



# **Warrumbungle Shire Council**

**Council meeting**

**Thursday, 17 December 2009**

**to be held at the Town Hall, Coonabarabran**

**commencing at 11.00 am**

***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 COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009  
COMMENCING AT 11.00AM**

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Date: 10 December 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 December 2009. I further attach relevant reports from the Directors to me for the consideration of Council.

### **Presentation**

**11.00am Forsyths – presentation of 2009 Financial statements**

**1.00pm Forum**

**CONFIRMATION OF MINUTES** of the ordinary meeting of Warrumbungle Shire Council held on 19 November 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Aerodromes Advisory Committee meeting held on 17 November 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Tourism and Economic Development Advisory Committee meeting held on 18 November 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Yuluwirri Kids Advisory Committee meeting held on 3 December 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 3 September 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 25 November 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Traffic Advisory Committee meeting held on 26 November 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Baradine Floodplain Management Advisory Committee meeting held on 9 December 2009

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**MINUTES** of the Consultative Advisory Committee special meeting held on 7 October  
2009 **for notation**

**MINUTES** of the Consultative Advisory Committee special meeting held on 2 December  
2009 **for notation**

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## **QUESTIONS AND MATTERS OF URGENCY**

.....  
**R RYAN**  
**ACTING GENERAL MANAGER**

### **Matters 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 items relate to the supply of emulsion and chemicals 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.

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## ACTING GENERAL MANAGER'S REPORT

## ANNEXURE 1

### 1.1 "C" DIVISION CONFERENCE (CM0003)

The Annual "C" Division Conference of the Shires Association is to be held on Thursday 18th March 2010. This conference brings together Mayors, General Managers, Councillors and Staff from 10 Shires; Bogan, Coonamble, Gilgandra, Narromine, Walgett, Warren, Warrumbungle, Wellington, Dubbo City and Castlereagh Macquarie County Council. The 2010 conference is being hosted by Warren Shire Council.

Council needs to determine at the January 2010 meeting what items it wishes to be submitted for consideration at the "C" Division Conference and forwarding to the State Conference to be held in June 2010.

Motions for the Conference to be submitted by Friday 5th February 2010. An Agenda and Business Paper will be distributed during the first week in March 2010.

The number of Councillors attending the Divisional Conference will also need to be determined.

Motions to date include:

1. That Council pursue the inequity of the NSW Ministry of Transport unit costing of per km trips in relation to the target outputs for Community Transport programs in rural areas.  
: Social Services Advisory Committee meeting 25/09/09 (October 2009)

### RECOMMENDATION

That Council determine any motions for the "C" Division Conference and the number of representatives it will have attending the Conference at Warren at the January 2010 Council Meeting.

### 1.2 NOTICE OF MOTION (GW0001)

The following Notice of Motion has been received from Councillor Denis Todd.

*To investigate the upgrade of the road between Coonabarabran and Mungindi as a road of significance and pursue funding opportunities for it's upgrade, in conjunction with the Narrabri and Walgett Shires from the Federal and State Government.*

#### **Rationale:**

This proposal is put forward to instigate an investigation by the Warrumbungle Shire Council to consider as a means of obtaining funding to complete urgently needed road maintenance projects of Road 129 and Road 329 in the Warrumbungle Shire.

#### **Proposal:**

Attached, under separate cover, is a draft copy of a tentative proposal.

This proposal has been presented to the Walgett Shire Council for consideration and the following motion was passed at the Council Meeting held on the 24<sup>th</sup> November 2009;

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*Moved Councillor Greenaway, Seconded Councillor Smith, "that the Council supports the establishment of the route between Coonabarabran and Mungindi as a road of significance and pursue funding opportunities for it's upgrade with Warrumbungle and Narrabri Shire Councils."*

At the recent National Roads and Transport Congress held in Mackay, Queensland, it was emphasized that councils would benefit greatly by joining forces to apply for joint road funding crossing Shires rather than individual Shire applications, hence this proposal.

## **RECOMMENDATION**

For Council's consideration.

### **1.3 POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS (GW0001)**

Council at its ordinary meeting held on the 22 October 2009 resolved that the draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors be placed on public exhibition for 28 days seeking community comment.

Advertisements were placed in the various diaries and local paper with submissions closing at 4.00pm on Monday, 30<sup>th</sup> November 2009. The policy and details of any submissions are to be forwarded to the Director-General of the Department of Local Government by 21 December 2009.

No submissions have been received and the policy is now submitted for Council's endorsement.

## **RECOMMENDATION**

That Council endorse the following Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

### **1.4 COONABARABRAN COMMUNITY GARDEN (CM0018)**

Council resolved at its ordinary October 2009 meeting, in principle, to make land available for the Coonabarabran Community Garden (Resolution No 122). (Council advertised the proposal for 28 days seeking public comment and neighbouring land owners were written to seeking comments by Friday 20 November.)

Three letters have been received, in general, neither opposing or supporting the Community Garden, however have raised some questions about infrastructure such as sheds and/or toilets and fencing, opening hours, access and insurance.

This feedback has been provided verbally and in writing, with a request to the Garden Committee to provide to Council a detailed Plan of Management. From this document, Council can make an assessment of all the issues which have been raised and prepare a Licence Agreement which sets the terms and conditions for the right to occupy this land for the purpose of a Community Garden.

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It was also indicated by the Garden Committee that as soon as these operational issues are sorted, a public meeting will be held to ensure neighbours and the general public are informed of the proposed project details.

## **RECOMMENDATION**

That Council continue to facilitate with the Coonabarabran Community Garden Committee the production of a detailed Plan of Management and draft Licence Agreement that is brought back to Council for determination.

### **1.5 LEAVE OF ABSENCE (GW0001)**

Councillor Tilak Dissanayake has submitted a written request to Council seeking a Leave of Absence for the Thursday 17 December 2009 Council Meeting. He apologises for not seeking this leave earlier.

## **RECOMMENDATION**

That Council approves the Leave of Absence for Councillor Tilak Dissanayake at the 17 December 2009 Council meeting.

### **1.6 DUNEDOO WAR MEMORIAL HOSPITAL (CP0005)**

Council has previously resolved at the ordinary September 2009 meeting *'that in relation to the request that Council acquire the old Dunedoo Hospital site, that a committee including the Mayor, Deputy Mayor and General Manager be formed to progress this matter for Council'* - Resolution No 78).

A letter from the General Manager outlining this proposal was sent to NSW Health and a reply received; which is attached under separate cover for Councillor information. As stated; the proposal is agreeable by NSW Health since the land is surplus to the requirements of Greater Western Area Health Service. The options available to Council include; assuming the Trusteeship whereby the site remains Crown Land or acquiring the site under the Land Acquisition (Just Terms Compensation Act) by agreement with both Land and Property Management Authority and NSW Health in which case the land would become freehold title. The latter is the preferred course of action to enable this land transfer by NSW Health.

Discussions have taken place with the Kahkama House executive who is of the opinion that the requested valuation should be first negotiated. There has been no apparent consideration to the building of the hospital by public funds in the first instance, and secondly the value of the transfer of Kahkama House to NSW Health for the new Dunedoo Multipurpose Service Facility in 2007.

The committee however is in a position to proceed with planning to develop the site for the purposes of self care units with funds available so wish to progress this matter as soon as possible. These funds are set aside for the DA, demolition and rebuilding works; however they would consider providing a contribution towards the land purchase. In addition, the need for self contained retirement units in Dunedoo with those associated aspects of this former Hospital building and site will remain important; despite any

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financial opportunities for the community that may develop as a result of the proposed coal mine.

Advice from a local real estate agent suggests that the valuation for a vacant block this size and location is reasonable. Council may wish to obtain the opinion of a Registered Valuer; however this is considered not necessary at this stage.

Contact has been made with the NSW Health representative, and the issues of the cost of demolition including removal of any asbestos, the existing rental and Kahkama House discussed. They are open to negotiation with Council and will investigate the history of the Kahkama House land transfer for the new Health Service. If a notional value, ie. less than current valuation is accepted for a community benefit; there is a process involved that requires NSW Treasurer approval.

## **RECOMMENDATION**

That Council proceed to negotiate with NSW Health and Land and Property Management Authority to acquire the former Dunedoo War Memorial Hospital site under the Land Acquisition (Just Terms Compensation Act) at a notional value.

### **1.7 NOTICE OF MOTION (CP0007)**

The following Notice of Motion has been received from Councillor Powell.

*That Council allocates the sum of \$8,200 from the Coolah Tourism Restricted Asset to the Coolah Historical and Tourism Society, a sub-branch of the Coolah District Development Group.*

### **Comment**

Pandora Gallery and Information Centre (part of the Bruce Rindfleish Centre) is now receiving a much larger influx of visitors than anticipated. Accordingly, further promotion and upgrade of information is a priority.

The above amount of money will be spent on the following necessities:

1. Tourism Brochures	\$5,000
2. Promotion of Coolah tops National Park	\$500
3. Lettering for the front of Pandora Gallery	\$400
4. Plastic Banner	\$300
5. Town Signs	\$2,000
<b><u>Total</u></b>	<b><u>\$8,200</u></b>

As these funds will be freed from a Restricted Asset, there will be no effect on Council's budget.



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## **Acting General Manager's Note:**

According to information provided from Financial Services, the two possible restricted assets and balance (30th June 2009) of each for Coolah include:

Tourism	\$ 5,057
Economic Development	\$13,066

The total from which; \$10,871 has been expended to date, for the southern Tourism Information Boards. The remainder being committed for the Image Library.

I would recommend that Council refer this Notice of Motion to the Tourism and Economic Development Advisory Committee for consideration with a report to be provided to Council as to promotional activities and signage options for the Pandora Gallery/Coolah VIC.

## **RECOMMENDATION**

For Council's consideration.

