



Warrumbungle Shire Council

Council meeting

Thursday, 21 January 2010

to be held at the Council Chambers, Coolah

commencing at 1.00 pm

MAYOR

Councillor Peter Shinton

DEPUTY MAYOR

Councillor Murray Coe

COUNCILLORS

Councillor Kerry Campbell

Councillor Tilak Dissanayake

Councillor Ray Lewis

Councillor Mark Powell

Councillor Victor Schmidt

Councillor Ron Sullivan

Councillor Denis Todd

MANAGEMENT TEAM

Robert Geraghty (General Manager)

Carolyn Upston (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Tony Meppem (Acting Director Environmental Services)

Rebecca Ryan (Director Community Services)

WARRUMBUNGLE SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, COOLAH ON THURSDAY, 21 JANUARY 2010 COMMENCING AT 1.00PM

Date: 14 January 2010

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 21 January 2010. I further attach relevant reports from the Directors to me for the consideration of Council.

CONFIRMATION OF MINUTES of the ordinary meeting of Warrumbungle Shire Council held on 17 December 2009

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.....
R J GERAGHTY
GENERAL MANAGER

Matter to be dealt with "in committee"

1C Sale of Land

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.

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The items relate to the sale of land 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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GENERAL MANAGER'S REPORT

ANNEXURE 1

1.1 NORTH WEST EQUESTRIAN EXPO

A letter has been received from the North West Equestrian Expo Inc seeking permission to use Masters Park as a camping area during the 2010 event.

I am writing on behalf of the North West Equestrian Expo regarding the use of Masters Park as a camping area during our annual event. Plans are well under way for the 2010 Expo and all indications are that nominations will exceed last year's record numbers.

The committee are always looking for ways to accommodate the competitors and their families who camp on site. All accommodation in town is booked out from year to year and is the only option for some riders and the preferred choice of many. We are requesting that Council consider whether Masters Park could be used for camping during the event.

It would be disappointing to turn competitors and their families away on the grounds that we could not find camping space. We hope Council would look favourably on this request and look forward to your response.

RECOMMENDATION

For Council's consideration.

1.2 MEETING TIMES

The following report was tabled at the ordinary Council meeting in April 2009:

Under Resolution 75 of the Council meeting held on 29 September 2008, Council resolved as follows:

75 RESOLVED *that the ordinary meetings of Council be held on the third Thursday of each month commencing at 1.00pm and that meetings alternate between Coonabarabran and Coolah and if residents are interested that one of the meetings be held at Goolhi and **FURTHER** that the October 2008 meeting be held on 16 October, the November 2008 meeting be held on 13 November and the December 2008 meeting be held on 18 December. **FURTHER** that no ordinary meeting be held in January 2009 and that the February 2009 meeting be held on the second Thursday of the month in lieu of the third Thursday.*

Since that meeting concerns have been raised by some Councillors regarding the commencement time. Council may now wish to review this matter.

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Resolution 309 of that meeting determined to, *keep the current meeting days and times and review this matter in January 2010.*

The matter is now resubmitted for further consideration.

RECOMMENDATION

For Council's consideration.

1.3 NOTICE OF MOTION

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

That Council considers raising a loan of up to \$500,000 for the purchase of land, either private or Crown Land, in Dunedoo.

Councillor Sullivan offers the following comment:

I believe it is important for Council to take every opportunity to develop land for sale, both residential and industrial in Dunedoo.

With the new mine opening, we need to foster every opportunity available.

RECOMMENDATION

For Council's consideration.

1.4 NOTICE OF MOTION

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

That Council seek an urgent meeting with the Minister for Planning, to expedite our LEP changes in Dunedoo.

Councillor Sullivan offers the following comment:

Council should seek the help of the new mine operators and co-operate with them in having our LEP changes accepted as soon as possible by the State Government.

RECOMMENDATION

For Council's consideration.

1.5 C DIVISION CONFERENCE (CM0003)

At the ordinary December 2009 meeting Council determined that,

Councillors Campbell, Coe, Lewis, Powell, Shinton, Sullivan and Todd attend the C Division conference in Warren on Thursday, 18 March 2010. FURTHER that the March

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Council meeting be held on 11 March 2010 and FURTHER that this matter be referred to the January meeting for consideration of motions to be submitted to the Conference.

Council needs to now determine what items it wishes to be submitted for consideration at the divisional Conference and forwarding to the State Conference to be held in June 2010. Motions should be submitted to the Secretary of “C” Division by February 5, 2010.

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.*

RECOMMENDATION

That Council determine any motions for the “C” Division Conference to be held on March 18, 2010.

1.6 REGIONAL SIGNIFICANT ROADS COOPERATION

At Council’s December meeting a notice of motion by Councillor Todd was set aside for a report to be brought back to the January 2010 meeting. The resolution states:

198 an amendment was moved by Councilor Sullivan seconded by Councilor Campbell that a review be undertaken of all roads of significance and a report submitted to the January meeting.

The suggestion of cooperation between Councils for road works have arisen from comments by both State and Federal politicians that they would look more favourably on projects submitted by a number of Councils.

Under the Roads of Regional Significance funding Council was successful in obtaining funds towards the partial upgrade of the Wellington to Boggabri road – this passes through Coolah. That allocation did require Council to also contribute funds to the project. That matching allocation requirement does appear to be a standard expectation of grant authorities.

