of the Environmental Planning & Assessment Act, 1979.
- vi) The authority to approve an extension of any development consent in accordance with the provisions of Section 95 of the Environmental Planning & Assessment Act, 1979.
- vii) The function of the Council in relation to Part 5 of the Environmental Planning & Assessment Act, 1979 for an activity which is not of a prescribed kind or an activity that is not likely to significantly affect the environment.

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- viii) The authority to reject a development application within 7 days after its receipt if it is not clear as to the development consent sought or it is not easily legible.
- ix) The function of the Council under Section 118B of the Environmental Planning and Assessment Act 1979 to authorise a person to carry out inspections for the purposes of that Act, the regulations under that Act and any environmental planning instrument under that Act.
- x) The function of the Council under Section 123 of the Environmental Planning and Assessment Act 1979 to bring proceedings to remedy or restrain a breach of that Act.
- xi) Authority to forward a Draft Local Environmental Plan under Section 68 of the Environmental Planning & Assessment Act, 1979 to the Department of Planning where no public submissions are received as a result of the public exhibition required under Section 66 of the Act.
- xii) Authority to vary any numeric standard contained within any Council code, policy or development control plan by up to 10% provided the development still meets the objectives of the particular code, policy or development control plan.
- xiii) The authority to require the lodgement of a cash bond or bank guarantee for work outstanding in any partly completed development with the amount of the bond being sufficient to complete the approved work allowing for inflation and administration costs or as provided for in Council's policy.
- xiv) The authority to act on Council's behalf in relation to legal proceedings lodged with the Land & Environment Court as follows:
  - (a) To determine the nature of action to be taken to defend the appeal and thereafter institute any action deemed necessary in the circumstances.
  - (b) To negotiate on matters in issue during conferences between parties when presided over by an assessor appointed by the Land & Environment Court and to delegate such authority to the Director - Works and/or the Director – Environmental & Community Services, where appropriate.
- xv) The function of the Council under Section 149, 149A, 149C and 149D.
- xvi) The authority to issue Certificates under Part 4A including Construction, Occupation, Compliance and Subdivision Certificates.
- xvii) Part 6 - Division 1A Power of Entry onto Land and Other Powers.
- xviii) Issue Notice of Intent under Section 21H for an Order under Section 121B.
- ixx) Issue Orders under Section 121B.

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## **ENVIRONMENTAL PLANNING & ASSESSMENT REGULATIONS 2000**

Issue Fire Safety Orders, Notices, Schedules, Certificates and Offences under Part 9 – Fire Safety and Matters Concerning the Building Code of Australia.

## **INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, 1988**

To exercise the statutory role of the Principal Officer in accordance with Section 11 of the Independent Commission against Corruption Act, 1988, as and when considered appropriate.

## **PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998**

To implement Council's functions under the Act.

## **ROADS ACT, 1993**

To authorise the North West Weight of Loads Group to proceed or not proceed with prosecution for breaches of regulations made under Section 108(2) of the Roads Act, 1993.

The function under section 71 of the Roads Act to decide to carry out work on any public road in respect of which the Council is the roads authority under the Act and on any other land under its control.

The function under section 78 of the Roads Act to decide to construct bridges and tunnels across navigable waters.

The function under section 86 of the Roads Act to direct the owner of a private road to carry out work on the road or to decide that the Council is to carry out the work.

The function under section 87(2) of the Roads Act to decide to carry out traffic control work on a classified road with the consent of the Roads and Traffic Authority (RTA).

The function under section 87(3) of the Roads Act to decide to carry out traffic control work on any unclassified road, and on any public street that is not a public road, except where otherwise notified by the RTA.

The function under section 92(1) of the Roads Act to decide to alter the landform of land adjoining a public road to ensure the stability of the road.

The function under section 93 of the Roads Act to direct the owner of any land adjoining a public road to fill in any excavation that, in the Council's opinion, threatens the stability of the road.

The function under section 94 of the Roads Act to carry out drainage work in or on any land in the vicinity of a public road.

The function under section 95 of the Roads Act to direct the occupier of land from which matter has been washed or blown onto a public road to take action to remove the obstruction and prevent its recurrence.

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The function under section 96 of the Roads Act to direct the occupier of any land in the vicinity of a public road to alter a fence, provide floodgates in any such fence or repair any such fence or floodgates.

The function under section 97 of the Roads Act to direct any person who is entitled to place utility services in on or over a public road to locate new or replacement services in a conduit and to make payments in respect of the costs incurred by the Council in constructing the conduit.

The function under section 98 of the Roads Act to direct the person having control over any work or structure that is situated in on or over a public road to alter the work or structure or its location.

The function under section 99 of the Roads Act to direct a private body established under the legislation referred to in the section to repair or maintain any water supply or drainage work situated in on or over a public road and that is controlled by that body.

The function under section 100(1)(b) of the Roads Act to direct the owner of a private railway which is passed over under or across by a public road to repair or replace the bridge or level crossing or the road under an overbridge.

The function under section 101(1) of the Roads Act to direct any person by whom a public road is dug up to restore the road to its previous condition.

The function under section 101(4) of the Roads Act to decide to take such action as is necessary to restore a road that has been dug up to its previous condition instead of giving a direction under section 101(1).

The function under section 103(1) of the Roads Act to direct the owner or occupier of land to erect or install fences lights or other equipment on or around any premises in the circumstances set out in the section.

The function under section 107 of the Roads Act to direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used or is able to be used in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.

The function under section 115 of the Roads Act to decide to regulate traffic on a public road by means of barriers or notices conspicuously displayed on or adjacent to the road.

The function under section 122 of the Roads Act to decide to regulate traffic on specified or all public roads for which the Council is the Roads Authority under the Act in the manner set out in the section.

The function under section 125 of the Roads Act to grant an approval that allows a person who conducts a restaurant adjacent to a footway to a public road that is vested in fee simple in the Council to use part of the footway for the purposes of the restaurant.

The function under section 126(1) of the Roads Act to authorise the holder of an approval under section 125 to erect and maintain structures in on or over any part of the footway the subject of

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the approval or, if requested by the holder of the approval, erect and maintain any such structure.

The function under section 126(2) of the Roads Act to decide to erect and maintain structures in on over any part of the footway the subject of an approval for the protection of public health and safety.

The function under section 128 of the Roads Act to permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.

The function under section 130 of the Roads Act to revoke a permit granted under section 128.

The function under section 133(1) of the Roads Act to permit the construction of a by-pass for vehicles as provided for in the section.

The function under section 136 of the Roads Act to revoke a permit granted under section 133(1).

The function under section 138 of the Roads Act to grant consent for works and other structures in respect of public roads.

The function under section 140 of the Roads Act to decide to revoke a consent granted under section 138.

The function under section 144 of the Roads Act to grant a permit to conduct a road event (as defined in the Act) on a public road.

The function under section 174 of the Roads Act to decide to apply to an authorised Justice to enter and inspect land for the purposes of the Act and in the circumstances set out in the section.

The function under section 242 of the Roads Act to decide to take proceedings in a Local Court for an offence against the Act or any Regulations made under the Act.

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

## ***Conditions and Limitations***

***This function may only be exercised with the concurrence of the General Manager.***

The function of deciding to bring, defend, appear in or settle such proceedings, as may be competently brought defended, appeared in or settled by Council.

The function under section 246 of the Roads Act to decide to take such action as is necessary to rectify a contravention of the Act.

## ***Conditions and Limitations***

The function under section 246 of the Roads Act may only be exercised with the concurrence of the General Manager.

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The function under section 247 of the Roads Act to decide to recover money owed to the Council under the Act as a debt in a court of competent jurisdiction.

The exercise of all the functions of the Authority under:

1 Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993

## ***Conditions and Limitations***

1 A council and its sub-delegate must not exercise a function:

- (1) Outside the area constituted under the Local Government Act 1993 for which council is the council, or
- (2) On a classified road under the Roads Act 1993 (except where exercising a function in respect of portable traffic control light signals).

2 A Council and its sub-delegate may only exercise a function in respect of any prescribed traffic control device (defined in clause 131 of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 for the purposes of section 50 of the Road Transport (Safety and Traffic Management) Act 1999 being:

- (1) any prescribed traffic control device contained in the document, "Regulatory Signs" Version 1.0 dated may, 2001 (Reference No RTA/Pub 01.038 issued by the Authority, but excluding those which are indicated as 'Not delegated to Council' as listed in that document, and
- (2) any portable traffic control lights,

and under no circumstances, that is, despite (1) above, will a council or its sub-delegate be permitted to exercise a function in respect of any internally illuminated traffic control device.