### **1.8 QUESTIONS AND MATTERS OF URGENCY (GW0001)**

Following a Councillor query in regards to the 'Questions Without Notice' issue at Council meetings; a review of Councils Code of Meeting Practice and the NSW Local Government Regulations (2005) has been undertaken.

The concern being that there is no official time availed for Councillors to raise issues from previous meetings; resolution reports or even urgent matters whilst the Council meeting is convened. This does not discount the assurance and encouragement by the General Manager that Councillors are able to speak directly to either the General Manager or individual Directors on operational issues that relate to their division.

Under Warrumbungle Shire Council Policies and Procedures Section 5.3; item No 18 Code of Meeting Practice (Adopted by Resolution No 388 May 2009) the following excerpt has been provided for Councillor information.

### **18 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES (Clause 249 Regulation)**

#### **18.1 A Councillor:**

- (a) may, through the chairperson, put a question to another Councillor; and*
- (b) may, through the Chairperson and the General Manager, put a question to a council employee.*

#### **18.2 However, a Councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.**

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18.3 *The Councillor must put every such question directly, succinctly and without argument.*

18.4 *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or council employee under this section.*

18.5 *Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.*

Which has been taken in part from the NSW Local Government (General) Regulations 2005 Part 10, Division 3 Clause 249

## **249 Questions may be put to councillors and council employees**

(1) *A councillor:*

- (a) *may, through the chairperson, put a question to another councillor, and*
- (b) *may, through the general manager, put a question to a council employee.*

(2) *However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.*

(3) *The councillor must put every such question directly, succinctly and without argument.*

(4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

These excerpts have been previously reported to Council by the General Manager, in May 2009; following a Notice of Motion 'Questions without Notice'.

As a result of this review an agenda item, Questions and Matters of Urgency has been included that will follow the Director Reports on the Council Meeting Business Paper. There are two possible outcomes from a question being directed by a Councillor to either another Councillor or council employee. These being;

1. A response is provided. The information is available or knowledge of issue accepted, the matter is completed with no action required.
2. There is no reply or a refusal to reply to the question. The information is not available or there is no knowledge of issue. In which case;
  - a. the question is taken on notice and a report brought back to the next Council meeting; or
  - b. the question raises a notice of motion that is placed on the agenda at the next Council meeting for determination

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The role of the Chairperson is to ensure that each question is put '*directly, succinctly and without argument*' and to '*not permit any discussion*' on the right of another Councillor or council employee to either not reply or refuse to reply, for whatever reason.

In effect there is no opportunity for a Council resolution to be made during this Questions and Matters of Urgency; unless it becomes a Mayoral Minute. Other Council's have approached this issue along similar lines; quoting Section 249 of the Local Government (General) Regulations 2005.

## **RECOMMENDATION**

That Council place on the monthly Business Paper an item; Questions and Matters of Urgency with guidelines for practice and Councillor obligation as determined by Councils Code of Meeting Practice and the NSW Local Government (General) Regulations 2005.

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**R RYAN  
ACTING GENERAL MANAGER**

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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 OCTOBER 2009

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 9,856,638.18	\$ 1,408,000.00	\$ 3,968,638.18
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>\$ 9,856,638.18</b>	<b>\$ 5,888,000.00</b>	<b>\$ 3,968,638.18</b>
<b>WATER FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Baradine Water Bank	\$ 490,435.06		\$ 490,435.06
Binnaway Water Bank	\$ 532,869.30	\$ -	\$ 532,869.30
Coonabarabran Water Bank	\$ 1,165,417.68	\$ 179,230.45	\$ 986,187.23
Coolah Water	<b>-\$ 562,180.94</b>		<b>-\$ 562,180.94</b>
<b>TOTALS</b>	<b>\$ 1,626,541.10</b>	<b>\$ 179,230.45</b>	<b>\$ 1,447,310.65</b>
<b>SEWERAGE FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Coonabarabran Sewerage	\$ 2,528,132.67	\$ 836,510.08	\$ 1,691,622.59
Baradine Sewerage	\$ 291,322.51	\$ 332,320.00	-\$ 40,997.49
Coolah Sewerage	\$ 1,290,379.36	\$ 563,170.00	\$ 727,209.36
<b>TOTALS</b>	<b>\$ 4,109,834.54</b>	<b>\$ 1,732,000.08</b>	<b>\$ 2,377,834.46</b>
<b>TUST FUND</b>			
Trust Fund	\$ 103,003.57	\$ 103,003.57	\$ -
	<b>\$ 103,003.57</b>	<b>\$ 103,003.57</b>	<b>\$ -</b>
<b>SUMMARY</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund	\$ 9,856,638.18	\$ 5,888,000.00	\$ 3,968,638.18
Water Fund	\$ 1,626,541.10	\$ 179,230.45	\$ 1,447,310.65
Sewerage Fund	\$ 4,109,834.54	\$ 1,732,000.08	\$ 2,377,834.46
Trust Fund	\$ 103,003.57	\$ 103,003.57	\$ -
<b>TOTALS</b>	<b>\$ 15,696,017.39</b>	<b>\$ 7,799,230.53</b>	<b>\$ 7,793,783.29</b>

### RECOMMENDATION

For Councils Information

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## 2.2 BANK ACCOUNTS AND INVESTMENTS AS AT 30 NOVEMBER 2009

<b>GENERAL FUND</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund Bank Balance	\$ 11,550,390.62	\$ 1,408,000.00	\$ 5,662,390.62
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>\$ 11,550,390.62</b>	<b>\$ 5,888,000.00</b>	<b>\$ 5,662,390.62</b>
<b>WATER FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Baradine Water Bank	\$ 503,869.85		\$ 503,869.85
Binnaway Water Bank	\$ 541,826.80	\$ -	\$ 541,826.80
Coonabarabran Water Bank	\$ 1,189,733.88	\$ 179,230.45	\$ 1,010,503.43
Coolah Water	<b>-\$ 688,002.78</b>		<b>-\$ 688,002.78</b>
<b>TOTALS</b>	<b>\$ 1,547,427.75</b>	<b>\$ 179,230.45</b>	<b>\$ 1,368,197.30</b>
<b>SEWERAGE FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Coonabarabran Sewerage	\$ 2,551,402.11	\$ 836,510.08	\$ 1,714,892.03
Baradine Sewerage	\$ 304,754.90	\$ 332,320.00	-\$ 27,565.10
Coolah Sewerage	\$ 1,303,107.94	\$ 563,170.00	\$ 739,937.94
<b>TOTALS</b>	<b>\$ 4,159,264.95</b>	<b>\$ 1,732,000.08</b>	<b>\$ 2,427,264.87</b>
<b>TUST FUND</b>			
Trust Fund	\$ 107,671.37	\$ 107,671.37	\$ -
	<b>\$ 107,671.37</b>	<b>\$ 107,671.37</b>	<b>\$ -</b>
<b>SUMMARY</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund	\$ 11,550,390.62	\$ 5,888,000.00	\$ 5,662,390.62
Water Fund	\$ 1,547,427.75	\$ 179,230.45	\$ 1,368,197.30
Sewerage Fund	\$ 4,159,264.95	\$ 1,732,000.08	\$ 2,427,264.87
Trust Fund	\$ 107,671.37	\$ 107,671.37	\$ -
<b>TOTALS</b>	<b>\$ 17,364,754.69</b>	<b>\$ 7,799,230.53</b>	<b>\$ 9,457,852.79</b>

### RECOMMENDATION

For Councils Information

### RECOMMENDATION

For Council's information.

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## 2.3 INVESTMENTS HELD AS AT 31 OCTOBER 2009

Warrumbungle Shire Council Local Government Financial Management Regulations (Clause 16) Investments Held As At 31 October 2009										
<b>ON CALL</b>										
	ON CALL Invested With	Balance at 31 October 2009			Maturity	Interest Taken	Interest Paid	Interest Rec'd for August		Current Interest Rate
	Suncorp Metway	467,011.10	467,011.10		Daily	Daily	Monthly	1,259.23		4.48%
<b>OTHER INVESTMENTS</b>										
	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	1,936,402	30.10.2009	7.27%	17/05/2005	14/12/2010	10662	Accrued  as at 30/10/09	3.83%
3	<b>CBA</b> Range Accrual	1,000,000.00	903,500.00	31.08.2009	7.50%	14/12/2005	14/12/2010			

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	<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>
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	978,700.00	30.10.2009	7.70%	16/03/2006	16/03/2011			
6	<b>PIMCO PRINCIPAL PROTECTED</b>	500,000.00	542,200.00	30.10.2009	50% CG	22/02/2007	28/02/2011			
7	<b>ANZ</b>  CREDIT SAIL-ANZ INVESTMENT BANK CDO- A	500,000.00	341,150.00	31.10.2009	BBSW+150	14/11/2005	30/12/2011			
8	<b>BENDIGO BANK</b>  FRN	500,000.00	461,500.00	31.08.2009	BBSW +120	21/09/2007	21/09/2012	2,695.00	Accrued 30/10/2009	5.4467% to 23/3/09
9	<b>ANZ</b>  ASPIRT 1-CPPI/FRN-Aap	500,000.00	439,370.00	31.10.2009	50% CG	15/11/2006	11/08/2012			
10	<b>WBC</b>  DANDELION-FRN-	1,000,000.00	828,000.00	31.08.2009	BBSW + 12BP	20/12/2007	21/12/2012			

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 12

	Invested With	Amount	Current Valuation	As At	Initial Interest Rate	Taken	Maturity	Interest Rec'd	Date Rec'd	Current Interest Rate
11	ANZ ASPRIT 11-CPPI/FRN-Aap	800,000.00	684,024.00	31.10.2009	50% CG	30/03/2007	30/03/2013			
12	DEUTSCHE BANK AG LONDON DAISY	1,500,000.00	1,376,250.00	30.10.2009	6% + CG	31/05/2006	31/05/2011			
13	ANZ ALL SEASONS-KEOLIS AAA	1,500,000.00	956,400.00	30.09.2009	8.00%	16/06/2006	16/06/2013			
14	ANZ AVERON BOND-SEALINK P/L- CPPI/FRN-AAA	700,000.00	584,290.00	30.10.2009	BBSW+1.50	4/10/2006	20/06/2013			
15	DRESDNER BANK OCTAGON PLC-EMU NOTE	1,500,000.00	1,144,350.00	30.10.2009	7.00%	25/10/2005	30/10/2015			
		<b>14,967,011.10</b>	<b>12,891,647.10</b>							



## **WARRUMBUNGL E SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGL E SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM**

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In accordance with Regulation No.264,Clause 19(3)(b) I certify that the investments  
have been made in accordance with the Act, the Regulations and the Council's Investment policies.