In considering its attitude for any combined roads project with other Council it is appropriate to consider all alternatives.

For Warrumbungle Shire Council there are three roads that would lend themselves to being of joint benefit to adjoining councils. These roads are:

- i) Wellington to Boggabri Road – This road has had a significant funding boost but there is still works needed to bring the road up to full length bitumen. This project involves Warrumbungle Shire, Wellington Shire and Gunnedah Shire.

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- ii) Mendooran – Tooraweena to Coonamble Road – This when completed would provide an all weather bitumen road from Mendooran to Coonamble. An informal approach has been made by Coonamble Shire. This project would involve Warrumbungle Shire, Gilgandra Shire and Coonamble Shire.
- iii) Coonabarabran to Mungindi – this when completed would provide an all weather bitumen road from Coonabarabran to the Queensland border going through Baradine. This project would involve Warrumbungle Shire, Narrabri Shire and Walgett Shire.

This third option also encompasses other considerations that while not directly related are worth reviewing – they are:

- a) Does Council want to consider an extension of this proposal to carry the road through to Gummin rather than back to Coonabarabran. If so then Coonamble Shire would need to be involved.
- b) As part of the road from Baradine encompasses MR129 does Council wish to carry the proposal through to Premer.

If Council is looking at special funding opportunities it must be worth looking at internal commuter roads that would benefit from special funds. Possibilities with the potential of a Coal mine at Cobbora are:

- i) Cobbora to Mendooran Road – if this road was an all weather road and sealed Mendooran would be within 36kms from the mine gate.
- ii) Merrygoen to Binnaway Road – if this was an all weather road it would also bring Binnaway within 65kms from the mine gate.
- iii) Beni Crossing Road – if this road was all weather and sealed it would bring Coonabarabran within 110kms from the mine gate.

Council may wish to determine a priority of support for any of the above projects or simply support equally.

RECOMMENDATION

For Council's consideration.

1.7 LEADVILLE HALL LAND

Council has recently completed a sale of land for unpaid rates, with all blocks offered being sold.

The Leadville Hall Committee had been negotiating with the owner of an adjoining block of land that was in the past used as a parking area for the Hall. Their negotiations hinged on that owner being able to obtain an alternative block of land in Leadville or the Shire. The owner was an unsuccessful bidder on a number of blocks in the above sale of land for overdue rates.

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Following on from that exercise the owner has indicated a willingness to sell the land to the Hall Committee for \$6,000 plus all legal fees being met by them. These legal fees for both parties would be in the order of \$1500. That means that the total needed to complete the project is \$7,500.

Council has provided \$3,000 in its 2009/2010 budget to support the Hall Committee's negotiations. Further, the Hall Committee has indicated that they could contribute \$1,500 towards the conclusion of the matter. The shortfall is another \$3,000.

I have met with the Leadville Hall Committee and they are seeking Council's support by the provision of another \$3,000 to allow the matter to conclude. If this funding was made available it would see the completion of what has been an issue of contention between Council and the Community.

RECOMMENDATION

For Council's consideration.

1.8 MENDOORAN PARK WATERING SYSTEM

Council through resolution 167 of the 19th November 2009 meeting determined that it would allocate by way of supplementary votes the following amounts:

Installation of system	\$32,300
Extra Maintenance Works	\$8,000

While it is not indicated in the resolution I have been advised it was expected that whatever the balance in the Special Projects budget for Mendooran would be used to off set that allocation.

The Restricted Assets list presented to the December Council meeting shows that there is \$28,655 available for projects at the 1st July 2009. Irrespective of whether there is a belief that this is correct or not that is the amount available.

Additionally in the revotes from 2008/09 there is \$28,200 already provided for these works, further an amount of \$4,000 was provided in resolution 154 of 19th November 2009 towards a synthetic pitch at the sporting reserve.

A review of records relating to the \$50,000 allocated to the Special Projects was undertaken. The allocations to date have been:

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Mendooran Hall Heritage Plan	\$2,500
Mendooran Pool	\$5,000
Relocation of Telephone Box	\$4,545
Testing of Bore at Mendooran Park	<u>\$1,800</u>
	<u>\$13,845</u>

This means that \$36,155 would have been available from the \$50,000 to fund projects in Mendooran if it was fully funded. However we must rely on the \$28,655 provided in the restricted Assets list to support the projects.

Therefore the budget adjustments should now be as follows to resolutions 154 and 167 of November 2009.

Mendooran Park Capital	\$4,100
Mendooran Cricket Club	\$4,000
From Restricted Assets Mendooran Special Funds	-\$455
Mendooran Park Maintenance	<u>\$8,000</u>
Additional Supplementary Vote	<u>\$15,645</u>

This will then clear all the Special Projects Funds and leave votes of:

Mendooran Park Water System	\$32,300
Mendooran Cricket Club	\$4,000
Extra Park Maintenance	\$8,000

RECOMMENDATION

That resolutions 154 and 167 of 19th November 2009 be withdrawn and replaced with the following resolution. That a supplementary vote of \$15,465 be provided with the funds being allocated to:

Mendooran Park Capital	\$4,100
Mendooran Cricket Club	\$4,000
From Restricted Assets Mendooran Special Funds	-\$455
Mendooran Park Maintenance	<u>\$8,000</u>
Additional Supplementary Vote	<u>\$15,645</u>

1.9 FINANCIAL REPORTS

I have been undertaking a review of the financial reports to Council in line with concerns expressed at the December 2009 Council meeting. Set out below are details relating to the following reports that appear in the Corporate Services meeting report.