3 (1) A Council and its sub-delegate must not exercise a function in respect of the following activities including the referral of the matter to the Local Traffic Committee until a Traffic management Plan, which must include an assessment of the impact of the exercise of the function and proposed measures to ameliorate such impact, has been approved by the Authority:

(a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:

- pedestrians
- vehicles
- motor vehicles

by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;

(b) the installation or display of the following traffic control signs on roads or road related areas:



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- *No Right Turn*
- *No Left Turn*
- *No Entry*
- *No Turns*
- *Left Turn Only*
- *Right Turn Only*
- *No Trucks*
- *No Buses*
- *No Pedestrians*

*or the installation or display of any other sign or road marking prohibiting or compelling a turning movement;*

- (c) changing a two-way street into a one-way street or reversing the direction of a one-way street;*
  - (d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;*
  - (e) reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.*
- (2) A Traffic management Plan is not required if council certifies to the Authority in writing that a No Trucks or No buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.*

*4 A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:*

- (1) the signals are used in connection with the carrying out of road work on public roads as authorised by the roads Act 1993; and*
- (2) no fixed equipment or fixed cables are used.*

*5 A sub-delegate must not exercise a function in respect of Division 2 or Part 8 (Regulation of Traffic by Roads Authorities) of the Roads Act 1993.*

*6 A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and the Authority of any decision taken to exercise a function except where:*

- (1) the advice of the Local Traffic Committee is unanimous; and*
- (2) the council or its sub-delegate propose to follow such advice.*

*7 Where a council or its sub-delegate has notified or should have notified the commissioner of*

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*Police and the Authority of a decision to exercise a function, the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.*

*8 Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.*

*9 Where the chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.*

*10 Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the Road Transport (Safety and traffic Management) Act 1999.*

*11 A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:*

- Type and location of the traffic control device;*
- Time and date of completion of installation, display, alteration or removal of the traffic control device.*

*12 Where a council or its sub-delegate wishes to exercise a function in respect to a “Roadwork Speed Limit” traffic sign (Speed Series (R4) Sign No R4-212 in the document, “regulatory Signs” Version 1.0 dated may, 2001 reference No RTA/Pub 01.038, issued by the Authority), the following conditions apply:*

*(1) When the installation period of a ‘Roadwork Speed Limit’ sign is to be for 6 working days or less:*

- a) authorisation of the use of the ‘Roadwork Speed Limit’ sign must be carried out by council or a sub-delegate who holds a current Traffic Control at worksites certificate issued by the Authority; and*
- b) the nearest office of the Authority is to be notified in writing of Council’s intention to implement a roadwork speed limit prior to works commencing; and*
- c) the nearest Police Station is to be notified in writing of Council’s intention to implement a roadwork speed limit prior to works commencing.*

*(2) When the installation period of a ‘Roadwork Speed Limit’ sign is to be for more than 6 working days:*

- a) authorisation of the use of the ‘Roadwork Speed Limit’ sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by the Authority, and*
- b) the nearest office of the Authority is to be notified in writing of Council’s intention*

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*to implement a roadwork speed limit 7 days prior to works commencing; and*

*c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing.*

*(3) The need for a 'roadwork Speed Limit' sign shall be determined in accordance with the document, "traffic Control at worksites" Version 2.0 dated October 1998 (Reference No TTT-003) issued by the Authority;*

*(4) 'Roadwork Speed Limit' signs shall be installed in accordance with the "Traffic Control at Worksites" document (as already referred to);*

*(5) Records maintained by a council and its sub-delegate in respect to a 'Roadwork Speed Limit' sign must include:*

*a) council's or its sub-delegate's written authorisation of the installation [The sub-delegate's Traffic Control at Worksites Certificate number must be shown],*

*b) the location,*

*c) the installation time and date, and*

*d) the removal time and date.*

*(6) The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.*

*13 Council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the Sydney Olympic Park Authority Act 2001).*

To exercise Council's functions and responsibilities under the Roads Act, 1993.

Section 15 - Grant Approval for Structures on Footpaths.

## **WATER MANAGEMENT ACT 2000**

The function under Section 306 of the Act, as a Water Supply Authority, to require an applicant for a certificate of compliance under Section 305 of the Act to do either or both of the following:

(a) To pay a specified amount to the Water supply Authority by way of a contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both;

(b) To construct water management works to serve the development.

The function under Section 307 of the Act to grant a certificate of compliance for development:

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- (a) Within 60 days after an application under Section 305 of the Act for the Granting of such a certificate is made; or
- (b) If, within the period, the Water Supply Authority imposes a requirement on the applicant, as soon as it is satisfied that the requirement has been complied with.

## **FREEDOM OF INFORMATION ACT 1989**

To authorise the conduct of an internal review.

Authorisation to carry out the duties and functions of the Information Officer.

## **LEGAL AND OTHER DOCUMENTS**

To sign and execute documents under the Common Seal of the Council in conjunction with the Administrator.

## **OCCUPATIONAL HEALTH & SAFETY ACT, 2002**

To implement Council's responsibilities under the Act.

## **MEDIA STATEMENTS AND PRESS RELEASES**

To make Media Statements and issue Press Releases in respect of Council resolutions and decisions.

## **MINES INSPECTION ACT, 1901**

Authorisation to nominate the General Manager and Production Manager.

## **HERITAGE ACT, 1977**

Section 25 - Make Interim Orders for items of local significance.

- (i) To make Interim Heritage Orders for items in the Liverpool Plains Shire Local Government Area in accordance with Section 25 of the Heritage Act, 1977, and subject to the following conditions:

1. A Council must not make an Interim Heritage Order (IHO) unless:

- (a) an environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management plan of those items is in force in the Local Government area;

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(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:

- i) the item is or is likely to be found, on further enquiry and investigation, to be of local heritage significance;
- ii) the item is being or is likely to be harmed;
- iii) the IHO is confined to the item determined as being under threat; and

(c) where the IHO is made over land which includes an item which is likely to be found, on further enquiry and investigation, to be of significance to Aboriginal people, a Council must refer the proposal to make an IHO to the Heritage Office for assessment regarding significance and community consultation, before the IHO is made. Council must comply with the recommendations of the Heritage Office made in its assessment prepared pursuant to the referral.

2. A Council must not make an IHO where:

(a) the item is listed on:

- i) an environmental planning instrument as an item of environmental heritage;
- ii) the item is within a conservation area identified in an environmental planning instrument;

(b) the item is covered by an order under Section 130 or Section 136 of the Heritage Act 1977;

(c) the Council has previously placed an IHO on the item;

(d) the Court has granted development consent in relation to the item that permits the item to be harmed and the development consent is still in force.

3. A Council must not make an IHO in relation to item (s) that are located on land:

- (a) that is Crown Land;
- (b) which is being developed by or on behalf of the Crown;
- (c) which is subject to a development declared to be State Significant Development under the Environmental Planning & Assessment Act, 1979.

For the purposes of this clause, “the Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977.

4. A Council must not make an IHO in respect of an item (which includes a building, work, relic or place) that is subject to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an office or employee of the Crown or a Minister.

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For the purposes of this clause, the “Crown” includes State Government Agencies, State Owned Corporations, Statutory Corporations, Statutory Authorities and Ministerial Corporations. “Crown” is also taken to have the same meaning as specified in Section 57 (1A) (b) of the Heritage Act, 1977. This clause does not apply to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Council.

5. An IHO made by a Council must contain the following condition:

- (a) “This Interim Heritage Order will lapse after six months from the date it is made unless the local Council has passed a resolution before that date;
- (b) in the case of an item which, in the Council’s opinion is of local significance, to place the item on the heritage schedule of a local environmental plan (LEP) with appropriate provisions for protecting and managing the item; and
- (c) in the case of an item which in the Council’s opinion is of State heritage significance, to nominate the item for inclusion on the State Heritage Register.”

6. A Council must ensure that the authorisation is carried out in accordance with guidelines issued from time to time by the Heritage Council and/or Heritage Office.

7. A Council must publish annually in its State of Environment Report or Annual Report a summary of all decisions regarding IHOs for that year and provide a copy to the NSW Heritage Office.