R Ryan

Responsible Accounting Officer

### **RECOMMENDATION**

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
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## 2.4 INVESTMENTS HELD AS AT 30 NOVEMBER 2009

Warrumbungle Shire Council Local Government Financial Management Regulations (Clause 16) Investments Held As At 30 November 2009										
<b>ON CALL</b>										
	ON CALL Invested With	Balance at 30 November 2009			Maturity	Interest Taken	Interest Paid	Interest		Current Interest Rate
	Suncorp Metway	467,421.61	467,421.61		Daily	Daily	Monthly			5.05%
<b>OTHER INVESTMENTS</b>										
	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	1,922,356	30.11.2009	7.27%	17/05/2005	14/12/2010	17848	Accrued  as at 30/10/09	3.83%
3	<b>CBA</b> Range Accrual	1,000,000.00	922,000.00	30.11.2009	7.50%	14/12/2005	14/12/2010			

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 15

	Invested With	Amount	Current Valuation	As At	Initial Interest Rate	Taken	Maturity	Interest Rec'd	Date Rec'd	Current Interest Rate
4	<b>CBA</b> Range Accrual	1,000,000.00	922,000.00	30.11.2009	7.50%	16/12/2005	16/12/2010			
5	<b>ROYAL BANK CANADA</b> Range Accrual	1,000,000.00	978,500.00	30.11.2009	7.70%	16/03/2006	16/03/2011			
6	<b>PIMCO PRINCIPAL PROTECTED</b>	500,000.00	552,285.00	30.11.2009	50% CG	22/02/2007	28/02/2011			
7	<b>ANZ</b> CREDIT SAIL-ANZ INVESTMENT BANK CDO- A	500,000.00	341,150.00	31.10.2009	BBSW+150	14/11/2005	30/12/2011			
8	<b>BENDIGO BANK</b> FRN	500,000.00	459,830.00	30.11.2009	BBSW +120	21/09/2007	21/09/2012	4,475.00	Accrued 30/11/2009	5.4467% to 23/3/09
9	<b>ANZ</b> ASPIRT 1-CPPI/FRN-Aap	500,000.00	439,370.00	31.10.2009	50% CG	15/11/2006	11/08/2012			

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 16

	Invested With	Amount	Current Valuation	As At	Initial Interest Rate	Taken	Maturity	Interest Rec'd	Date Rec'd	Current Interest Rate
10	<b>WBC</b> DANDELION-FRN-	1,000,000.00	841,000.00	30.10.2009	BBSW + 12BP	20/12/2007	21/12/2012			
11	<b>ANZ</b> ASPRIT 11-CPPI/FRN-Aap	800,000.00	684,024.00	31.10.2009	50% CG	30/03/2007	30/03/2013			
12	<b>DEUTSCHE BANK AG LONDON</b> DAISY	1,500,000.00	1,376,250.00	30.10.2009	6% + CG	31/05/2006	31/05/2011			
13	<b>ANZ</b> ALL SEASONS-KEOLIS AAA	1,500,000.00	1,001,700.00	30.11.2009	8.00%	16/06/2006	16/06/2013			
14	<b>ANZ</b> AVERON BOND-SEALINK P/L-CPPI/FRN-AAA	700,000.00	545,440.00	30.10.2009	BBSW+1.50	4/10/2006	20/06/2013			
15	<b>DRESDNER BANK</b> OCTAGON PLC-EMU NOTE	1,500,000.00	1,144,350.00	30.11.2009	7.00%	25/10/2005	30/10/2015			
		<b>14,967,421.61</b>	<b>12,942,676.61</b>							

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGL**E SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 17

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In accordance with Regulation No.264,Clause 19(3)(b) I certify that the investments  
have been made in accordance with the Act, the Regulations and the Council's Investment policies.

R Ryan

Responsible Accounting Officer

## **RECOMMENDATION**

For Council's information.

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 18

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### 2.5 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – as at 31 October 2009

	General Managed Fund	Trust Fund	Investment Fund
<hr/>			
<b>Cashbook as at 31st October, 2009</b>			
<b>Opening Balance</b>	<b>840,437.69</b>	<b>101,401.97</b>	<b>15,455,895.10</b>
Plus Deposits	2,089,621.07	3,702.20	
Less Payments	-2,189,936.47	-2,033.00	-500,000.00
<hr/>			
<b>Adjusted Cashbook Balance</b>	<b>740,122.29</b>	<b>103,071.17</b>	<b>14,955,895.10</b>
<hr/>			
<b>Bank Statement as at 31st October, 2009</b>	<b>740,480.69</b>	<b>103,378.97</b>	<b>14,967,011.10</b>
Plus Outstanding Deposits	8,138.66	575.00	
Less Outstanding Payments	-8,497.06	-882.80	-11,116.00
<hr/>			
<b>Adjusted Statement Balance</b>	<b>740,122.29</b>	<b>103,071.17</b>	<b>14,955,895.10</b>
<hr/>			

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 19

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### Ledger Cash Book

Closing Balance	740,122.29	103,003.57	14,955,895.10
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<b>Total Ledger</b>	<b>740,122.29</b>	<b>103,003.57</b>	<b>14,955,895.10</b>
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<i>Difference (1)</i>	0.00	-67.60	0.00
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(1) *Trust Fund - difference of 67.60 is under investigation*

### RECOMMENDATION

For Council's information.

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 20

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### 2.6 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – as at 30 November 2009

	General Managed Fund	Trust Fund	Investment Fund
<hr/>			
<b>Cashbook as at 30th November, 2009</b>			
<b>Opening Balance</b>	<b>740,122.29</b>	<b>103,071.17</b>	<b>14,955,895.10</b>
Plus Deposits	4,006,688.49	7,093.60	
Less Payments	-2,445,622.56	-2,425.80	
<hr/>			
<b>Adjusted Cashbook Balance</b>	<b>2,301,188.22</b>	<b>107,738.97</b>	<b>14,955,895.10</b>
<hr/>			
<b>Bank Statement as at 30th November, 2009</b>	<b>2,132,144.43</b>	<b>107,366.77</b>	<b>14,967,421.61</b>
Plus Outstanding Deposits	193,852.70	1,250.03	
Less Outstanding Payments	-24,808.91	-877.83	-11,526.51
<hr/>			
<b>Adjusted Statement Balance</b>	<b>2,301,188.22</b>	<b>107,738.97</b>	<b>14,955,895.10</b>
<hr/>			



## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
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### Ledger Cash Book

Closing Balance	2,301,188.22	107,671.37	14,955,895.10
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<b>Total Ledger</b>	<b>2,301,188.22</b>	<b>107,671.37</b>	<b>14,955,895.10</b>
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<i>Difference (1)</i>	0.00	-67.60	0.00
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(1) *Trust Fund - difference of 67.60 is under investigation*

### RECOMMENDATION

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM PAGE 22

## 2.7 RATES AND CHARGES COLLECTION REPORT UP TO and INCLUDING NOVEMBER 2009

GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIO NER WRITE OFF	ABANDO NED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAND -ING 2009/2010	TOTAL OUTSTAND -ING 2008/2009	COLLECTION % 2009/2010	COLLECTIO N % 2008/2009
	CBN RES/RURAL RES	107,434	979,693	68,750	8,603	1,009,774	520,033	489,741	494,603	<b>51.50%</b>	49.57%
	BARADINE	42,846	135,858	16,780	0	161,924	64,414	97,511	95,438	<b>39.78%</b>	35.46%
	BINNAWAY	18,724	65,167	10,556	0	73,336	30,712	42,623	36,554	<b>41.88%</b>	46.22%
	VILLAGES	8,033	27,889	2,299	0	33,623	14,419	19,204	15,866	<b>42.88%</b>	42.36%
	FARMLAND	193,869	3,938,890	19,214	141,294	3,972,251	1,957,900	2,014,351	2,009,804	<b>49.29%</b>	49.19%
	COOLAH	16,446	194,630	14,245	0	196,831	100,629	96,202	84,301	<b>51.12%</b>	53.42%
	DUNEDOO	14,882	208,868	15,385	0	208,365	109,974	98,391	89,900	<b>52.78%</b>	54.24%
	MENDOORAN	8,991	66,241	7,014	1	68,216	29,929	38,288	33,741	<b>43.87%</b>	48.29%
	LEADVILLE	2,970	10,318	1,437	0	11,850	5,412	6,438	5,414	<b>45.67%</b>	48.21%
	MERRYGOEN	465	4,242	828	0	3,878	1,969	1,910	2,039	<b>50.76%</b>	44.39%
	NEILREX	336	2,372	151	0	2,557	1,482	1,075	1,105	<b>57.97%</b>	49.83%

## WARRUMBUNGL SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGL SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM**