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2.2 Investments Held

Council at its December 2009 meeting agreed to accept the reports on the investments but gave a clear indication that they wanted a more easily understood document. After consultation with several Councillors the attached revised format is submitted.

It should be noted that the Pimco investment has been cashed during January 2010. Also it should be noted that the ANZ Three Pillars investment matures on 4th June 2010.

The amounts shown in the "interest received" column are the cumulative amount from the 1st July 2009.

As General Manager I have cashed in two of Council's investments in line with a direction from Council that when investments capital value returned a value greater than the face value I negotiate to cash in the investment. On reviewing the investments policy it is not clear that I have that formal delegation. Council should now clearly determine that delegation.

RECOMMENDATION

That the General Manager be given the authority in managing Council's investments to cash in an investment, if able, when its market value exceeds the invested face value.

2.3 Bank Reconciliations – Trust Funds

The Trust Fund account showed an amount of \$67.60 variation when reported to the December meeting. A very thorough review has been undertaken over the last three months into the reasons for the variations. The general issues appear to be:

That as a practice amounts are deposited into General Fund and then at the end of each month the receipts for Trust Fund are transferred as a total. A number of these were not recorded correctly and as such an adjustment is needed to correct this, it is:

Reduction of a deposit relating to a transaction on 23.02.09	\$110
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The payments from Trust Fund were also managed on the same basis as receipts with payments being made through General Fund and receipted at the end of each month.

Reduction in unpresented cheques on the 11.03.09	\$ 77.40
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The two adjustments will reduce the \$67.60 variation to \$35.00.

From my review there does not appear to be any suggestion of fraud. In view of the small amount remaining I recommend to Council that they resolve to pay \$35.00 from General Fund to the Ledger Cash Book for Trust funds to balance as of 1st January 2010.

RECOMMENDATION

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That Council pay \$35.00 from General Fund to the Ledger Cash Book for Trust Funds to balance as of 1st January 2010.

1.10 COONABARABRAN DRIVER REVIVER

Over the years, more than 15 years, the Coonabarabran Driver Reviver has operated at the BBQ area at the tourist centre. In the early stages the site was set up each day and dismantled each night at the conclusion. The dismantling, set up and storage of goods away from the site grew in concern.

To alleviate this burden the then operators "Scouts" sought Council's approval to store their goods in a shed connected to the BBQ area. At Council's August 1998 meeting Council made the following resolution:

97 Resolved that the Scouts be offered use of the storeroom at the rear of the Tourist Centre BBQ gazebo for the storage of their Driver Reviver equipment consisting of six to eight PVC boxes with lids and signs. FURTHER that the Scouts absolve Council from any claim against loss due to fire, theft or any other risk. FURTHER that the area be offered free of any rental charge due to the community service Driver Reviver provides.

The shed area behind the BBQ area was initially established as a garden equipment storage area (1988). When Council quickly took over maintenance of the garden it became an area to store goods related to tourism operations.

Over the time of operation there were concerns that the volunteers who supported Driver Reviver also had to stand out in the elements and particularly on very cold winter nights. When Scouts ceased to operate the Girl Guides took over the coordinating of the Driver Reviver Program. They moved to address this problem. They applied for a grant to put in a roller door and other storage equipment and then operated from within the shed.

The resolution approving the installation of a window shutter was passed at Council's July 2003 meeting and is as follows:

17 Resolved that Council consent to Driver Reviver installing a window shutter in the storage area of the barbeque area at the Tourist Centre.

During this period and up to date the shed is still being jointly used by both Driver Reviver and the Tourist Centre for storage.

The Girl Guides have over recent years made representations to Council's budget meetings for funding to put a sink and hand washing facilities in the shed area. This was supported by Council in its 2009/2010 budget with a contribution of \$4,565.

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The Guides are now wanting to install this equipment at the end of January 2010. In this process they are now asking that the tourist office material no longer be stored in the shed as there will be insufficient room. The tourism staff are also expressing grave concerns that they will now have nowhere readily accessible to store the brochures and other equipment.

Council's determination is needed on whether the Girl Guides can be given exclusive access to the shed and if so what provisions can be made for storage of both current and future equipment storage needs of the tourism operations.

RECOMMENDATION

For Council's determination.

1.11 SECTION 355 COMMITTEE

Council in its November 2009 meeting sought a report on the establishment of a section 355 committee. This matter arose from discussion at the Coolah Town Committee meeting on 20th October 2009.

The context of the recommendation was that one or both Developers of the wind farm projects near Coolah were offering as part of their development deal to pay funds to the Coolah community. It would be via some community group. The discussion at the meeting can be isolated to the following ideals:

- i) That Council will hold the funds
- ii) Council would manage the payment of the funds
- iii) There would be no Council control on where the funds were to be spent
- iv) The funds must be spent in Coolah
- v) The funds would be over and above those traditionally allocated to Coolah and spent by Council

The recommendation is:

That a steering committee (comprising 1 Councillor representative, the General Manager, 1 independent representative and two Development Group representatives) be formed to discuss with Council the possible establishment of a community fund.