8. A Council will be responsible for defending proceedings in any Court relating to its decisions made under this authorisation (including the bearing of all costs).

(ii) That where it is considered that if upon further investigation of any item that Council may determine the item to be of local heritage significance and that it considers is being or is likely to be harmed.

Section 61 - To determine if public notice is to be given.

Section 62 - To determine applications for approval by granting approval either unconditionally or subject to conditions, or by refusing approval.

Section 63 - Determine deferred commencement approvals.

Section 63B - Grant particular conditional approvals.

Section 64 - Issue Notice of Determination

Section 65A - Determine applications for modification of approvals.

**STATE EMERGENCY & RESCUE MANAGEMENT ACT, 1989**

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009  
COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT  
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Carry out Council's functions under the State Emergency and Rescue Management Act, 1989 and authorised to appoint Local Emergency Management Officer.

## **SCHEDULE 2**

- (1) The function of delegation and sub-delegation by the General Manager pursuant to Section 378 of the Local Government Act, 1993 shall be exercised in writing signed by the General Manager.
- (2) The Council may by resolution, direct the General Manager in the exercise of any of the functions herein delegated.
- (3) The General Manager shall exercise the functions herein delegated in accordance with and subject to:-
  - (i) the provisions of the Local Government Act, 1993 and other relevant legislation;
  - (ii) Council Management Practices Manuals, Codes and Practices and Guidelines; and
  - (iii) each and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.

.....  
**R J GERAGHTY**  
**GENERAL MANAGER**

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009  
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Mr R J Geraghty  
General Manager  
Warrumbungle Shire Council  
John Street  
COONABARABRAN 2357

Dear Sir

**DIRECTOR OF CORPORATE SERVICES**

**ANNEXURE 2**

## **2.1 BANK ACCOUNTS AND INVESTMENTS AS AT 31 AUGUST 2009**

<b>GENERAL FUND</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund Bank Balance	\$ 10,381,040.08	\$ 1,408,000.00	\$ 4,493,040.08
Future Capital Upgrading		\$ 2,520,000.00	
Employees Leave Liability		\$ 770,000.00	
External Grants for Specific Projects		\$ 980,000.00	
Development Sec 94 & 64 Contb'ns		\$ 210,000.00	
<b>TOTALS</b>	<b>\$ 10,381,040.08</b>	<b>\$ 5,888,000.00</b>	<b>\$ 4,493,040.08</b>

<b>WATER FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Baradine Water Bank	\$ 521,282.02		\$ 521,282.02
Binnaway Water Bank	\$ 515,808.93	\$ -	\$ 515,808.93
Coonabarabran Water Bank	\$ 1,141,361.57	\$ 179,230.45	\$ 962,131.12
Coolah Water	<b>-\$ 303,097.53</b>		<b>-\$ 303,097.53</b>
<b>TOTALS</b>	<b>\$ 1,875,354.99</b>	<b>\$ 179,230.45</b>	<b>\$ 1,696,124.54</b>

<b>SEWERAGE FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Coonabarabran Sewerage	\$ 2,509,908.81	\$ 836,510.08	\$ 1,673,398.73
Baradine Sewerage	\$ 297,334.62	\$ 332,320.00	-\$ 34,985.38
Coolah Sewerage	\$ 1,222,100.12	\$ 563,170.00	\$ 658,930.12
<b>TOTALS</b>	<b>\$ 4,029,343.55</b>	<b>\$ 1,732,000.08</b>	<b>\$ 2,297,343.47</b>

**Bank Accounts and Investments**  
**Total** **\$ 16,285,738.62**



# WARRUMBUNGLE SHIRE COUNCIL

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## TUST FUND

Trust Fund	\$ 103,605.08	\$ 103,605.08	\$ -
	<b>\$ 103,605.08</b>	<b>\$ 103,605.08</b>	<b>\$ -</b>

## SUMMARY

	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund	\$ 10,381,040.08	\$ 5,888,000.00	\$ 4,493,040.08
Water Fund	\$ 1,875,354.99	\$ 179,230.45	\$ 1,696,124.54
Sewerage Fund	\$ 4,029,343.55	\$ 1,732,000.08	\$ 2,297,343.47
Trust Fund	\$ 103,605.08	\$ 103,605.08	\$ -
<b>TOTALS</b>	<b>\$ 16,389,343.70</b>	<b>\$ 7,799,230.53</b>	<b>\$ 8,486,508.09</b>

## RECOMMENDATION

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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## 2.2 INVESTMENTS HELD AS AT 31 AUGUST 2009

Warrumbungle Shire Council										
Local Government Financial Management Regulations (Clause 16)										
Item 2.2 Investments Held As At 31st August 2009										
ON CALL										
	ON CALL Invested With	Balance at 31 August 2009			Maturity	Interest Taken	Interest Paid	Interest Rec'd for August		Current Interest Rate
	Suncorp Metway	464,259.66			Daily	Daily	Monthly	2,798.11		4.48%
OTHER INVESTMENTS										
	Invested With	Amount	Current Valuation	As At	Initial Interest Rate	Taken	Maturity	Interest Rec'd	Date Rec'd	Current Interest Rate
1	Three Pillars - FRN-AA-	500,000.00	345,000.00	31.07.2009	BBSW+120	24/03/2005	4/06/2010		Accrued	5.1933% to 6 Apr then 4.3133% to 6 July
2	<b>RIM Securities</b>  BOND ST CUSTODIAN-TITANIUM AAA	2,000,000.00	1,904,662	31.08.2009	7.27%	17/05/2005	14/12/2010			3.83%

## WARRUMBUNGLE SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009 COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT 1.00PM**

	Invested With	Amount	Current Valuation	As At	Initial Interest Rate	Taken	Maturity	Interest Rec'd	Date Rec'd	Current Interest Rate
3	<b>CBA</b> Range Accrual	1,000,000.00	903,500.00	31.08.2009	7.50%	14/12/2005	14/12/2010			
4	<b>CBA</b> Range Accrual	1,000,000.00	903,500.00	31.08.2009	7.50%	16/12/2005	16/12/2010			
5	<b>ROYAL BANK CANADA</b> Range Accrual	1,000,000.00	969,900.00	31.08.2009	7.70%	16/03/2006	16/03/2011			
6	<b>PIMCO PRINCIPAL PROTECTED</b>	500,000.00	488,734.00	31.08.2009	50% CG	22/02/2007	28/02/2011			
7	<b>TRIDENT-CREDIT SUISSE SYDNEY BRANCH</b> PPN-AA-	500,000.00	502,051.00	31.08.2009	50% CG	30/05/2007	30/05/2011			
8	<b>ANZ</b>  CREDIT SAIL-ANZ INVESTMENT BANK CDO- A	500,000.00	251,500.00	31.07.2009	BBSW+150	14/11/2005	30/12/2011			
9	<b>BENDIGO BANK</b>  FRN	500,000.00	438,850.00	31.08.2009	BBSW +120	21/09/2007	21/09/2012	4,455.00	Accrued 31/08/2009	5.4467% to 23/3/09

## WARRUMBUNGLA SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009 COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT 1.00PM**

	<b>Invested With</b>	<b>Amount</b>	<b>Current Valuation</b>	<b>As At</b>	<b>Initial Interest Rate</b>	<b>Taken</b>	<b>Maturity</b>	<b>Interest Rec'd</b>	<b>Date Rec'd</b>	<b>Current Interest Rate</b>
10	ANZ ASPIRT 1-CPPI/FRN-Aap	500,000.00	438,305.00	31.07.2009	50% CG	15/11/2006	11/08/2012			
11	WBC DANDELION-FRN-	1,000,000.00	823,000.00	31.08.2009	BBSW + 12BP	20/12/2007	21/12/2012			
12	ANZ ASPRIT 11-CPPI/FRN-Aap	800,000.00	682,672.00	31.07.2009	50% CG	30/03/2007	30/03/2013			
13	DEUTSCHE BANK AG LONDON DAISY	1,500,000.00	1,377,015.00	31.07.2009	6% + CG	31/05/2006	31/05/2011			
14	ANZ ALL SEASONS-KEOLIS AAA	1,500,000.00	962,400.00	31.08.2009	8.00%	16/06/2006	16/06/2013			
15	ANZ AVERON BOND-SEALINK P/L- CPPI/FRN-AAA	700,000.00	439,880.00	30.07.2009	BBSW+1.50	4/10/2006	20/06/2013			
	<b>Invested With</b>	<b>Amount</b>	<b>Current Valuation</b>	<b>As At</b>	<b>Initial Interest Rate</b>	<b>Taken</b>	<b>Maturity</b>	<b>Interest Rec'd</b>	<b>Date Rec'd</b>	<b>Current Interest Rate</b>

## WARRUMBUNGLE SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009 COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT 1.00PM**

16	<b>DRESDNER BANK</b>									
	OCTAGON PLC-EMU NOTE	1,500,000.00	1,146,450.00	31.08.2009	7.00%	25/10/2005	30/10/2015			
		<b>15,464,259.66</b>	<b>12,577,419.00</b>	<b>NOTE: The balance of \$15,464,259.66 differs from the total investments shown in the Bank Reconciliation by \$8,364.56 which is interest accrued in the Suncorp Account which has yet to be journalised</b>						

### **RECOMMENDATION**

For Council's information.