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		<b>RATE ARREARS</b>	<b>2007/2008 LEVY</b>	<b>PENSIO NER WRITE OFF</b>	<b>ABANDO NED</b>	<b>RATE ARREARS AND NET LEVY</b>	<b>TOTAL PAY- MENTS TO DATE</b>	<b>TOTAL OUTSTAND -ING 2009/2010</b>	<b>TOTAL OUTSTAND -ING 2008/2009</b>	<b>COLLECTION % 2009/2010</b>	<b>COLLECTIO N % 2008/2009</b>
	UARBRY	0	3,628	85	7	3,536	2,612	924	433	<b>73.86%</b>	89.54%
	COOLABAH ESTATE	2,567	15,056	1,654	0	15,969	5,950	10,019	7860	<b>37.26%</b>	47.83%
	RUR/RES COBBORA	572	3,040	229	0	3,383	1,142	2,241	1732	<b>33.76%</b>	53.01%
	GENERAL RESD/BUS-STH	12,536	161,795	9,776	1	164,554	88,360	76,194	54,202	<b>53.70%</b>	58.65%
	BUSINESS- CBN-RURAL	21,086	378,845	250	0	399,682	243,878	155,804	169,195	<b>61.02%</b>	56.87%
<b>WATER</b>						0		0			
	COONABARAB RAN	32,524	362,731	26,877	1,827	366,551	192,875	173,676	155,253	<b>52.62%</b>	50.36%
	BARADINE	36,273	107,938	9,956	0	134,255	53,647	80,608	65,524	<b>39.96%</b>	41.03%
	BINNAWAY	30,832	112,975	8,362	0	135,446	57,547	77,898	50,716	<b>42.49%</b>	43.97%
	VILLAGES	18,872	11,500	875	0	29,497	4,187	25,310	22,195	<b>14.20%</b>	16.84%
	FARMLAND - NTH & STH	3.72	1,120.00	0.00	0.00	1,124	244	880	707	<b>21.69%</b>	36.52%
	COOLAH	20,604	210,894	11,341	0	220,157	103,737	116,420	62,979	<b>47.12%</b>	56.61%
	DUNEDOO	10,276	144,540	9,236	0	145,580	76,687	68,893	56,996	<b>52.68%</b>	53.31%
	MENDOORAN	14,837	140,985	4,813	9	151,001	66,010	84,990	55,586	<b>43.72%</b>	45.38%
	MERRYGOEN	1,857	10,580	963	0	11,474	4,867	6,608	7,598	<b>42.41%</b>	37.66%

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
DECEMBER 2009 COMMENCING AT 11.00AM

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		RATE ARREARS	2007/2008 LEVY	PENSIO NER WRITE OFF	ABANDO NED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAND -ING 2009/2010	TOTAL OUTSTAND -ING 2008/2009	COLLECTION % 2009/2010	COLLECTIO N % 2008/2009
<b>SEWERAGE</b>						0		0			
	COONABARA BRAN	46,222	599,821	26,699	2,281	617,063	309,433	307,630	311,322	<b>50.15%</b>	52.32%
	BARADINE	47,624	157,161	8,381	0	196,405	87,187	109,217	100,641	<b>44.39%</b>	46.81%
	COOLAH	15,882	206,585	8,978	0	213,488	111,950	101,538	74,529	<b>52.44%</b>	52.71%
	DUNEDOO	11,126	180,050	8,973	0	182,202	95,826	86,376	65,494	<b>52.59%</b>	54.46%
		<b>738,688</b>	<b>8,443,412</b>	<b>294,106</b>	<b>154,023</b>	<b>8,733,971</b>	<b>4,343,012</b>	<b>4,390,959</b>	<b>4,131,727</b>	<b>49.73%</b>	<b>49.93%</b>
<b>GARB AGE- North</b>		73,509	703,594	55,346	544	721,213	378,869	342,343	293,288	<b>52.53%</b>	52.63%
<b>GARB AGE - South</b>		35,703	439,281	38,688	1	436,295	213,676	222,619	177,648	<b>48.98%</b>	51.21%
<b>FARM LAND - NTH - STH</b>		1,491	35,741	563	0	36,669	18,668	18,001	15,211	<b>50.91%</b>	49.53%
<b>LEGA L FEES</b>		218,349	39,418	0	264	257,503	39,418	218,084	165,234	<b>15.31%</b>	31.49%
								0			

## WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL ON THURSDAY, 17  
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		RATE ARREARS	2007/2008 LEVY	PENSIO NER WRITE OFF	ABANDO NED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAND -ING 2009/2010	TOTAL OUTSTAND -ING 2008/2009	COLLECTION % 2009/2010	COLLECTIO N % 2008/2009
INTER- EST		191,238	0	0	0	191,238	36,244	154,994	106,137	18.95%	30.91%
	<b>TOTALS</b>	<b>1,258,977</b>	<b>9,661,446</b>	<b>388,702</b>	<b>154,833</b>	<b>10,376,888</b>	<b>4,993,644</b>	<b>5,347,000</b>	<b>4,889,245</b>	<b>48.12%</b>	<b>49.39%</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  
THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009  
COMMENCING AT 11.00AM**

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## **2.8 PRESENTATION OF FINAL AUDITED STATEMENTS 2008-2009 (CM0001)**

The final audit report from Forsyths was received on Monday, 7 December and statements submitted to the Division of Local Government on the same day.

This will ensure that this year Warrumbungle Shire Council will be included in the Comparative Data.

A set of the final audited statements was emailed to Councillors on 8 December and printed copies are supplied today for perusal.

The Auditors will be reporting at an advertised meeting at 11am on Thursday, 17 December 2009.

### **RECOMMENDATION**

That Council receives the final audit report from Forsyths for the 2008-2009 Financial Statements (General Purpose Financial Report, Special Purpose Financial Report and Special Schedules).

## **2.9 VIDEO MONITORING OF COUNCIL PROPERTY (IT0001)**

Due to excessive vandalism of Council property in Coolah, Council has requested a report on the use of video monitoring (Resolution No. 40 of 20 August 2009) After the report was completed, a check with a peer who managed CCTV monitoring for another Council revealed another solution which may be more suitable for our application.

Further investigation is now required and a report will be brought to the January meeting of Council.

### **RECOMMENDATION**

That the report investigating the use of video surveillance to deter vandalism on Council property be presented to the January 2010 meeting.

## **2.10 WARRUMBUNGLE SHIRE COUNCIL RESTRICTED ASSETS (FM0010)**

Council has asked for details to be provided on our restricted assets as at 30 June 2009, with a view to perhaps easing some of the internal restrictions.

Restricted Assets is covered in Note 6c of our Annual Financial Statements – a copy of the relevant pages are attached.

Council's total internal restrictions amount to \$2,977,000 and the increase of almost a \$1M over the previous year is due to "carry over works" of \$989,000.

### **RECOMMENDATION**

That Council adopt the year end balances of internal and external restricted cash, cash equivalents and investments as noted in Note 6c of the 2008/2009 Annual Financial Statements.

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009  
COMMENCING AT 11.00AM

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## Restricted Reserves as at 30 June 2009

<b>Internal</b>	
Solar System Maintenance	7,803
Quarry Rehab North	123,627
Quarry Rehab South	9,566
Plant, Vehicle and Depot Replacement	369,000
Civil Construction Training	29,364
ELE Reserves North	618,678
ELE Reserves South	148,737
O H & S Bonus	22,611
Coonabarabran CBD Upgrade	124,963
Staff Training - Corporate	8,648
Environmental Legal Expenses	8,000
Baradine Flood Study	24,000
Insurance Excess Reserve	19,157
Crime Prevention	832
Tourist Centre Watering System	4,925
Baradine Special Project	50,000
Mendooran Special Projects	28,655
Renshaw Street- Baradine	40,000
Kerb & Gutter Replacement Coolah	3,636
Carry Over Works	989,000
Depots South	4,239
Weed Control	50,000
Hall Improvements Mendooran	386
Hall Improvements Coolah	25,793
SES Dunedoo	2,000
Council Chambers Coolah	18,194
Multipurpose Building Dunedoo	3,839
Council History	20,000
Shire Roads	4,589
Community Directory	650
Emergency Management	3,360
Council Merger Study	6,881
Public Liability Excess Claims	31,099
Development	6,500
Recreation Amenities	5,306
Insurance Claims	9,510
Tourism	5,057
Mendooran Sewerage Invest	30,182
Town Improvement Dunedoo	29,469
Tree Planting	4,125
RTA Fixed Contracts Overexpenditure	15,000
Road Reconstruction Rate	70,176
	<b>2,977,557</b>

# WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
THE COONABARABRAN TOWN HALL ON THURSDAY, 17 DECEMBER 2009  
COMMENCING AT 11.00AM

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## External Restrictions

RLCIP	423,502
FAG In Advance - General	805,203
FAG Roads In Advance	484,224
R2R	328,408
Flood Damage	286,874
Rail Bridge	338,386
Road Works Block Grant	373,000
Community Development Officer	6,248
ACIS	15,448
WFTD	1,971
Vacation Care	597
Connect 5	73,177
Connect 5 - NRMA	3,920
Youth Council	407
WEEL Program	1,371
Worlds Largest Solar System	6,381
Family Day Care	36,747
Apprentice Subsidy	20,033
Diaprotodon	4,663
Long Day Care	2,163
NAIDOC Week	476
Section 94	291,000
Dept Ageing Programs	185,482
Ministry Of Transport Programs	76,610
Domestic Waste Reserve	116,476
Health Related Transport	1,005
Bugaldie Water	1,178
Merrygoen Water	20,881
	3,905,830

Please note some of these reserves have been allocated to be spent in 2009-10



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Financial Report 2008

## Warrumbungle Shire Council

### Notes to the Financial Statements for the financial year ended 30 June 2009

#### Note 6c. Restricted Cash, Cash Equivalents & Investments

\$ '000	2009		2008	
	Actual Current	Actual Non Current	Actual Current	Actual Non Current
Total Cash, Cash Equivalents and Investment Securities	2,238	12,328	2,462	12,788
attributable to:				
External Restrictions (refer below)	2,238	8,080	2,081	8,898
Internal Restrictions (refer below)	-	2,977	-	1,984
Unrestricted	-	1,271	381	3,928
	<u>2,238</u>	<u>12,328</u>	<u>2,462</u>	<u>12,788</u>