A section 355 Committee is the vehicle used when Council wants to authorise a community group of individuals usually including Council representatives to exercise a power on behalf of Council. The classic example is tourism promotions. The extract from the local Government Act states:

355 How does a council exercise its functions?

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A function of a council may, subject to this Chapter, be exercised:

- a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- b) by a committee of the council, or
- c) partly or jointly by the council and another person or persons, or
- d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Council of which the councils concerned are members), or
- e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).

The intention of the recommendation would seem to be that Council not delegate a function to the Committee but simply to be the custodian of the funds and manage the payments as decided by the created group.

The funds the Wind Farm developers pay would be expected to be over and above developer fees and charges along with any potential rates Council has authority to raise. A section 355 Committee may not be the most appropriate vehicle to achieve the decisions of those present at the meeting.

RECOMMENDATION

For Council's consideration.

1.12 RESTRICTED ASSETS – GENERAL FUND ONLY

Council at its December 2009 meeting agreed to accept in principal the list of Restricted Assets as presented but required that a report detailing the restrictions be brought back to the January 2010 meeting.

The list presented consists of two parts and they are:

- 1) Internally Restricted – these are amounts that are set aside at Councils discretion and can be amended at any time by resolution of Council.
- 2) Externally Restricted – are restrictions that are provided by outside bodies mostly Government Departments, where the funds can only be used for the purpose provided.

The list presented to the December Council meeting are the figures included in the Annual Statements for 2008/09 and as such are the only figures that can be used to represent the Restricted Assets on Council's books. That means that any amounts Councillors or staff believed were restricted and do not appear in the list are not available.

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The revised list shows the following commitments against the restriction at the end of June 2009:

- i) Assets included in the 2009/10 budget as approved reductions
- ii) Assets included in the 2009/10 budget as approved increases
- iii) Revotes for 2008/09 reductions
- iv) Amounts not detailed in the either of the above but will be used to fund works programmes for 2009/10 reductions

Council now needs to look very closely at the list and determine what status it wishes for the restrictions.

It should also be noted there are a number of items that do not have any or sufficient funds to meet the budgeted commitment for 2009/10.

A detailed recommendation will be forwarded to Councillors on Monday relating to the General Fund Restrictions.

A spreadsheet will be attached to the Business Paper.

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R J GERAGHTY
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 December 2009

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 9,726,509.59	\$ 1,408,000.00	\$ 3,757,509.59
Future Capital Upgrading		\$ 2,520,000.00	
Employees Leave Liability		\$ 770,000.00	
External Grants for Specific Projects		\$ 980,000.00	
Development Sec 94 Contributions		\$ 291,000.00	
TOTALS	\$ 9,726,509.59	\$ 5,969,000.00	\$ 3,757,509.59

WATER FUNDS	BANK	RESTRICTED	BALANCE
Baradine Water Bank	\$ 526,596.10		\$ 526,596.10
Binnaway Water Bank	\$ 540,144.06	\$ -	\$ 540,144.06
Coonabarabran Water Bank	\$ 1,236,436.15	\$ 179,230.45	\$ 1,057,205.70
Coolah Water	-\$ 658,725.66		-\$ 658,725.66
TOTALS	\$ 1,644,450.65	\$ 179,230.45	\$ 1,465,220.20

SEWERAGE FUNDS	BANK	RESTRICTED	BALANCE
Coonabarabran Sewerage	\$ 2,562,954.70	\$ 836,510.08	\$ 1,726,444.62
Baradine Sewerage	\$ 329,622.63	\$ 332,320.00	-\$ 2,697.37
Coolah Sewerage	\$ 1,325,952.28	\$ 563,170.00	\$ 762,782.28
TOTALS	\$ 4,218,529.61	\$ 1,732,000.08	\$ 2,486,529.53

TRUST FUND			
Trust Fund	\$ 111,768.77	\$ 111,768.77	\$ -
TOTALS	\$ 111,768.77	\$ 111,768.77	\$ -

SUMMARY	BANK	RESTRICTED	BALANCE
General Fund	\$ 9,726,509.59	\$ 5,969,000.00	\$ 3,757,509.59
Water Fund	\$ 1,644,450.65	\$ 179,230.45	\$ 1,465,220.20
Sewerage Fund	\$ 4,218,529.61	\$ 1,732,000.08	\$ 2,486,529.53
Trust Fund	\$ 111,768.77	\$ 111,768.77	\$ -
TOTALS	\$ 15,701,258.62	\$ 7,991,999.30	\$ 7,709,259.32

RECOMMENDATION
For Council's information.