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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### 2.3 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – AS AT 31 AUGUST 2009

	General Managed Fund	Trust Fund	Investment Fund
<b>Cashbook as at 31st August 2009</b>			
<b>Opening Balance</b>	<b>1,197,936.22</b>	<b>79,418.13</b>	<b>15,455,894.72</b>
Plus Deposits	3,935,648.30	4,779.40	
Less Payments	-4,063,237.10	-4,831.51	
<i>Bank Adjustment (1)</i>	-24,254.52	24,254.52	
<b>Adjusted Cashbook Balance</b>	<b>1,046,092.90</b>	<b>103,620.54</b>	<b>15,455,894.72</b>
<b>Bank Statement as at</b>			
<b>31st August 2009</b>	<b>959,664.96</b>	<b>80,027.15</b>	
Plus Outstanding Deposits	196,707.78	1,663.87	
Less Outstanding Payments	-86,025.32	-2,325.00	
<i>Bank Adjustment (1)</i>	-24,254.52	24,254.52	
<b>Adjusted Statement Balance</b>	<b>1,046,092.90</b>	<b>103,620.54</b>	<b>0.00</b>

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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### Ledger Cash Book

Closing Balance	1,046,092.90	103,552.97	15,455,894.72
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<b>Total Ledger</b>	<b>1,046,092.90</b>	<b>103,552.97</b>	<b>15,455,894.72</b>
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<i>Difference (2)</i>	0.00	-67.57	0.00
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- (1) *Adjustment Required by Auditors in 06-07 year yet to be applied at Bank*
- (2) *Trust Fund - difference of 67.57 is under investigation*

### RECOMMENDATION

For Council's information.

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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### 2.4 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END AUGUST 2009

At the August Ordinary Meeting of Warrumbungle Shire Council, information was sought by Councillors on the “Abandonment” of Farmland Rates in the amount of \$141,281.71.

Council is restricted from increasing the Farmland Rate by more than 20% in any one year.

The \$141,281.71 is what notionally Farmland Rates would have been increased by if there were no restriction. The large amount is due to the Valuer General’s increased Valuations in 2008/2009.

Normally this is adjusted by the Department of Local Government in the following year by allowing an overall rate increase beyond the “rate pegging” percentage. To retrieve this lost income from last year Warrumbungle Shire Council was allowed a 3.67% increase in rates revenue against the rate pegging percentage of 3.5% for 2009/2010.

An adjustment will be made when raising rates for 2010/2011 to recover the “abandoned” \$141,281.71.

#### RATES AND CHARGES COLLECTION REPORT UP TO AND INCLUDING JULY 2009

GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
	CBN RES/ RURAL RES	107,434	979,693	68,391	1,799	1,016,937	284,265	732,673	708,860	<b>27.95%</b>	27.75%
	BARADINE	42,846	135,858	16,684	0	162,021	32,868	129,153	110,645	<b>20.29%</b>	25.16%
	BINNAWAY	18,724	65,167	10,534	0	73,357	17,972	55,385	46,113	<b>24.50%</b>	32.20%



## WARRUMBUNGLE SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
	VILLAGES	8,033	27,838	2,299	0	33,572	9,078	24,494	19,583	<b>27.04%</b>	28.86%
	FARMLAND	193,869	3,938,890	18,307	141,282	3,973,171	1,037,741	2,935,430	2,908,383	<b>26.12%</b>	26.48%
	COOLAH	16,446	194,288	14,405	0	196,329	58,760	137,569	122,997	<b>29.93%</b>	32.00%
	DUNEDOO	14,882	209,204	15,290	0	208,797	61,305	147,492	133,383	<b>29.36%</b>	32.12%
	MENDOORAN	8,991	66,241	7,065	0	68,167	14,905	53,262	46,892	<b>21.87%</b>	28.33%
	LEADVILLE	2,970	10,318	1,437	0	11,850	3,383	8,467	7,132	<b>28.55%</b>	31.77%
	MERRYGOEN	465	4,242	759	0	3,948	824	3,124	2,592	<b>20.88%</b>	29.34%
	NEILREX	336	2,372	151	0	2,557	623	1,934	1,521	<b>24.37%</b>	29.88%
	UARBRY	0	3,628	85	7	3,536	1,917	1,619	2,676	<b>54.21%</b>	35.35%
	COOLABAH ESTATE	2,567	15,056	1,554	0	16,070	3,120	12,950	11871	<b>19.42%</b>	21.22%
	RUR/RES COBBORA	572	3,040	229	0	3,383	1,060	2,322	2531	<b>31.34%</b>	31.33%
	GENERAL RESD/BUS- STH	12,536	161,382	9,992	1	163,926	57,664	106,261	84,768	<b>35.18%</b>	35.34%
	BUSINESS- CBN-RURAL	21,086	380,889	250	0	401,725	162,789	238,936	249,644	<b>40.52%</b>	36.38%

## WARRUMBUNGL E SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
<b>WATER</b>						0		0			
	COONABARA BRAN	32,524	362,401	26,716	1,823	366,385	102,868	263,517	224,925	<b>28.08%</b>	28.14%
	BARADINE	36,273	107,379	9,888	0	133,764	29,468	104,296	84,362	<b>22.03%</b>	24.03%
	BINNAWAY	30,832	113,373	8,293	0	135,912	33,037	102,875	62,783	<b>24.31%</b>	30.67%
	VILLAGES	18,872	11,040	875	0	29,037	2,394	26,643	24,353	<b>8.24%</b>	9.06%
	FARMLAND - NTH & STH	3.72	1,120.00	0.00	0.00	1,124	83	1,041	955.00	<b>7.34%</b>	14.29%
	COOLAH	20,604	210,894	11,356	0	220,142	58,623	161,519	101,806	<b>26.63%</b>	29.78%
	DUNEDOO	10,276	144,540	9,188	0	145,628	41,916	103,713	83,957	<b>28.78%</b>	31.23%
	MENDOORAN	14,837	140,985	4,813	0	151,010	33,696	117,314	75,907	<b>22.31%</b>	25.49%
	MERRYGOEN	1,857	10,580	875	0	11,562	2,762	8,800	9,425	<b>23.88%</b>	22.66%

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
<b>SEWERAGE</b>						0		0			
	COONABARA BRAN	46,222	596,928	26,538	2,274	614,338	167,563	446,775	461,705	<b>27.28%</b>	29.31%
	BARADINE	47,624	156,537	8,313	0	195,849	51,023	144,826	139,482	<b>26.05%</b>	26.27%
	COOLAH	15,882	206,629	9,081	0	213,430	68,447	144,982	109,242	<b>32.07%</b>	30.66%
	DUNEDOO	11,126	179,772	8,925	0	181,973	50,819	131,154	99,140	<b>27.93%</b>	31.08%
		<b>738,688</b>	<b>8,440,283</b>	<b>292,289</b>	<b>147,185</b>	<b>8,739,496</b>	<b>2,390,971</b>	<b>6,348,525</b>	<b>5,937,633</b>	<b>27.36%</b>	<b>28.06%</b>
<b>GARBAGE- North</b>		73,509	703,657	54,980	145	722,040	223,669	498,371	404,436	<b>30.98%</b>	33.27%
<b>GARBAGE - South</b>		35,703	438,582	38,513	0	435,772	123,693	312,078	256,243	<b>28.38%</b>	29.64%
<b>FARMLAND - NTH - STH</b>		1,491	35,863	563	0	36,791	10,215	26,576	21,899	<b>27.76%</b>	27.39%
<b>LEGAL FEES</b>		218,349	21,652	0	38	239,963	21,652	218,311	165,973	<b>9.02%</b>	17.45%
								0			
<b>INTEREST</b>		191,238	0	0	0	191,238	19,274	171,964	139,370	<b>10.08%</b>	9.27%
	<b>TOTALS</b>	<b>1,258,977</b>	<b>9,640,037</b>	<b>386,346</b>	<b>147,369</b>	<b>10,365,300</b>	<b>2,770,201</b>	<b>7,575,825</b>	<b>6,925,554</b>	<b>26.73%</b>	<b>27.92%</b>

**Note:** These do not include Legal / Interest / Waste Outstanding Amounts as they are not broken up into these localities

**RECOMMENDATION**  
For Council's information.

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
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## **2.5 APPLICATION FOR A CHANGE OF RATING CATEGORY**

### **Background**

An application has been received under Section 525 of the Local Government Act (1993) from the owner of 38-40 Bullinda Street Binnaway for a change of rating category from business to residential.