2009 \$ '000	Opening Balance	Transfers to Restrictions	Transfers from Restrictions	Closing Balance
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#### Details of Restrictions

External Restrictions - Included in Liabilities				
Trust	119	-	(42)	77
<b>External Restrictions - Included in Liabilities</b>	<u>119</u>	<u>-</u>	<u>(42)</u>	<u>77</u>
External Restrictions - Other				
Developer Contributions - General (D)	282	27	(18)	291
Specific Purpose Unexpended Grants (F)	2,347	1,267	-	3,614
Water Supplies (G)	2,589	-	(234)	2,355
Sewerage Services (G)	3,570	295	-	3,865
Domestic Waste Management (G)	70	46	-	116
<b>External Restrictions - Other</b>	<u>8,858</u>	<u>1,635</u>	<u>(252)</u>	<u>10,241</u>
<b>Total External Restrictions</b>	<u>8,977</u>	<u>1,635</u>	<u>(294)</u>	<u>10,318</u>

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Financial Report 2009

## Warrumbungle Shire Council

### Notes to the Financial Statements for the financial year ended 30 June 2009

#### Note 6c. Restricted Cash, Cash Equivalents & Investments (continued)

2009 \$'000	Opening Balance	Transfers to Restrictions	Transfers from Restrictions	Closing Balance
<b>Internal Restrictions</b>				
Plant & Vehicle & Depot Replacement	-	389	-	389
Employees Leave Entitlement	767	-	-	767
Carry Over Works	266	723	-	889
Construction of Buildings	67	-	-	67
Office Equipment	90	-	-	90
Town Improvement	169	-	(134)	35
Economic Development	15	-	(15)	-
Swimming Pool Improvements	2	-	-	2
Other - Coolah	73	-	-	73
Main Street Beautification	293	-	(168)	125
Quarry Restoration	123	10	-	133
Legal Expenses	8	-	-	8
Crime Prevention	1	-	-	1
Insurance	60	-	-	60
Rescue Squad	30	-	(30)	-
Woods	-	50	-	50
Roads	-	134	-	134
Sewer	-	30	-	30
Risk Management/ OH&S	-	23	-	23
Historical	-	21	-	21
<b>Total Internal Restrictions</b>	<b>1,964</b>	<b>1,360</b>	<b>(347)</b>	<b>2,977</b>
<b>TOTAL RESTRICTIONS</b>	<b>10,941</b>	<b>2,995</b>	<b>(641)</b>	<b>13,295</b>

- A Loan moneys which must be applied for the purposes for which the loans were raised.
- B Advances by the Roads and Traffic Authority for works on the State's classified roads.
- C Self Insurance liability resulting from reported claims or incurred claims not yet reported.
- D Development contributions which are not yet expended for the provision of services and amenities in accordance with contributions plans (refer Note 17).
- E RTA Contributions which are not yet expended for the provision of services and amenities in accordance with those contributions.
- F Grants which are not yet expended for the purposes for which the grants were obtained. (refer Note 1)
- G Water, Sewerage, Domestic Waste Management (DWM) & other Special Rates/Levies/Charges are externally restricted assets and must be applied for the purposes for which they were raised.

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## **2.11 SALE OF LAND FOR UNPAID RATES (RV0012)**

This is to advise at the time of business paper preparation the auction for sale of land for unpaid rates will proceed at 11am on Friday 11 December as per Council Resolution No 293 of 19 March 2009.

Several properties were withdrawn from sale in the week leading up to the auction as Council received payment in full.

A summary of the auction outcomes and final report will be presented to Council at the meeting.

### **RECOMMENDATION**

For Council's information.

## **2.12 USER PAYS SEWERAGE CHARGES (RV0002)**

### **Background**

Following the introduction of User Pays Sewerage Charges representations were made to the September Meeting of Council by Coolah Cottages Limited and Coolah & District Retirement Homes Ltd about the inequity of the charges.

Subsequently Council received a letter from Cooinda Coonabarabran Limited also protesting. They also suggested that Council should make a provision for businesses who are making "*an attempt at reducing water consumption by instigating water saving measures*".

A report was requested by Council on whether there could be any alternative method of charging which would have less financial impact on these "not for profit" organisations.

### **Report**

#### *Coolah & District Retirement Homes Ltd*

This organisation is rated as residential. Their total rates for 2008-2009 were \$1,449.47. This amount jumped to \$6,194.05 for 2009-2010. Their total water consumption for 2008-2009 was 679.8 Kls.

This organisation does not employ any staff and all board members are volunteers.

#### *Coolah Cottages Limited*

This organisation is rated as residential. Their total rates for 2008-2009 were \$1,286.00. This amount jumped to \$3,681.26 for 2009-2010. Their total water consumption for 2008-2009 was 348.7 Kls.

This organisation does not employ any staff and all board members are volunteers.

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## *Cooinda Coonabarabran Limited*

This organisation is rated as business. Their sewerage charge for 2008-2009 was based on the number of WC's and was \$3665.20. For 2009-2010 their sewerage access charge dropped to \$3,200 based on a 100mm connection. Their total water consumption for 2008-2009 was 7,003 Kls. The increase has come for them with the application of the water usage charge for sewerage; their first bill this year was \$1884.40.

This organisation employs staff, receives government funding and operates as a business (even if it is not for profit) as does Coolah Nursing Home and other nursing homes in the shire who have not applied to Council for consideration.

## **Summary**

There is a significant difference between Coolah Cottages/Coolah Retirement Homes and Cooinda in that Coolah Cottages/Coolah Retirement Homes are rated as residential, accommodate low income aged tenants and receive no government funding and Cooinda is rated as business. Therefore they are not comparative.

The total water usage by Coolah Cottages/Coolah Retirement Homes is similar to that of any residential property. Cooinda's consumption is many times greater and their suggestion about consideration for those reducing water consumption is not borne out by their actual consumption which has increased in their first meter reading for 2009-2010.

Council has found the introduction of user pays sewerage very contentious and deliberations about how to introduce the charges caused a great deal of concern during budget deliberations.

It is clear that with the introduction of any new user pay charges some people are going to be impacted more than others.

## **RECOMMENDATION**

That Council recognise Coolah Cottages Limited and Coolah & District Retirement Homes as residential properties as rated and that the sewerage access fee be one fee of \$390 per four units.

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

# **WARRUMBUNGLE SHIRE COUNCIL**

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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 APPLICATION TO LEASE ADJOINING ROAD RESERVE (P93482)**

#### **Background**

An application has been received from the owner of Lot 272 DP753378 to lease unused road reserve located at the rear of their property in River Road. The owner has previously sought to purchase the land and Council refused to make it available for sale. A copy of the applicant's letter and details of the land have been forwarded to Councillors under separate cover.

Council cannot delegate its authority in relation to leasing of unused road reserve and hence a resolution of Council is required.

#### **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.

The applicant does not indicate why they want to lease the land taken up by the road reserve. The reason given when the applicant sought to purchase the land, was to allow for additional storage associated with his business and for added fire protection.

#### **Options**

Council has discretion in this matter, however, Council should be mindful of the nature of business activity being undertaken on applicants own property and question whether these activities if extended to the road reserve, would irrevocably damage the land.

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## **Financial Considerations**

Administrative costs associated with leasing the road reserve can be accommodated within Council's existing budget.

## **RECOMMENDATION**

The application by the owner of Lot 272 DP753378 to lease adjoining unused road reserve is refused on the basis that intended use of the land is not stated. Furthermore, Council will only consider another application if it is supported by a plan of management for the five(5) year lease period.

### **3.2 APPARENT EXTRAORDINARY WATER CONSUMPTION AT TWO PROPERTIES IN BLIGH STREET BARADINE (P91305 and P93360)**

#### **Background**

Two properties in Bligh Street Baradine have received invoices for water consumption that are extraordinarily high. The invoices were generated following a reading of the water meters on the 2 February 2009. The properties are opposite one another in Bligh Street as shown on the map that was forwarded to Councillors under separate cover. The history of water meter readings associated with each property has also been forwarded to Councillors under separate cover.

The readings made on the 2 February 2009 show a consumption that is not consistent with consumption patterns before or after this particular reading date. The matter is presented to Council for consideration and resolution.

#### **Issues**

Generally, for a normal 20mm house service connection, a garden spray will deliver approximately 1 kl/hr. The readings for Lot 3 DP758051 indicate an average daily consumption during the period of 17kl/day while for Lot B DP361026 across the road the average consumption is 10kl/day. That is, for these rates of consumption a hose would be in use for 17 hrs and 10 hrs for respective properties, each day over the period.

There is evidence that a water main break occurred during the period, however, it is generally accepted that water meter readings do not accelerate as a result of mains flushing or breakage. No high or extraordinary readings occurred in adjoining properties

Generally, there are two reasons for extraordinary water meter readings, above normal consumption and or an administrative error has occurred. A common feature for both readings is that the 9000 numbers have been missed. In the case of Lot 3, the meter has turned over, while for Lot B, the dial was reading the 10000 series numbers.

#### **Options**

Careful consideration needs to be given by Council to writing off any water use charges as it is generally accepted that a water meter reading is prima facie evidence that water has been used.

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## **Financial Considerations**

The account for water consumption at Lot 3 DP758051 during the February reading period is \$3,524, while for Lot B DP361026 the account is \$2,043. The account for the same period in the previous year was \$135.60 for Lot 3 DP758051 and it was \$128.40 For Lot B DP361026. Should Council decide to write off the difference in each a supplementary vote is required.

## **RECOMMENDATION**

1. That the water account for Lot 3 DP758051 for the billing period ending 2 February 2009 be reduced by \$3,388.40
2. The water account for Lot B DP361026 for the billing period end 2 February 2009 be reduced by \$1,914.60.