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2.2 INVESTMENTS HELD AS AT 31 December 2009

Warrumbungle Shire Council Local Government Financial Management Regulations (Clause 16) Investments Held As At 31 December 2009										
ON CALL										
	Investment	S & P Fitch Rating	Final Maturity Date	Current Interest Rate	Interest Frequency	Next Interest Date/Reset	Amount Invested Face Value (\$)	Market Value at End Of Month (\$)	% of Total Funds (Face Value)	Attributed Interest Received to End of December
	Suncorp Metway	A - 1+	On Call	5.05%	Monthly	End of Month	950,000.00	950,000.00	0.061	13,019.72
OTHER INVESTMENTS										
1	ANZ Three Pillars-FRN-AA	CCC-	4/06/2010	4.74%	Quarterly	4/03/2010	500,000.00	424,110.68	0.032	10,821.23
2	RIM Securities TITANIUM AAA	AA	14/12/2010	4.96%	Quarterly	14/03/2010	2,000,000.00	1,929,644	0.129	41,577.27
3	CBA Range Accrual	AA-	14/12/2010	Outside Range Note 1	No Coupon	14/03/2010	1,000,000.00	976,300.00	0.0647	No Coupon
4	CBA Range Accrual	AA-	16/12/2010	Outside Range Note 1	No Coupon	16/03/2010	1,000,000.00	976,300.00	0.0647	No Coupon

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	Investment	S & P Fitch Rating	Final Maturity Date	Current Interest Rate	Interest Frequency	Next Interest Date/Reset	Amount Invested Face Value (\$)	Market Value at End Of Month (\$)	% of Total Funds (Face Value)	Attributed Interest Received to End of December
5	ROYAL BANK CANADA Range Accrual	AA -	16/03/2011	Outside Range Note 2	No Coupon	16/03/2010	1,000,000.00	992,000.00	0.0647	No Coupon
6	PIMCO PRINCIPAL PROTECTED	AA-	28/02/2011	5.15%	Quarterly	28/02/2010	500,000.00	525,974.00	0.032	No Coupon
7	ANZ CREDIT SAIL-ANZ INVESTMENT BANK CDO -A	B	30/12/2011	0.00% Note 3	No Coupon	30/03/2010	500,000.00	356,450.00	0.032	No Coupon
8	BENDIGO BANK FRN	BBB	21/09/2012	5.22%	Quarterly	21/03/2010	500,000.00	460,945.00	0.032	11,129.79
9	ANZ ASPIRT 1-CPPI/FRN-Aap	AA	11/08/2012	0.00% Note 3	No Coupon	11/02/2010	500,000.00	445,695.00	0.032	No Coupon
10	WBC DANDELION-FRN-	AA	21/12/2012	0.00% Note 3	No Coupon	21/03/2010	1,000,000.00	841,000.00	0.0647	No Coupon
11	ANZ ASPRIT 11-CPPI/FRN-Aap	AA	30/03/2013	0.00% Note 3	No Coupon	30/03/2010	800,000.00	694,528.00	0.05	No Coupon
12	DEUTSCHE BANK AG LONDON DAISY	AA-	31/05/2011	0.00% Note 3	No Coupon	28/02/2010	1,500,000.00	1,394,850.00	0.10	No Coupon

WARRUMBUNGL E SHIRE COUNCIL

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	Investment	S & P Fitch Rating	Final Maturity Date	Current Interest Rate	Interest Frequency	Next Interest Date/Reset	Amount Invested Face Value (\$)	Market Value at End Of Month (\$)	% of Total Funds (Face Value)	Attributed Interest Received to End of December	
13	ANZ ALL SEASONS- KEOLIS AAA	AA+	16/06/2013	0.00%	No Coupon	16/03/2010	1,500,000.00	990,900.00	0.10	No Coupon	
	ANZ-AVERON BOND-CPPI/FRN- AAA	AA+	20/06/2013	0.00%	No Coupon	30/03/2010	700,000.00	561,750.00	0.045	No Coupon	
15	DRESDNER BANK OCTAGON PLC- EMU NOTE	AA+	30/10/2015	0.00%	No Coupon	30/01/2010	1,500,000.00	1,142,250.00	0.10	No Coupon	
TRIDENT			Has been Cashed								4,175.00
							15,450,000.00	13,649,196.68		80,723.01	

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.

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Responsible Accounting Officer

Notes to Investment Report

- 1 The Range Accrual Interest Payment for the CBA is dependant on the BBSW (Bank Bill Swap Rate December 4.28%) being between 4.5% and 6.5%
When the BBSW is within that range it pays 7.5% and outside it pays nothing.
The RBA is expected to have several interest rate increases this year which will see this start paying again.
- 2 The Range Accrual Interest Payment for the Royal Bank Of Canada is dependant on the BBSW(Bank Bill Swap Rate-December 4.28%)
being between 4.75% and 6.75%. When the BBSW is within that range it will pay 7.7% and outside it will pay nothing
The valuation on this investment is almost \$ for \$ at the end of December.
The RBA is expected to have several interest rate increases this year which will see this start paying again.
- 3 With the other investments where no coupon is indicated - they are in principal protection mode. When the basket of securities reaches \$ for \$ again they will start paying coupons again based on the quarterly BBSW plus margin

General

Note Valuations based on data received at end and are for the capital value only.(do not include accrued interest)

RECOMMENDATION

For Council's information.