### **Report**

Investigation reveals that the property is no longer trading as a business and is being used solely as a residence.

### **RECOMMENDATION**

That the property at 38-40 Bullinda Street Binnaway (Assessment No: 00618-0) be rated as residential.

## **2.6 REQUEST FOR CONSIDERATION IN INTRODUCTION OF USER PAY SEWERAGE – Coolah & District Retirement Homes Ltd**

### **Background**

Following the raising of rates in July, Council has been approached by Coolah & District Retirement Homes Ltd for some kind of consideration in the large increase in rates liability for 2009/2010 due to the introduction of User Pay Sewerage. Correspondence is attached from the applicant claiming a 472% increase in rates. Further information supporting their applications is also attached including a Charity Tax Exemption Form and their Memorandum and Articles of Association.

### **Report**

Coolah & District Retirement Homes Ltd is an unlisted, not for profit company providing 10 single bedroom units at 47 Martin Street Coolah for retired people on some form of Aged Pension. There is a shortage of this kind of accommodation throughout the Shire and in fact, the country.

When rates were raised this year and the User Pay Sewerage charge was introduced in line with the resolution of council that in strata developments or flats there would be a charge per unit, it was noticed that in the past Coolah & District Retirement Homes Ltd had only been levied one domestic waste charge. An adjustment was made to charge 10 domestic waste charges and 10 User Pay Sewerage Charge. This resulted in the 472% increase in rates claimed by the applicant.

On receipt of their application and after meetings held with representatives from Coolah & District Retirement Homes Ltd the domestic waste charges have been reduced to four, which is the number of bins they have. With that adjustment the increase in their rates is 426%.

# **WARRUMBUNGLE SHIRE COUNCIL**

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To maintain their ability to provide this accommodation, to cover this increase, the residents (all pensioners on fixed incomes) would have to pay an additional \$11.88 per week.

Further Coolah & District Retirement Homes Ltd contends that the amount of \$390 per unit (occupied by a single Aged Pensioner) for User Pay Sewerage is not equitable if you consider that a household with two parents and four children also pay \$390.

Coolah & District Retirement Homes Ltd understands the move to levying user-pay charges and accepts our responsibility to do so under state legislation but believes that to be hit with a 426% increase in a single year is totally unreasonable.

They are requesting that this charge be phased in over a period of years.

Coolah & District Retirement Homes Ltd have already paid their first instalment for 2009/2010 and request that if Council accepts an alternative arrangement, then an adjustment be made to further instalments for 2009/2010.

## **Conclusion**

Given that in its considerations of the introduction of User Pays Sewerage and how it would be phased in, the burden was shifted from businesses to residential properties over a phase in period of three years. The thought being that such a hefty increase for businesses would cause some of them to close down which is not desirable for anyone.

The provision of low cost housing for the aged pensioners in our community is also a very desirable amenity and the increase proposed would mean a 13% increase in the rent paid by people on low fixed incomes.

## **RECOMMENDATION**

That:

1. Council grants Coolah & District Retirement Homes Ltd a gradual increase in the User Pay Sewerage charge over a period of three years in the following way:
  - In 2009/2010 the charge be \$130 per unit, totaling \$1,300.
  - In 2010/2011 the charge be equivalent to 2/3rds of the unit rate set and
  - In 2011/2012 the charge be 100% of the unit rate set.
2. That, in accordance, an adjustment be made to the rates levied for 2009/2010.

## **2.7 REQUEST FOR CONSIDERATION IN INTRODUCTION OF USER PAY SEWERAGE – Coolah Cottages Limited**

### **Background**

Following the raising of rates in July, Council has been approached by Coolah Cottages Limited for some kind of consideration in the large increase in rates liability for 2009/2010 due to the introduction of User Pay Sewerage. Correspondence is attached

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from the applicant claiming a 300% increase in rates. A letter supporting their application is also attached.

## **Report**

Coolah Cottages Limited is an unlisted, not for profit company providing 4 cottages for the frail aged who are not yet ready for nursing home accommodation but require access to that level of care if required. There is a shortage of this kind of accommodation throughout the Shire and in fact, the country.

When rates were raised this year and the User Pay Sewerage charge was introduced in line with the resolution of council that in strata developments or flats there would be a charge per unit, it was noticed that in the past Coolah Cottages Limited had only been levied one domestic waste charge. An adjustment was made to charge 4 domestic waste charges and 4 User Pay Sewerage Charge. This resulted in the 300% increase in rates claimed by the applicant.

Since they are not using 4 domestic waste bins an adjustment has been made to their rates.

Further Coolah Cottages Limited contends that the amount of \$390 per unit (occupied by a single Aged Pensioner) for User Pay Sewerage is not equitable if you consider that a household with two parents and two children also pay \$390.

They are requesting that they be exempted from the single unit charge and be charged as one household

## **Conclusion**

Given that in its considerations of the introduction of User Pays Sewerage and how it would be phased in, the burden was shifted from businesses to residential properties over a phase in period of three years. The thought being that such a hefty increase for businesses would cause some of them to close down which is not desirable for anyone.

The provision of low cost housing for the aged pensioners in our community is also a very desirable amenity and the increase proposed would mean an increase in the rent paid by people on low fixed incomes.

## **RECOMMENDATION**

That:

1. Council grants Coolah Cottages Limited a gradual increase in the User Pay Sewerage charge over a period of three years in the following way:
  - In 2009/2010 the charge be \$130 per unit, totaling \$520.
  - In 2010/2011 the charge be equivalent to 2/3rds of the unit rate set and
  - In 2011/2012 the charge be 100% of the unit rate set.
2. That, in accordance, an adjustment be made to the rates levied for 2009/2010.

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## **2.8 COUNCIL STOCK TAKE AS AT 30 MARCH 2009**

### **Background**

Council is required to carry out a stock take of Stores and Materials at least twice a year. Prior to 2008 stock takes were predictable but we will now carry out stock takes in an unpredictable fashion and without notice.

Due to the back log of systems improvements and other financial processes there has only been one stock-take carried out since September 2007.

This was carried out as at 30 March 09 and identified numerous variances between the actual stock counts and the stock records. The time frame between stock take and this report is due to an extensive examination of variances.

### **Report**

The attached variance report lists variations to the total of \$72,838.61, which included both write-ons and write-offs.

Further investigation has highlighted that fuel issues from the Trailer Suspense Account needed to be included in Stores to the value of \$27,426.90 thereby reducing the amount of variances to \$45,411.71.

**Fuel Variances** can occur through a number of ways:

1. Inaccuracies in count measurements
2. Inaccuracies in delivery measurements
3. The temperatures at delivery and issues
4. Evaporation
5. Book entry errors
6. Theft

The two significant items with variances are:

Unleaded fuel	\$17,975.27
Distillate	<u>\$51,991.30</u>
	\$69,966.57
Less Fuel Trailer Suspense	<u>-\$27,426.90</u>
<b>Total Fuel Variances</b>	<b><u>\$42,539.67</u></b>

**This variance equates to:**

<b>Unleaded:</b>	<b>\$ 998.63 per month</b>
<b>Distillate:</b>	<b>\$2,888.41 per month</b>

New fuel issuing procedures were introduced last year with the introduction of electronic fuel management in May (DATAFUEL in Coolah and Dunedoo). Also new tanker

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procedures were introduced in October last year after an internal audit of procedures disclosed opportunities for theft of fuel.