## **3.3 LICENCE AGREEMENT FOR RADIO TELECOMMUNICATION SITES ON CROWN LAND (ET0001)**

### **Background**

The Department of Lands is implementing a new licensing system for Crown lands that are used for telecommunications. For Council this means that the two way radio transmission sites at Goragilla and at Queensborough must be covered by this new licence agreement. The agreement is in the form of a head licence and appendices that cover individual sites.

The head licence requires signature by an authorized person of Council and Council's common seal must be affixed to the agreement. Hence Council is required to make a resolution to effect the licence agreement.

### **Issues**

The Department of Lands suggests that the licence will give Council certainty over its tenure of the telecommunications sites. The licence agreement commences from 1 July 2007 and is for a period of 20 years. The Minister may terminate the licence 'at the mutual agreement of both parties'.

There are other users on each of the sites occupied by Council's telecommunication equipment and it is understood that these users will also be required to have a licence agreement with the Department of Lands. In relation to the Queensborough site, Council's radio equipment is housed in a hut owned by NSW Police. At the Goragilla site, the hut is owned by Country Energy. It is not known who owns the tower at each of these sites.

The head licence number is 408269 and the site appendix number for the Goragilla site is 412861 and for the Queensborough site it is 408710.

### **Options**

It appears that Council has little option but to enter into agreement with the Department of Lands if Council wants to continue to use Crown Land at Gooragilla and Queensborough for radio transmission.

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## **Financial Considerations**

The initial rent being charged by the Department of Lands is \$1,534 per year for each of the sites. This rental charge has not been paid and will be back dated to 1 July 2007. The rent will be reviewed at the expiry of each period of five(5) years after 1<sup>st</sup> July 2007.

Currently, Council is not paying any rent or charge to the Department of Lands for access to the sites at Goragilla and Queensborough.

## **RECOMMENDATION**

That Council enters into a licence agreement with the Department of Lands for access to telecommunication sites on Crown Land and **FURTHER** that the General Manager is authorized to sign the agreement and use Council's common seal on the agreement.

### **3.4 PROPOSED PICNIC SHELTER IN MENDOORAN PARK ADJACENT SKATE AREA (PR0001)**

#### **Background**

An application has been received from the Mendooran & District Development Group Inc. to erect a small shade structure next to the existing skate board area in Mendooran Park. The structure is 4 metres long by 3 metres wide and a sketch of the proposal has been forwarded to Councillors under separate cover.

Council is required to make a resolution on the application as the structure is constructed in a park and ongoing maintenance will be the responsibility of Council.

#### **Issues**

The sketch of the proposed structure indicates the Group is going to build a rudimentary rectangular shaped structure with a flat roof and cladding on two sides. There are no details about materials and structural stability and hence there is concern about the level of ongoing maintenance required.

The proposal by the Group does not indicate why the structure is necessary and what benefit it will provide. There is a picnic shelter near the BBQ and there is a shade structure over the playground equipment.

#### **Options**

Council may wish to approve the concept of erecting a shade structure immediately adjacent the skate board area subject to the structure being constructed in the shape of a typical picnic shelter and constructed with low maintenance materials.

#### **Financial Considerations**

It is not known what grant funds are available to the Group for construction of the shelter.

## **RECOMMENDATION**

That application by the Mendooran & District Development Group Inc to construct a shelter immediately adjacent the skate board area in the Mendooran Park with a size of



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3m x 4m is approved subject to it being constructed in the shape of picnic shelter and in accordance with requirements of the Director Technical Services.

### **3.5 REQUEST FOR EXEMPTION FROM PAYMENT OF WATER ACCESS CHARGE (P92840)**

#### **Background**

The owner of Lot 3 DP255360 has requested exemption from payment of water access charge because the property is not physically connected to town water. The property is located on Hawkins Road just west of Coonabarabran as shown on a map forwarded to Councillors under separate cover. The property is 145 metres from a water main and hence Council is entitled to charge a rate for water access to the property. However, the water main is actually the trunk main between Timor Dam and the water treatment plant and Council has a policy of not allowing any further connections to the trunk main.

The matter is presented to Council for consideration and resolution as the issue appears to be contrary to Council's policy, and the Local Government Act, that enables Council to charge for access to reticulated town water.

#### **Issues**

It is unclear why this particular property is being charged an access fee when it is not physically connected to water. Apparently, a previous owner of this property was part owner of a number of properties along Hawkins Road and it is known that one of these properties was connected to water. That is, there is a water meter in place – Meter No 41320, however there has been no flow through it for several years.

The relevant section of the Local Government Act that permits Council to levy an access charge is reprinted in Attachment 1.0. The interpretation of these sections is clearly important and on the face of it Council is entitled to charge a water access charge on any property that is within 225 metres of a water main. The authority to levy the charge is conditional upon water being available from a 1m high standpipe. There are no hydrants within 225 metres of the property and it is questionable whether this condition can be met.

There are no other properties along Timor Road being charged a water access fee that are not physically connected. There are fourteen properties physically connected to the trunk main along Timor Road. Council has a policy of not allowing further connections to the trunk main because the water quality cannot be controlled. Furthermore, Council will disconnect any water connection when the opportunity arises.

There are many properties on the fringe of each urban area within the Shire that are charged an access charge yet not physically connected to reticulated water. There are various reasons why they are not connected such as; it is impractical to do so.

#### **Options**

Council may wish to continue charging an access fee for Lot 3 DP255360 on the basis that it is within 225metres of a 'water pipe', however, it may face a legal challenge

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because of Council's policy of not allowing further connections to the trunk main. Perhaps the more practical solution is to disconnect the existing meter, which is not being used, and remove the access fee charge from Lot 3 DP255360.

## **Financial Considerations**

The annual water access charge applicable for properties in Coonabarabran is \$268. There is no payment owing on the property in relation to water.

## **RECOMMENDATION**

That the property Lot 3 DP255360 is no longer charged an access fee. Furthermore, the water service connection, Meter No 41320 is disconnected.

## **Attachment 1.0**

### **Division 2 Special rates and charges relating to water supply, sewerage and drainage**

#### **551 Application of Division 2**

This Division applies to a special rate or charge that is made in connection with water supply, sewerage or drainage services that are actually being provided by the council.

#### **552 What land may be subject to a water supply special rate or charge?**

- (1) A special rate or charge relating to water supply may be levied on:
  - (a) land that is supplied with water from a water pipe of the council, and
  - (b) land that is situated within 225 metres of a water pipe of the council whether the land has a frontage or not to the public road (if any) in which the water pipe is laid, and although the land is not actually supplied with water from any water pipe of the council.
- (2) A special rate or charge relating to water supply may not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the council's mains.

## **3.6 OUTDOOR WORKFORCE – RETIREMENTS (SW0002)**

### **Background**

The imminent retirement of several senior staff from within Technical Services has prompted a review of outdoor staff and the possible implications of Council losing experience and expertise as these staff members retire. To remove the impact these retirements and subsequent retirements will have on Technical Services, a succession plan should be formulated and enacted prior to the loss of this experience.

### **Issues**

Technical Services currently employs 12 outdoor staff over 60 years in age. This represents over 12% of the Technical Services operational staff. Road Operations appears particularly vulnerable with nearly 15% of the workforce reaching 65 in the next five years. A further 10% will turn 65 within 10 years accounting for 25% of the Road Operations staff. While retirement at 65 is not compulsory discussions with staff would indicate four employees will retire before May 2010 and three more are likely to retire during 2010.

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Council needs to plan for the replacement of these employees while maximising the amount of information to be passed on to new employees prior to the retirement of these employees.

## **Options**

Council could take no action in this regard and simply replace these employees as they retire. This would limit any additional costs to jobs, however any information retained by these employees would be lost to the organisation.

With the retirement of four employees almost certain Council could choose to appoint two trainee Plant Operators immediately and utilise these trainees to fill positions as they become available. Employing trainees now would allow trainee operators to have some skills and experience prior to the existing employees resigning. There is also the advantage of the incumbent employees passing on their knowledge to the trainees, and giving them the benefit of their experience. Utilisation of these trainees on Council plant will allow more flexibility to Road Operations supervisors, allowing the Road Construction supervisor in particular more time to train grader drivers across the shire.

## **Financial Implications**

Civil construction traineeships have on average run between 18 months and two years before the trainee is fully qualified and can transfer to a full time operations position. Council receives a training subsidy of \$4000 for each trainee to cover training costs at TAFE. Recent trainees have cost approximately \$3500 to train, with the remaining grant being utilized to cover training for existing employees.

Road Operations is currently employing four casual staff and trainees can undertake some of these duties while on the job site, allowing casual numbers to be reduced. This work can then be completed at a much reduced rate as trainee hourly rate is up to 30% under current payments for casuals.

There will be some cost to projects involved with training staff on site. This cost will offset however by the improved training available because trainees can observe and listen to existing operations. Training should be of a higher standard and trainees should develop more quickly if they can be shown how to operate plant and have time to develop confidence and competence.

## **RECOMMENDATION**

That Council advertise for two (2) trainee plant operators for the Road Operations construction crew based in Coonabarabran, and **FURTHER** that these trainees be employed as Plant Operators at the completion of their traineeship.

.....  
KEVIN TIGHE  
DIRECTOR TECHNICAL SERVICES

# **WARRUMBUNGLE SHIRE COUNCIL**

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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 (CP0003)**

#### **Background**

Council has previously considered the need to reclassify Lot 1 DP1033599 Jackson Street Coonabarabran (industrial subdivision) and Lot 337 DP 753378 and Lot 2 DP 847880 Reservoir Street Coonabarabran (Residential subdivision) and the correct procedure has been followed to reclassify the lands as operational lands by the development of a Draft LEP.

The proposal has been on public exhibition from the 2<sup>nd</sup> October 2009 until 4.00pm on the 2<sup>nd</sup> November 2009 and written submissions were invited in two advertisements in the Coonabarabran Times on the 1<sup>st</sup> October and the 15<sup>th</sup> October 2009. No submissions or enquiries were received by Council.