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2.3 RECONCILIATION OF GENERAL FUND BANK ACCOUNT AS AT 31/12/2009

	General Managed Fund	Trust Fund	Investment Fund
Cashbook as at 31st December, 2009			
Opening Balance	2,301,188.22	107,738.97	14,955,895.10
Plus Deposits	2,300,745.44	6,879.60	1,750,000.00
Less Payments	-4,462,443.81	-2,782.20	-1,255,895.10
Adjusted Cashbook Balance	139,489.85	111,836.37	15,450,000.00
Bank Statement as at 31st December, 2009			
	208,165.39	112,444.17	
Plus Outstanding Deposits	3,436.70	1,285.63	
Less Outstanding Payments	-72,112.24	-1,893.43	
Adjusted Statement Balance	139,489.85	111,836.37	0.00
Ledger Cash Book			
Closing Balance	139,489.85	111,768.77	15,450,000.00
Total Ledger	139,489.85	111,768.77	15,450,000.00
<i>Difference (1)</i>	0.00	-67.60	0.00

(1) *Trust Fund - difference of -67.60 is under investigation*

RECOMMENDATION
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2.4 RATES AND CHARGES COLLECTION REPORT UP TO and INCLUDING DECEMBER 2009

GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECT- ION % 2009/2010	COLLECT- ION % 2008/2009
	CBN RES/RURAL RES	107,434	979,693	69,141	8,603	1,009,383	528,682	480,701	454,584	52.38%	53.64%
	BARADINE	42,846	135,858	16,781	0	161,924	81,038	80,885	81,646	50.05%	44.83%
	BINNAWAY	18,724	65,167	10,512	0	73,380	31,915	41,464	34,039	43.49%	49.97%
	VILLAGES	8,033	27,889	2,299	0	33,623	14,879	18,744	14,874	44.25%	45.97%
	FARMLAND	193,869	3,938,890	19,214	141,320	3,972,225	2,028,627	1,943,598	1,860,622	51.07%	52.96%
	COOLAH	16,446	194,630	14,245	0	196,831	103,759	93,072	75,882	52.71%	58.04%
	DUNEDOO	14,882	208,868	15,385	0	208,365	113,845	94,520	83,880	54.64%	57.30%
	MENDOORAN	8,991	66,241	7,014	1	68,216	31,182	37,035	31,508	45.71%	51.66%
	LEADVILLE	2,970	10,318	1,437	0	11,850	5,583	6,267	5,040	47.12%	51.79%
	MERRYGOEN	465	4,242	828	0	3,878	2,087	1,792	1,805	53.80%	50.79%
	NEILREX	336	2,372	151	0	2,557	1,554	1,003	1,061	60.76%	51.83%
	UARBRY	0	3,628	85	7	3,536	2,612	924	433	73.86%	89.54%
	COOLABAH ESTATE	2,567	15,056	1,654	0	15,969	7,552	8,417	6779	47.29%	55.01%

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GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECT- ION % 2009/2010	COLLECT- ION % 2008/2009
	RUR/RES COBBORA	572	3,040	229	0	3,383	1,685	1,697	1587	49.83%	56.96%
	GENERAL RESD/BUS-STH	12,536	161,795	9,935	1	164,396	94,928	69,469	49,796	57.74%	62.01%
	BUSINESS-CBN- RURAL	21,086	378,845	250	0	399,682	261,760	137,921	158,707	65.49%	59.55%
WATER						0		0			
	COONABARA- BRAN	32,524	362,731	26,921	1,827	366,507	202,154	164,353	145,125	55.16%	53.58%
	BARADINE	36,273	107,938	9,958	0	134,252	69,347	64,905	61,927	51.65%	44.28%
	BINNAWAY	30,832	112,975	8,320	0	135,488	59,753	75,735	46,849	44.10%	48.27%
	VILLAGES	18,872	11,500	875	0	29,497	4,420	25,077	21,781	14.99%	18.39%
	FARMLAND - NTH & STH	3.72	1,120.00	0.00	0.00	1,124	335	789	520	29.83%	53.35%
	COOLAH	20,604	210,894	11,428	0	220,070	94,630	125,439	79,431	43.00%	54.55%
	DUNEDOO	10,276	144,540	9,194	0	145,622	79,155	66,467	53,066	54.36%	56.52%
	MENDOORAN	14,837	140,985	4,813	9	151,001	68,653	82,347	51,920	45.47%	48.95%
	MERRYGOEN	1,857	10,580	963	0	11,474	5,248	6,226	6,570	45.74%	46.09%

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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTAND- ING 2009/2010	TOTAL OUTSTAND- ING 2008/2009	COLLECT- ION % 2009/2010	COLLECT- ION % 2008/2009
SEWERAGE						0		0			
	COONABARA- BRAN	46,222	599,821	26,743	2,281	617,019	323,498	293,521	290,021	52.43%	55.57%
	BARADINE	47,624	157,161	8,383	0	196,402	102,305	94,097	94,582	52.09%	50.03%
	COOLAH	15,882	206,585	8,978	0	213,488	114,518	98,970	67,525	53.64%	57.13%
	DUNEDOO	11,126	180,050	8,931	0	182,244	98,806	83,438	60,712	54.22%	57.78%
		738,688	8,443,412	294,665	154,049	8,733,385	4,534,510	4,198,876	3,842,272	51.92%	53.60%
GARBAGE- North		73,509	703,594	55,331	544	721,228	399,143	322,085	272,635	55.34%	55.99%
GARBAGE - South		35,783	439,632	38,725	1	436,688	223,010	213,678	163,544	51.07%	55.19%
FARMLAND - NTH - STH		1,491	35,741	563	0	36,669	19,202	17,467	14,028	52.37%	53.46%
LEGAL FEES		218,349	60,185	0	264	278,269	60,185	218,084	165,233	21.63%	37.11%
								0			
INTEREST		191,238	0	0	0	191,238	45,145	146,093	91,350	23.61%	40.53%
	TOTALS	1,259,057	9,682,563	389,285	154,859	10,397,476	5,236,049	5,116,282	4,549,062	50.36%	52.52%

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

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RECOMMENDATION

For Council's information.