## **Stores and Materials Balance from Pre Amalgamation**

Council has an amount of -\$30,091.97 as a balance sheet item that been carried over from prior years dating back to change over from the old accounting system.

It appears that these issues relate to Bushfire Stores. The effect correcting this balance will create an accounting result of a sundry income entry of \$30,091.97.

## **Conclusion**

As this period for the stock take covers around a year and a half of operations the variance of around \$3,000.00 for items other than fuel would be considered **reasonable** but the fuel variances are **not acceptable**.

Further investigation with a breakdown of month by month fuel discrepancies is currently underway to provide more detailed information on whether the new procedures introduced last year are having an impact. It may be that most of the fuel losses occurred prior to commencement of the new procedures.

Another stock take will be undertaken prior to the end of 2009.

In order to move on with getting all our finances in order the following recommendation is made with an undertaking by the Director Corporate Services to provide a further report to Council and to further tighten fuel procedures.

## **RECOMMENDATION:**

1. To write off Stores and Materials to the value of \$42,539.67
  
1. That adopted procedures are to be followed by **all** staff in the case of purchasing and issuing of fuel, with tanker returns being submitted weekly.
  
2. That Council writes back an amount of \$30,091.97 relating to stores and materials back to 2005/06 financial year.

## **2.9 SUNDRY DEBTORS BALANCES WRITE-OFF**

### **Background**

Under the Local Government Act (1993) amounts can be written off under certain circumstances such as uneconomical to recover, hardship etc. To write off amounts owing requires a resolution from Council.

### **Report**

There are a number of accounts, listed as Sundry Debtors, in the General Ledger that relate to variations between the Old System of “Fujitsu” to “Practical” from 2005/06.



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Some of the balances listed below are write-ons and some are write-offs:

1. Prepaid Rates to be written off \$2,532.79
2. Sundry Debtor Goods & services to be written off \$288.44
3. Sundry Rate Payers to be written off \$2,576.41
4. Sundry Debtor Employee Super Sacrifice to be written on \$4,091.50

## **Conclusion**

Overall impact on Council's Budget is a write off of \$1,306.15

These amounts do not relate to any system generated invoices, rate notices etc.

To investigate these amounts any further would:

- cost Council more than \$1306.15 in staff time;
- whether they could be recovered in the future would be doubtful; and
- they may be prior to amalgamation.

In addition to these balances further investigation is being carried out to ascertain the actual situation for Rural Fire Services relating to the 2006/07 financial year.

## **RECOMMENDATION**

That Council resolves to write off the net amount of \$1,306.15.

.....  
**CAROLYN UPSTON**  
**DIRECTOR OF CORPORATE SERVICES**

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Mr R J Geraghty  
General Manager  
Warrumbungle Shire Council  
John Street  
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

**DIRECTOR OF TECHNICAL SERVICES**

**ANNEXURE 3**

## **3.1 APPLICATIONS RECEIVED FOR CLOSURE AND OR LEASE OF ROAD RESERVE**

### **Background**

Applications to either lease or purchase road reserve land off River Road have been received from three adjoining owners. Council has previously considered two separate applications to purchase the road reserve and now these applicants are requesting approval to lease the land. However, an application from another adjoining owner has been received to purchase the road reserve.

The area of road reserve is shown in the map marked as attachment 1.0. Also, marked on the map are the three adjoining landowners. The details surrounding each application are summarized as follows;

Adjoining owner 1.0	Owner 1.0 lodged an application to purchase road reserve for the purpose of creating a buffer for their proposed orchard. Council considered this application on the 21 May 2009 and resolved not to approve closure of the road and subsequent sale of the land. In accordance with Council resolution the owner is now requesting approval to lease the land taken up by the road reserve.
Adjoining Owner 2.0	The application by owner 2.0 to close and purchase road reserve adjoining Lot 272 was considered by Council on the 20 August 2009. This owner wanted the extra land for storage associated with his business. Council resolved not to approve closure of the road reserve and subsequent sale of the land.
Adjoining Owner 3.0	Owner 3.0 is the latest owner to request approval to purchase the road reserve. This owner wants to build a house on part of the road reserve.

A copy to the applications has been forwarded to Councillors under separate cover.

There are competing interests for an area of road reserve that is not being used as road and Council is asked to consider the merits of each of the applications and determine if the road should be leased or closed.

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## **Issues**

The Roads Act allows Council to lease unused public road subject to the following conditions and processes;

- The land can only be leased to an adjoining owner or lessee
- The period of the lease cannot exceed five(5) years
- Council must place a notice in the local newspaper of its intention to lease the land
- Notice of the intention to lease the land must be served on owners adjoining the length of public road concerned.
- Any submissions received as a result of the notices must be considered by Council.
- If Council grants a lease and notice must be published in the local newspaper.
- No permanent structures are to be erected on road reserve that is leased.

Council has previously applied the following criteria when approving road closure applications and may wish to do so with this application;

1. There is no current or foreseeable use for the road section either by Council or adjoining property owners
2. Where the terrain makes it impractical to construct a road there is an agreement in place to create a right of way for practical access to adjoining properties.
3. There is evidence that all adjoining property owners have been consulted and there are no objections to the proposed road closure.
4. That closure of the road does not prevent legal and practical access to adjoining properties.

Council is generally very reluctant to close public roads or even be party to closure of Crown roads because of uncertainty about future requirements of the road for access to both adjoining properties and those further away. Also, closure of a road may cut off legal access to a separable lot even though practical access may not exist. However, Council is also mindful that some sections of road may never be used as road because of the terrain and simply there is no foreseeable need for the road.

## **Options**

Council has discretion in this matter, however, Council on two occasions has refused to approved closure of the road reserve. Owner No 1 was the first to apply for closure of the road reserve and Council indicated to the owner that leasing the land was an option.

## **Financial Considerations**

Any costs associated with closure of a road should be met by the applicant. There is staff time associated with processing either type of application. Administrative costs associated with leasing the road reserve can be accommodated within Council's existing budget.

## **RECOMMENDATION**

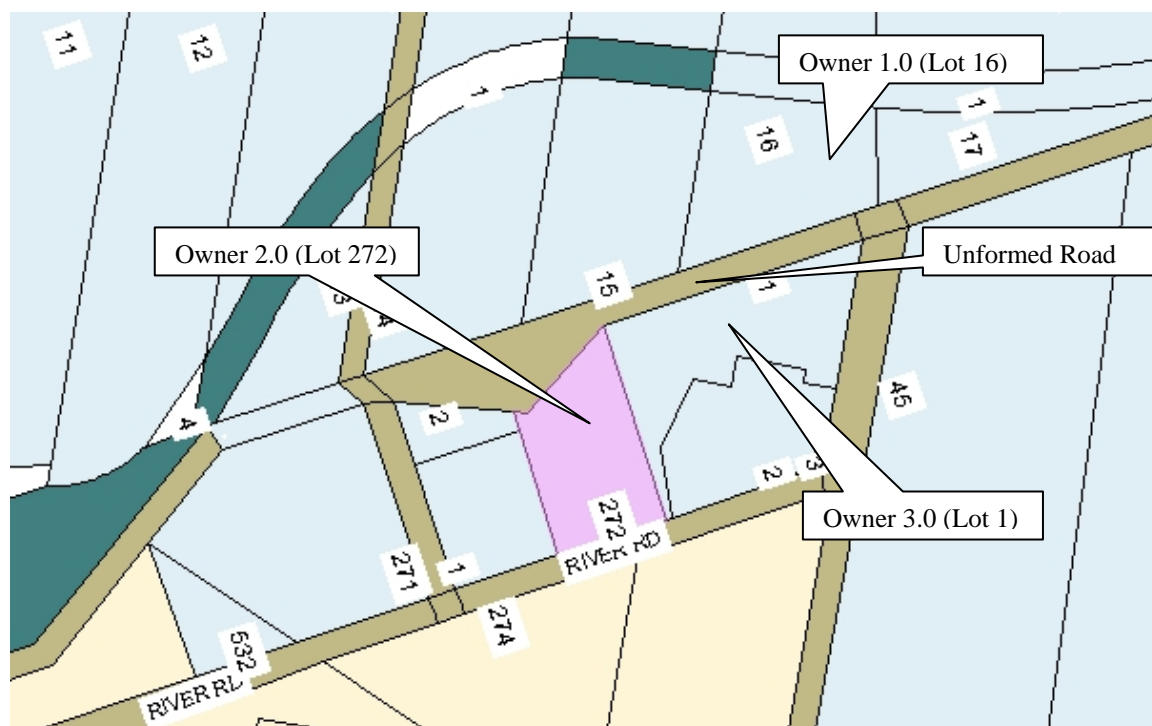
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That the unformed road reserve be leased to the owner of Lot 16 DP753378 to full extent of the frontage of Lot 16, subject to the consultation process outlined in the Roads Act 1993.