Despite no submissions being made the current legislation requires Council to hold a public hearing to allow the matter to further progress. To hold a public hearing at least 21 days prior notice of the hearing must be given to interested members of the community. A public hearing was advertised in the Coonabarabran Times on the 5<sup>th</sup> and 19<sup>th</sup> November 2009 and the hearing was chaired by Mrs Michelle Chapmen from All About Planning between 9.00am and 10.00am on the 11<sup>th</sup> December 2009 in the Community Services Conference Room, John Street Coonabarabran. A copy of the report from the hearing has been attached.

Council may now resolve to adopt the hearing report and its recommendations and resolve to prepare a Section 69 report to the Minister for Planning seeking the making of the draft LEP to reclassify community land to operational land.

#### **RECOMMENDATION**

1. That Council receive and adopt the report from the public hearing into the reclassification of community land to operational land as described in Schedule 6 of the Draft Coonabarabran Local Environmental Plan 1990 (Amendment No 2)- Classification and Reclassification of Public Land

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2. That Council prepare a Section 69 report requesting the Minister of Planning to make 'Draft Coonabarabran Local Environmental Plan 1990 (Amendment No 2)- Classification and Reclassification of Public Land' under the Environmental Planning and Assessment Act 1979 using the delegation granted to Council by the Director General of the Department of Planning on the 8<sup>th</sup> June 2009.

## **4.2 DEVELOPMENT APPLICATION FOR DETERMINATION – 126/0809 DIESEL STOP SERVICE STATION AND ASSOCIATED SIGNAGE (P92622)**

Applicant	Caltex Petroleum Australia Pty Ltd
Owner	As above
Property	Oxley Highway, Coonabarabran
Land Description	Lots 405 & 406 DP753378
Current Approved Use	Service Station
Current LEP Zoning	2(v)
Assessment No	2200.0003 and 2200.0005

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

Construction of a self-serve unmanned diesel stop service station and associated signage purpose built for trucks and other rural machinery and equipment. It is proposed the Diesel Stop will operate 24 hours a day, 7 days a week.

The land is zoned 2(v) village under the provisions of the Coonabarabran LEP 1990. Because of its proximity to the Oxley Highway the application was referred to the RTA.

A copy of the Statement of Environmental Effects and plans are included for Councillors' information.

### **RESULTS OF PUBLIC EXHIBITION**

The application was advertised and a total of 2 submissions concerning the proposal were received. The main objections raised in the submissions are summarized as follows:

- i) lack of garbage bins at proposed site
- ii) amenities should be provided for the use of truck drivers
- iii) the provision of a sound-proof fence between the site and the adjoining motel
- iv) parking of trucks, especially stock trucks and refrigerated trucks.

### **RESULTS OF CONSULTATION**

Following lodgement of the development application the documents were referred to the RTA and Council's Technical Services Department for comment. The RTA has no objection to the proposed development subject to a number of requirements being satisfied.

A full copy of this response is included for Councillors' information.

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In the event Council chooses Option C in the conclusion, these requirements must be included as conditions in the consent.

## **COMMENTARY**

In considering this proposal Council must take into consideration the matters listed in Section 79C of the Environmental Planning and Assessment Act, 1979. The matters listed included:

*a) the provisions of:*

- *Any environmental planning instrument (Coonabarabran LEP 1990), and*
- *Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- *The regulations*

*that apply to the land to which the development application relates.*

*b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*c) The suitability of the site for the development,*

*d) Any submissions made in accordance with the Act or Regulations,*

*e) The public interest*

## **Compliance With Development Control Plans**

The following Development Control Plans (DCPs) are applicable to this development:

- **Warrumbungle Shire Council DCP No 1 – Shire Lighting Code to Protect Siding Springs Observatory**  
Under this DCP, the proposed development is located in Zone E1c. This zone requires light sources to be fully shielded to ensure that no light is emitted above the horizontal. Signs in this zone must be turned off at close of business or at 11pm. Special exceptions for all night businesses must be referred to the Director. This requirement can be met with a condition of consent if Council chooses Option C in the conclusion.
- **DCP No 3**  
Under this DCP the land is classified as Residential C and attempts to override the LEP, which is unenforceable.

## **Compliance With Coonabarabran LEP 1990**

The land is zoned 2(v) under the provisions of the Coonabarabran Local Environmental Plan 1990 and the activity is defined as a 'service station' under that plan by way of clause 4 of the Environmental Planning and Assessment Model Provisions 1980. The proposal is permissible with Council consent under the LEP.

## **Compliance With REPs and SEPPs**

- **Orana REP**

The proposed development is subject to the provisions of Orana REP No 1 and the applicant will be required, as a condition of consent, to forward lighting details to the

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Observatory Director for assessment prior to commencement of any site works if Council chooses this option.

▪ **SEPP 55 – Remediation of Land**

Given the subject site's historic use as a service station there is a potential that the land is contaminated. The proposed development is of a very similar nature to the previous land use and the applicant states that it is proposed to remove the existing underground tanks and remediate any localized seepage.

▪ **SEPP 64**

The applicant states that the proposed signage meets the requirements of this SEPP, however it will be a condition of consent that details be forwarded to the Observatory Director as above.

## **ANALYSIS**

### **Likely Impact of the Development, Suitability of the Site and Concerns Raised in Submissions**

The advertising and consultation processes resulted in a number of concerns being raised by objectors. The major concerns raised and an evaluation of their validity are as follows:

#### **1) Traffic Considerations**

The development application was referred to the RTA which had no objection to the proposal provided a number of conditions could be met. These are included in the draft conditions of consent if Council chooses this option. In addition Council's Director of Technical Services has reviewed the proposal and has no further comments or conditions.

#### **2) Provision of Amenities and Rubbish Bins**

Comments have recently been received by Council raising concerns about people freely disposing of rubbish and defecating in the area. The applicant has been approached about the provision of amenities and is agreeable, however a condition is included in the draft consent if Council chooses this option.

#### **3) Noise**

Assessment of this development application has been pending to allow the applicant to address the noise issues raised in the submissions received by Council. The applicant has since submitted a Noise Assessment for potential impact due to the operation of the proposed fuel depot, which makes the following recommendations:

- Construction of a 3.3m high and 45m long wall or fence with no air gaps;
- Installation of secondary glazing on the inside of each of the front windows of Units 1-6 of the Amber Court Motel;
- Installation of operable secondary glazing on each of the bathroom windows of Units 1-6;
- Installation of acoustic seals on the on the sides and top of the front of Units 1-6, and drop seals on the bottom of each door.

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A condition of consent relating to the findings of this report would need to be included in the draft conditions if Council chooses this option.

## **CONCLUSION**

Council has three options available under Section 80 of the Environmental Planning and Assessment Act 1979;

### **Option A**

Refuse the development application. This option is available to Council if Council is not convinced that all matters proposed to be covered by the draft Conditions of Consent could be adequately remedied or mitigated to an acceptable level. Council is advised that any refusal must specify the specific grounds for refusal as the applicant would have a right of appeal to the Land and Environment Court against the decision.

### **Option B**

Approve the development unconditionally. This option would not be appropriate given the likely impact of an unconditioned development.

### **Option C**

Approve the application subject to conditions with the reasons for the conditions explained. The draft conditions listed below as Schedule 1 have been formulated for Council's use in the event Council wishes to exercise this option:-

## **RECOMMENDATION**

That Council approve DA 126/0809 for operation of a self serve fuel facility at Lots 405 and 406 DP753378 Oxley Highway, Coonabarabran subject to the conditions of consent listed in schedule 1.



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## SCHEDULE 1

### 1. General

Development taking place generally in accordance with the outlined proposal indicated in the development application, except as modified by these conditions, Council's Development Control Plans, Engineering requirements and the requirements of the Environmental Planning and Assessment Act 1979.

(Reason: To ensure the development complies with this approval and the proposal which was considered.)

### 2. BCA Compliance

The building complying with the requirements of the Local Government Act 1993, the Building Code of Australia(BCA) and all relevant Australian Standards.

(Reason: To ensure that the completed building complies with nationally adopted construction standards.)

### 3. Sanitary Facilities

The applicant is to provide disabled unisex sanitary facilities in association with the proposed development which are constructed in accordance with the Building Code of Australia. The amenities are to be available 24 hrs a day and regularly maintained in a sanitary condition by the owner/operator of the proposed facility for use by patrons of the facility.

**Prior to works commencing on site construction plans detailing the proposed location and construction methods are to be submitted to Council for assessment and approval.**

(Reason: To provide sanitary facilities for users of the development to ensure sanitary conditions are maintained at all times.)

### 4. Specific Details to be Supplied

Prior to the release of the Construction Certificate the applicant shall submit full details (for Council's approval) of:

- the proposed exterior colour schemes
- landscaping plan
- Engineering Certification
- Detailed construction plans

(Reason: To ensure that the appearance of the building is compatible with the surrounding precinct and essential design features are achieved.

### 5. Footpath Obstructions and Litter Control

No building materials are to be stored on the public footpath and all waste materials are to be stored on site in a secure enclosure capable of resisting wind disturbance. The Developer is to provide on site refuse collection facilities in sufficient number and size to ensure all refuse is adequately restrained and removed.

(Reason: To protect the public safety and amenity of the area)

### 6. Soil Erosion Control

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All site works involving cut and fill or soil disturbance are to strictly adhere to Council's Soil Erosion and Sedimentation Policy ('Do It Right On-Site' pamphlet attached).

(Reason: to minimize soil erosion on the site.)

## **7. Site Disturbance**

All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards and all excavations are to be properly guarded and protected to prevent them from being dangerous to property or life.

(Reason: To ensure the safety of workers on site, the public and the protection of adjacent buildings.)