.....
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 PROPOSED WALKWAY/CYCLEWAY IN DUNEDOO AND SKATE PARK

Background

The Dunedoo & District Development Group is seeking in principle support from Council for a concept to construct a shared walkway / cycleway in Dunedoo. The concept route is as follows:

- Wargundy Street between the Golf Club and Bolaro Street (Golden Highway)
- Milling Park adjacent garden beds between Bolaro Street and toilet block
- Milling Park adjacent garden beds between toilet block and western end of the Park.
- Bolaro Street between Merrygoen Street and Castlereagh Highway
- Castlereagh Highway between Bolaro Street and bridge over Talbragar River.

The proposed route would incorporate a skate park at a location yet to be determined.

A copy of the letter from the DDDG has been forwarded to Councillors under separate cover.

Funding is available for construction of cycleways and skate parks, however grant applications often depend upon a project being fully developed, hence the request from the DDDG for in principle support from Council.

Issues

The DDDG proposal is for an 'off road' cycleway rather than an on road facility. The DDDG refer to a 'path 1.2metres wide', however if the purpose of the 'path' is for use by cyclists, then the minimum width must be 2.5metres.

It appears that much discussion has occurred on a suitable site for a skate park without community consensus. Suggestions to date include land owned by the Golf Club or within the showground area. Generally though, if a skate park is under the care and control of Council, the facility should be located on Council controlled land. Other factors that may influence the location of a skate park include: noise, rubbish generation, access and a sense of safety for users of all ages.

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Options

Council has discretion in this matter. Council has assisted with the development of an off road cycleway in Coonabarabran and in Coolah.

Financial Considerations

There are no budget allocations for construction of any type of cycleway facility or skate park facility in Dunedoo. No doubt Council will receive requests for funding assistance when a concept plan is in place.

RECOMMENDATION

1. That Council provides in principle support for establishment of an off road shared walkway / cycleway facility along the following route:

- Wargundy Street between the Golf Club and Bolaro Street (Golden Highway)
- Milling Park adjacent garden beds between Bolaro Street and toilet block
- Milling Park adjacent garden beds between toilet block and western end of the Park.
- Bolaro Street between Merrygoen Street and Castlereagh Highway
- Castlereagh Highway between Bolaro Street and bridge over Talbragar River.

Furthermore, this route proposal be advertised in the community of Dunedoo and a report prepared for Council on any submissions received.

2. That Council provides in principle support for a skate park located at the eastern end of Milling Park adjacent the intersection of Wargundy Street and Bolaro Street (Golden Highway). Furthermore this proposed skate park location be advertised in the community of Dunedoo and a report prepared for Council on any submissions received.

3.2 REQUEST FOR THE TRANSFER OF CONTROL OF A CROWN PUBLIC ROAD TO COUNCIL

Background

The Land & Property Management Authority (formerly the Department of Lands) has written requesting agreement to transfer control of a small section of road at the end of Uliman Road to Council. Should Council agree to the transfer it will allow the LPMA to close an unused section of Crown Road and provide continuance of access to the owner of Lot 11 DP1093122. A copy of the letter from the LPMA, along with associated maps has been forwarded to Councillors under separate cover.

Issues

Council is being asked to assume control of road 120metres long and 40metres wide. This section of road is neither formed nor constructed. The ground is low lying

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indicating poor drainage and soil is mostly clay. If Council assumes control of this section of road there is no legal requirement to upgrade or maintain the road. There is no indication that a request for work will be made, however it remains a possibility some time in the future.

The owner of Lot 11 DP1093122 has frontage to Mitchell Springs Road, however the property residence is located close to Uliman Road and access to Mitchell Springs Road crosses a number of creeks. Currently, the owner has access to Uliman Road via a right of carriageway through Lot 31 DP225097.

Options

Council has discretion in this matter.

Financial Considerations

Council is not responsible for any administrative costs associated with transferring control of the road. The work associated with forming and constructing a road over this section of road, including drainage pipes, is estimated to be \$7,000.

RECOMMENDATION

That Council agrees to the request by the Land & Property Management Authority to assume control of a section of Crown Road at the end of Uliman Road approximately 120metres long and 40metres wide.

3.3 TENDER FOR SUPPLY AND DELIVERY OF; WATER METERS, STATIONARY, TRAFFIC AND SAFETY SIGNS

Background

Council will be aware that it has engaged the services of Hunter Councils Regional Procurement Initiative to call tenders on behalf of OROC for supply of various products. Recently, separate tenders were sought for the supply of water meters, stationary and traffic and safety signs.

The tenders for each product were assessed by a panel comprising staff representatives from several Councils in the OROC group. The panel has made a recommendation in relation to each tender and Council is being asked to adopt each of the recommendations.