Attachment 1.0 – Map showing the location of the unformed road and adjoining owners who are competing for use of the land.



## **3.2 BARADINE WATER SUPPLY BORE**

### **Background**

Council will be aware that funding has been received under the RLCIP programme to upgrade the water supply bore at Baradine. The proposal was based on replacing the bore casing to prevent environment damage from leakage. Investigations undertaken by the Department of Water & Energy Groundwater Drilling indicate that the casing in the 70 year old bore was beyond repair. A copy of their inspection report has been forwarded to Councillors under separate cover.

The funding submission to the Australian Government was based on estimates provided by a contractor. Given time constraints for expenditure of the funds three quotations were sought from appropriately licenced contractors, however only one quote was received and that was from DWE Groundwater Drilling. The quotation exceeds the original estimate

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and the funding allocation received under the RLCIP programme. A copy of the quotation from DWE has been forwarded Councillors under separate cover.

DWE Groundwater Drilling has been engaged to undertake the project and Council's endorsement is now sought on the actions taken by the Director Technical Services. Furthermore, Council consideration is sought on the additional funding required to complete the project.

## **Issues**

Records indicate that the existing bore is 216m deep, however it appears that the casing has collapsed at a depth of around 131m. Furthermore, it is clear from the investigation report that total collapse of the casing is imminent. There is a secondary water supply bore at Baradine, however, the quality of the water from this bore has always been inferior and the process of treating water from this bore is more costly.

## **Options**

Council has discretion in this matter, however given time constraints for expenditure of RLCIP funding and the possibility that the main water supply bore could collapse there appeared little choice but to expedite the project.

## **Financial Considerations**

The RLCIP funding allocation for the Baradine bore rehabilitation project is \$62,500. Details of the estimate to construct a new bore within the grounds of the water treatment plant are as follows:

	(Excl GST)
• Investigation of bore condition (DWE)	\$5,500
• Construction of a new bore and decommission existing bore(DWE)	\$88,364
• 24hr pump test (DWE)	\$9,000
• Pipework, pump connection and relocation of gantry tower(Council)	\$9,500
Total	<u>\$112,364</u>

There is a difference of \$49,864 between available funding and the estimated cost of constructing a new bore. Possible sources of funding to make up the shortfall include; reallocation of funding in the 2009/10 management plan for mains extension in Baradine - \$25,000, and a supplementary vote.

## **RECOMMENDATION**

- 1) That Council approves the construction of a new water supply bore within the existing treatment plan grounds in Baradine for a total project cost of \$112,364.
- 2) That Council reallocates funding of \$25,000 in the 2009/2010 management plan for Baradine water mains extension to the new water supply bore project in Baradine.
- 3) That a supplementary vote of \$24,864 be made and allocated to the new water supply bore project in Baradine

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.....  
KEVIN TIGHE  
DIRECTOR TECHNICAL SERVICES

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Mr R J Geraghty  
General Manager  
Warrumbungle Shire Council  
John Street  
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

**DIRECTOR OF ENVIRONMENTAL SERVICES      ANNEXURE 4**

## **4.1 RE-CLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND**

The reclassification process of the lands held for industrial and residential subdivision required Council to consult with Government agencies prior to the public exhibition of the draft amending LEP.

The Government agencies identified for consultation included the Department of Climate Change and the Rural Fire Service. Letters were sent to each organization requesting their comments within 21 days of Council's proposed re-classification of the land identified. The Rural Fire Service has responded as requested (enclosure 1) and the Department of Climate Change have advised by telephone that they don't intend to reply to Council's consultation letter.

The next step in the process is for council to formally consider the comments of Government agencies and to resolve to place the draft LEP on public exhibition for the statutory period of 28 days and then to give 21 days notice to the public of the conduct of a public hearing into the proposal.

Prior to exhibiting the plan Council also needs to submit a copy of the draft LEP and supporting documentation to be exhibited to the Department of Planning's regional office for their scrutiny.

## **RECOMMENDATION**

That, after considering the consultation responses received from the Rural Fire Service and Department of Climate Change, Council issue the Section 65(1) certificate pursuant to the requirements of the Environmental Planning and Assessment Act 1979 to exhibit Draft Coonabarabran Local Environmental Plan 1990- (Amendment No 2) - Classification and Reclassification of Public Land, within Warrumbungle Shire Council local government area, for the purpose of:

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- (a) Reclassifying public land as operational or community land within the meaning of the Local Government Act 1993, and
- (b) To ensure public awareness of the reclassification process and identify Council interests affecting the land.

## **4.2 PLANNING PROPOSAL FOR RURAL RESIDENTIAL AND RURAL SMALL HOLDINGS LAND AT DUNEDOO**

As Council is aware the comprehensive shire wide LEP project has been placed on hold by the Department of Planning due to their need to prioritise their workloads. Realistically it could be two (2) years before Council could have the new LEP completed and signed off by the Minister.

One of the major goals of Council in commencing the comprehensive review of the Shires LEP's has been to create the opportunity for rural residential and rural small holdings land to be opened up in the Dunedoo area due to the current deficiency in the planning instrument in not providing for these choices.

The protracted delays in the progress of the shire wide LEP and the possible development of coal mining in the immediate vicinity of the town make it imperative that Council is able to offer a choice in lot size to any farmers retiring to the district or new residents attracted to possible employment opportunities. On the 1<sup>st</sup> of July 2009 the NSW Government has introduced a new system for amending existing LEP's where urgent need can be demonstrated through a process involving Council putting a case to the Department for a planning proposal specific to a particular locality. These planning proposals are able to be progressed through the system faster than the shire wide strategy and it is considered that Council would have a good case to submit such a proposal for the Dunedoo district based on the strategic work already done in the land use strategy.

At present quotations for the submission of a planning proposal are being obtained from suitably qualified planning consultants and funding for the project may be able to be obtained by reprioritizing existing projects within the current Environmental Services budget. It is proposed that if council is supportive of the idea a further report will be provided once the cost of the project is accurately available.

### **RECOMMENDATION**

That Council supports the concept of the submission of a planning proposal to the Department of Planning to amend the Coolah Local Environmental Plan 2000 by creating rural residential and rural small holding zonings in the immediate vicinity of the town of Dunedoo subject to confirmation of costing and funding opportunities at a future Council meeting.

## **4.3 SMOKE FREE AREAS FOR SWIMMING POOLS**



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## **Introduction**

Council has a role in advocating better health for its residents and protecting the rights of children and non-smokers within Council facilities. 82% of NSW residents are non-smokers<sup>1</sup>. While most of the health impact studies have been conducted on indoor spaces, recently the affects of second-hand smoke in outdoor spaces where people congregate has been identified as an area requiring research. Eg alfresco dining and drinking areas, sports stadiums, concert venues etc. There is also evidence that the creation of smoke-free areas assists those trying to quit or reduce their cigarette consumption. From an environmental perspective, cigarette butts are a significant hazard. During Clean Up Australia Day, cigarette butts make up 31% of the top 10 items found<sup>2</sup>.

In December 2006, a survey of 2,400 NSW residents found that 65% of people avoided places where they would be exposed to other peoples' smoke, 92% of people supported restrictions on smoking in childrens' playgrounds, 80% in sports stadiums<sup>3</sup>.

## **Relevant Legislation**

In September 2000, the NSW Parliament passed the Smoke-Free Environment Act, which prohibited smoking in a wide range of public places. In 2004, this Act was amended and from July 2007 smoking has been banned in all enclosed public places. The Act does not cover outdoor public places.

However, Council's can still enforce smoke-free areas. Since 1<sup>st</sup> May 1992, smoking has been banned in all Council buildings at all times. Under the Local Government Act 1993, Council has the power to:

- Erect suitably worded signs in public places, including public swimming pools, within the Local Government Area prohibiting smoking. S632 (1) and (2)(e) of the Act.
- Serve, by means of an authorized person, a penalty notice (\$110.00) upon any person who fails to comply with the terms of the smoke-free area sign. See S679 of the Act, and Clause 11.5-7 of the General Regulation.
- Remove by means of an authorized officer, from the community land and person failing to comply with the terms of the sign. (See S681 of the Act).