## **8. Construction Noise Management**

Building and/or demolition works creating noise likely to interfere with the neighbouring amenity, are to be restricted to:

Monday to Friday: 7.00am to 6.00pm

Saturday: 8.00am to 6.00pm

Not to be carried out on Sundays or public holidays.

(Reason: To ensure the public amenity of the area is not unduly affected by noise.)

## **9. Noise Attenuation**

All recommendations made in the Noise Assessment Report No. 4461 prepared by RSA Acoustics dated November 2009 accompanying the application must be complied with by the proponent of the development at their cost. Details of the proposed acoustical treatment is to be submitted to Council for approval prior to issue of a construction certificate and all acoustical treatment works are to be completed prior to the operation of the Diesel Stop Service Station.

(Reason: To ensure reasonable acoustic amenity for surrounding properties is maintained.)

## **10. Upward Light Spill**

All external lighting is to be of a fully shielded design and directed in a downward position. Details of any illuminated advertising signs shall be provided to Council for referral to the Siding Springs Observatory prior to construction.

(Reason: To minimise upward light spill and to comply with the requirements of the Orana Regional Environmental Plan.)

## **11. Prevention of Scalding**

Hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene (hand basins) purposes at a temperature not exceeding 50° C.

(Reason: To prevent accidental scalding.)

Notes:

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- i) The installer should advise the owner/occupier that regular testing and maintenance of such valves is required for satisfactory operation.
  - ii) Where tempering valves are installed a sign is to be permanently fixed on the hot water heater, adjacent to the tempering valve (where clearly visible) indicating:

‘A Tempering Valve has been installed to prevent scalding, this valve is to be renewed at intervals, as recommended by the valve manufacturer.’

## **12. Sewer Surcharge**

The drainage service is to be provided with at least one overflow gully, the top level of which shall not be less than 150mm below the floor level of the building and not less than 75mm above the finished ground level.

(Reason: To enable sewage surcharge outside the building in case of a blockage in the sewer main.)

## **13. Water and Sewerage Service Work**

Plumbing and drainage fixtures included in the building work are to be installed in accordance with Council’s requirements. This work can only be carried out by a suitably licensed tradesman.

(Reason: To ensure compliance with AS3500 – National Plumbing and Drainage Code.)

## **14. Access and Egress Requirements**

- (i) All accesses and internal service roads shall be bitumen sealed and maintained to provide a dust free surface over all trafficable areas of the development at the developers cost.
- (ii) The proposed two new accesses should be tapered to accommodate turning paths of largest class of vehicle requiring access. Any redundant accesses should be closed and concrete kerb and gutter reinstated.
- (iii) Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering and leaving the development.
- (iv) All activities including loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.
- (v) The design and content of any signage is to be in accordance with State Environmental Planning Policy No 64 – Advertising and Signage.
- (vi) Any signage is not to be within or overhang the road reserve and is not to form a traffic hazard itself. The advertising signage must not be a distraction to drivers, in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising signs.
- (vii) A Road Occupancy Licence is required prior to any works commencing within 3m of the travel lanes of the Newell Highway. This can be obtained by contacting Mr Paul Maloney on 6861 1686. Submission of a traffic control plan is required as part of this licence.
- (viii) All works associated with the development are to be at no cost to the RTA.

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**(Reason:** To ensure safe movement to of vehicles using the site)

## **15. Connection to Council Services**

Council's Department of Technical Services is to be fully advised of any works being carried out in relation to water/sewer connection/disconnection.

**(Reason:** To ensure adequate and properly connected services.)

## **16. Protection of Council Infrastructure**

Any damage to road pavements, footpath, kerb and gutter or utility services during construction shall be repaired at full cost to the applicant.

**(Reason:** To ensure adequate and properly connected services.)

## **17. Hoardings and Barriers**

Site barriers are to be erected and maintained in accordance with WorkCover Authority and Council requirements.

**(Reason:** To ensure the safety of pedestrians and preservation of Council's assets.)

*Note:* The applicant will be responsible for reinstatement of the adjacent roads and footpath in the event of damage.

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## 4.3 APPLICATIONS RECEIVED FOR MONTH OF NOVEMBER 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 55/0910	3/11/2009	Coonabarabran Bowling Club	Edwards Street	Coonabarabran	Erect Awning	Pending
CDC 56/0910	05/11/2009	Private Certifier	Church Street	Coolah	Library & Administration Centre	Approved
DA 57/0910	5/11/2009	J. Meier	Meryula Road	Ulamabri	New Dwelling	Pending
DA 58/0910	5/11/2009	Wayne Johnston	Baradine Road	Coonabarabran	Screen Enclosure	Approved
DA 59/0910	5/11/2009	RJ Crooks & Associates	Rotherwood Road	Coolah	Subdivision	Pending
DA 60/0910	09/11/2009	Kirsty Sniekers	Yarrow Road	Mendooran	Mobile Phone Tower	Approved
CDC 61/0901	10/11/2009	Elizabeth Connell	White Street	Coonabarabran	Bedroom Addition	Approved
DA 62/0910	11/11/2009	Graham Taylor	Caigan Street	Dunedoo	Urban Subdivision	Pending
CDC 63/0910	12/11/2009	Brett Christensen	Tucklan Street	Dunedoo	Swimming Pool	Approved
CDC 64/0910	17/11/2009	Keith Robinson	Bolaro Street	Dunedoo	Swimming Pool	Pending
CDC 65/0910	17/11/2009	Private Certifier	Digilah Street	Dunedoo	Construct School Science Centre	Approved
CDC 66/0910	17/11/2009	Sandra Varty	Old Common Road	Coonabarabran	Swimming Pool	Pending
CDC 67/0910	18/11/2009	Private Certifier	Tucklan Street	Dunedoo	Additions to School Hall and Classrooms.	Approved

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

CD or DA	Date Received	APPLICANT'S NAME	LOCATION	Town	Type of Development	Status
DA 138/0809	12.06.09	Jason Newton	Crane Street	Coonabarabran	Addition to Shed	Clock Stopped Waiting Further information
DA 28/0910	31/08/2009	Ron Howard	Bingie Grumble Road	Coonabarabran	Subdivision	Clock Stopped Waiting Further information
DA 46/0910	09/10/2009	Matthew Leeson	Tucklan Street	Dunedoo	Change Shed to School Bus Depot	Pending
DA 49/0910	27/10/2009	Tamara Owers	Purlewaugh Road	Coonabarabran	Residential Dwelling	Pending
DA 51/0910	27/10/2009	Rawson Homes	Belar Street	Coonabarabran	Residential Dwelling	Pending

.....  
**TONY MEPPEM**  
**ACTING DIRECTOR ENVIRONMENTAL 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 COMMUNITY SERVICES      ANNEXURE 5**

### **5.1      HEALTHY COMMUNITIES INITIATIVE LOCAL GOVERNMENT             AREA GRANTS (GS0001)**

The Commonwealth Department of Health and Ageing, with NSW Government has implemented a Healthy Community Initiative and Warrumbungle Shire Council has been invited to apply for funding under the Local Government Area (LGA) Grants component. This is a Pilot Phase that will fund up to 12 sites chosen from 42 LGA's that have been selected and invited to make a submission.

The Healthy Communities Initiative aims; *'to help reduce the prevalence of overweight and obesity within the target populations of participating communities by maximising the number of at risk individuals engaged in accredited physical activity and dietary education programs'*.

Funding of \$270,000 per annum for 15 month period to either fund a Healthy Communities Coordinator Position or a combination of subsidising costs to individuals participating in or running accredited community based healthy lifestyle programs.

The basis for this proposal is to employ a Sports Coordinator at the Coonabarabran Youth Club. This person would facilitate and coordinate sporting groups and service providers to have organised healthy and sporting activities either at the Youth Club or at other venues. The programs could then be extended to our other communities with involvement from sporting organisations and service providers. Similar to the Road Safety Officer Healthy Lifestyle Program that was conducted in each town within the shire; a model event or activity is more readily repeated following success in another centre.

Council would employ this person on a contract basis; and the position would sit in the organisational structure within Community Services; at no cost to Council. The funding submission is due 22nd January 2010.

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## **RECOMMENDATION**

That Council authorise the General Manager to submit an application for a Healthy Communities Coordinator position under the Commonwealth Department of Health and Ageing Healthy Community Initiative.

### **5.2 COONABARABRAN TOWN HALL (CP0007)**

Council has allocated in the 2009-2010 Management Plan \$50,000 for continuation of refurbishment works at the Coonabarabran Town Hall. Whilst funding submissions have been made to add value to this contribution; none have been successful to date.

A meeting has been convened with the working group who had previously assisted with the development of plans and prioritising of projects; of which a number have been successfully completed with RLCIP Round 1 funds this year. These community people are either representatives of hall user groups or individuals who work at functions or events that are held in the hall. The purpose of this meeting was to place in order the next set of refurbishment works in order of importance. The list in order of priority been given to the following;

1. Replacement of fan heaters with reverse cycle air-conditioning in the main hall area
2. Completion of resealing of main hall and supper floor areas
3. Installation of moveable solid core partitions in between the main hall and courtyard and supper room areas
4. Replacement and installation of blinds
5. Stage refurbishment – curtains and screen

Works will proceed with or without additional funding; and be completed by early 2010.

Besides some minor operational issues and R&M items that are being resolved, the working group have recommended that the glass doors that surround the courtyard area be removed. The glass doors are heavy, not particularly sound proof and not of any benefit for large or small events. Since the installation of the new flooring, this proposal will maximise floor space in the courtyard area.

## **RECOMMENDATION**

That Council approve the allocation of capital funding towards the prioritising of the air-conditioning and floor finish projects at the Coonabarabran Town Hall and **FURTHERMORE** approve the removal and sale of the courtyard sliding glass doors.

.....  
REBECCA RYAN  
DIRECTOR COMMUNITY SERVICES