## **RECOMMENDATION**

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<sup>1</sup> NSW Population Health Survey 2006, Centre for Epidemiology and Research, NSW Department of Health.

<sup>2</sup> Clean Up Australia Rubbish Report 2005, Clean Up Australia Online. [www.cleanup.org.au/rubbishreport](http://www.cleanup.org.au/rubbishreport)

<sup>3</sup> Survey by the Centre for Health Research & Psycho-oncology, Report by the Cancer Council.

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- That Council adopt specific designated smoke-free areas at the public swimming pools to ensure a safe and healthy environment at our swimming pool facilities and that smoking areas be specifically designated away from the main pool areas at each facility.
- That Council create appropriate facilities located in a small area of each of the pool grounds for smokers as shown on the 6 site maps. This will ensure that supervising parents do not leave their children unattended within the pool grounds while they exit to smoke.

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## 4.4 APPLICATIONS RECEIVED FOR MONTH OF AUGUST 2009

Complying Development (set criteria) Development Application (Specialised Conditions)	Date Received	APPLICANT'S NAME	LOCATION (of development)	(Town)	Development Type	Status (Approved or Pending)
DA 12/0910	03/08/2009	Appledale Processors	Merryula Road	Ulamambri	Amenities area within Shed	Approved
CDC 13/0910	13/08/2009	Kerry & Neil McDonald	Wellington Street	Baradine	Additions to House	Approved
DA 14/0910	10/08/2009	Ray Poyser	Gardener Street	Coonabarabran	New Shed	Approved
CDC 15/0910	12/08/2009	Procert P/L / Dale Size	McLean Street	Coolah	4 Bedroom Home	Approved
DA 16/0910	04/08/2009	David Johnstone	Binnia Street	Coolah	Establish Machinery & Vehicle Repair Shop	Approved
CDC 17/0910	07/08/2009	Coolah Amateur Swimming Club	Binnia Street	Coolah	Awning & Fence Adjacent to Swimming Pool	Approved
DA 18/0910	14/08/2009	Penelope Stevens	Cnr Dunedoo & River Streets	Cobbora	Relocate old Cobbora Hall	Pending
DA 19/0910	07/08/2009	Andrew Wigglesworth	George Street	Binnaway	Relocate 3 Bedroom House to George Street	Approved
DA 20/0910	13/08/2009	Ian Stubbs	Werribee Road	Premer	4 Bedroom Home	Pending
DA 21/0910	18/08/2009	Brian & Genise Hollingworth	Forest Road	Mendooran	Open Micro Distillery	Pending
CDC 22/0901	18/08/2009	Murry McAlpine/Todd Gallagher	Digilah Street	Dunedoo	Fiberglass Swimming Pool	Approved
DA 23/0910	19/08/2009	James Lawson & Helen Smith	Dandry Road	Coonabarabran	4 Bedroom Double Story Home	Pending
DA 24/0910	21/08/2009	CreativeWorks Construction	John Street	Coonabarabran	Renovations to Hotel	Pending
DA 25/0910	21/08/2009	Patricia Kroenhert	George Street	Binnaway	Conversion from Storage unit to Caretaker unit	Pending
CDC 26/0910	25/08/2009	Roger & Linda Row	Baradine Road	Coonabarabran	New Shed	Pending
CDC 27/0910	24/08/2009	Dep't Education / Mendooran Central School	Brambil Street	Mendooran	Demountable Classroom & Library Facilities	Approved
DA 28/0910	31/08/2009	Ron Howard	Bingie Grumble Road	Coonabarabran	Subdivision	Pending
DA 29/0901	31/08/2009	Ted Hayman	Piliga Forest Way	Kenebri	New Shed	Pending

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17  
SEPTEMBER 2009 COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT 1.00PM

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## WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS HELD PENDING AS AT THE MONTH END JULY 2009

CD or DA	Date Received	APPLICANT'S NAME	LOCATION	Town	Type of Development	Status
DA 105/0809	02.04.09	Sue Harvey-Walker	Tibuc Road	Coonabarabran	2 Lot Rural Subdivision	Clock Stopped Waiting Further information
CDC 116/0809	16.04.09	Garry Wilson	Bandulla Street	Coonabarabran	Single Story Dwelling	Clock Stopped Waiting Further information
DA 127/0809	11.05.09	David Baker	Morrisseys Road	Coonabarabran	Change of Use	Clock Stopped Waiting Further information
DA 138/0809	12.06.09	Jason Newton	Crane Street	Coonabarabran	Addition to Shed	Clock Stopped Waiting Further information
DA 001/0910	02.07.2009	Darren Devenish	Cowper Street	Coonabarabran	Commercial Premises	Clock Stopped Waiting Further information

### RECOMMENDATION

For Council's information

.....  
TONY MEPPEM  
ACTING DIRECTOR ENVIRONMENTAL SERVICES

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# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 17 SEPTEMBER 2009  
COMMENCING IMMEDIATELY AFTER SPECIAL MEETING – CALL OF COUNCIL AT  
1.00PM PAGE 56

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Mr R J Geraghty  
General Manager  
Warrumbungle Shire Council  
John Street  
COONABARABRAN 2357

Dear Sir

Attached is my report for consideration by Council

## **DIRECTOR OF COMMUNITY SERVICES      ANNEXURE 5**

### **5.1      BINNAWAY RAIL BARRACKS**

Council have previously resolved: *that subject to DA approval of the subdivision;*

1. *Council accept ownership of Binnaway Rail Barracks and land being Lot 56 DP1006838*
2. *Upon acquisition the land be classified operational land*
3. *A Licence Agreement be signed to formalise the 10 year Peppercorn rental lease agreement between Council and Binnaway Rail Heritage and Preservation Group Inc*

***FURTHER*** that Council authorise the Mayor and General Manager to sign and attach the Common Seal to the Contract and the Contract be forwarded to Council's Solicitor for execution. (Resolution No 363 15 May 2008).

Australian Government funding was provided under a Regional Partnership (RP) grant and by the Australian Rail Track Corporation (ARTC) to the Binnaway Rail Heritage and Preservation Group (BRHPG) Inc, who also provided cash and volunteer contribution to complete a major refurbishment project at the Binnaway Barracks in 2007. Works included: replacement of the asbestos roof, kitchen fitout, new disabled shower and toilet, airconditioning in each room, fire alarms, disabled access, new septic tank, water harvesting tank, complete electricity re-wiring, complete internal and external painting and new furniture/soft furnishings.

A condition of the RP grant was that the premises be transferred to community ownership on completion of the agreed works which Council resolved to accept in May 2006 (Resolution No 404).

ARTC lodged the Development Application to Council, to register the subdivision of the subject land, which was duly approved. The Rail Barracks and parcel of land is within Lot 56 in DP 1006838. Lot 53 DP 1006838 is the former Railway Gang Shed which was already in the process of being transferred to Council. Council accepted ownership of

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this parcel of land in November 2002 (Resolution No 158) and then authorised the signing of contracts to implement this transfer in February 2005 (Resolution No 109).

The costs for registration of subdivision, land transfer and solicitors fees have been met by BRHPG which included:

Lodgement Fees to LPI	\$ 1,658.78
Agency Fee	66
<u>Solicitors charges</u>	<u>605</u>
TOTAL	\$ 2,329.78

A draft Licence Agreement has been prepared to formalise the peppercorn rental and rates/financial/insurance obligations and conditions of activities conducted at the Barracks and Shed as per part 3. of Resolution No 363. This has been given in draft format to the BRHG and is provided to Councillors under separate cover.

In summary, whilst Council is owner as trustee of this community asset, the BRHPG will have all rights to collect income and conduct their activities, and have responsibilities for insurance, upkeep and rates as if they owned the land and buildings.

## **RECOMMENDATION**

That Council authorise the Mayor and General Manager to sign the Licence Agreement and formalise the peppercorn rental agreement between Council and Binnaway Rail Heritage and Preservation Group Inc for the Binnaway Rail Barracks and Gang Shed; being part of the premises and land being Lot 53 DP 1006838 and part 1 of Lot 56 in DP 1006838.

.....  
REBECCA RYAN  
DIRECTOR COMMUNITY SERVICES