Issues

The panel uses a range of criteria to assess each tender including, delivery times, past performance, warranty as well as price.

Each of the products currently being considered is required by Council on an as needed basis. These particular products have been purchased by various suppliers around Australia, however none of the products have been purchased through a local agent.

Options

Traffic and Safety Signage; Contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

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Tenders were received from the following companies;

- Traffic Technologies (Deneefe)
- Artcraft
- Dialtone Traffic Control
- Asset Management (Amps)
- Road Management Solutions (RMS)

The existing contract for supply is with Road Management Solutions. The recommended supplier for the new contract is Artcraft.

Stationary and Ancillary Items; Contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

Just one (1) tender was received and that was from Corporate Express.

Water Meters; Contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

Tenders were received from the following companies;

- Elster Metering Pty Ltd
- Actaris Pty Ltd

The existing contract for supply is with RMC Reliance Worldwide. The recommended supplier for the new contract is Elster Metering.

Council is not bound to accept any of the tenders and can continue to obtain supplies from current sources. However, prices and timeliness of deliveries may fluctuate without a contract agreement.

Financial Considerations

The products associated with each tender are considered to be general material items that and are included in current budget allocations.

In 2009, the expenditure on traffic and safety signage through RMS was around \$115,000. The expenditure on stationary and ancillary items through Corporate Express was around \$60,000. Water meters were purchased from several suppliers and the overall quantity purchased is not significant.

RECOMMENDATION

Council accepts the recommendations by the tender evaluation panel and award the contract for supply and delivery of water meters, stationary and traffic and safety signs as follows:

1. Artcraft – For supply and delivery of traffic and safety signage; contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

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2. Corporate Express – For supply and delivery of stationary and ancillary items; contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

3. Elster Metering – For supply of water meters; contract period is 24 months commencing 1 April 2010, with provision for 12 month extension.

3.4 REUSE OF TREATED EFFLUENT AT DUNEDOO – AN UPDATE REPORT

Background

At the meeting on the 19 November 2009, Council sought a progress report on the Dunedoo sewage effluent reuse project. The matter was last reported to Council on 16 October 2003. At this time Council approved a development application from the Dunedoo Golf Club for reuse of municipal sewage effluent for irrigation of their golf course. It appears that the project did not progress because funding was not available under the NSW Governments' Country Towns Water Supply and Sewerage programme.

An Environmental Impact Statement for the proposed sewage effluent reuse scheme was prepared by the Department of Public Works & Services in June 2002. This report referenced a year 2000 report by NSW Agriculture on effluent irrigation at Dunedoo. Also, a report was made in 1998 on the potential impacts of effluent reuse on groundwater at Dunedoo by the University of NSW.

The EIS outlined in broad terms the proposal to pump sewage effluent from Dunedoo Sewage Treatment Plant on the western side of the urban area to the golf course area on the eastern side of Dunedoo. The EIS identified the environmental constraints of the proposal and recommended a number of actions to mitigate risks of adverse impact during the operation of the scheme. It appears that many of these actions along with technical details of the pumping and irrigation system are yet to be finalised. Also, it appears that necessary approvals are yet to be obtained from the State Government as well as a licence to discharge from the EPA is yet to be obtained. Furthermore, it appears that binding agreements with users of the irrigated effluent have not been finalised.

Issues

Irrigation Operation and Management

Council has a responsibility to discharge treated sewage effluent in a manner that is sustainable and is in accordance with licence conditions set by the EPA. Consequently, Council's responsibility does not end when effluent is pumped and stored in the dam at the Golf Course. Council will have the responsibility of ensuring the long term sustainability of the irrigation scheme. From the report by NSW Agriculture, "Irrigation management is one of the most important functions to ensure the long term sustainability of the scheme. Poor irrigation practices may result in poor plant performance and contamination of groundwater and surface waters by dissolved or suspended constituents in the applied effluent." (p47 2000 OWRU report). Furthermore, spray drift to adjoining properties must not occur and this may be managed by the use of buffer zones or specifically designed sprinklers.

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The OWRU report recommends assessment of the current irrigation system by an irrigation designer to determine suitability for irrigation of effluent.

The EIS assumes that the effluent storage dam would be under the control of the Golf Club and that the irrigation system would be under the control of Club's fairway keeper. However, there is no documentation of binding contractual arrangements or even a draft agreement between Council and the Golf Club for the operation of the irrigation scheme. It is expected that the EPA will require the development of an Environmental Management Plan for the proposed reuse scheme. The EMP would be required to cover operation of the treatment plant and the irrigation system. It would also specify the monitoring and reporting requirements to demonstrate that the scheme is performing in accordance with license conditions.

Technical

The EIS indicates that effluent delivered from the STP will need to be of a certain quality before it can be irrigated. From the OWRU report "Additional treatment of the effluent at the STP is required to lower pH, suspended solids, algae and thermotolerant coliform levels. Installation of a filtration unit within the irrigation system may be necessary to prevent blockages in sprinklers caused by suspended solids and algae within the effluent."(p.10). The detail associated with additional treatment at the STP have not been determined. Hence, it is not possible to finalise operating conditions until characteristics of the quality are determined including impact of seasonal changes and until upgrade designs at the STP are completed.

Legal

A range of licenses and consents are still required including approval under S60 of the Local Government Act, licence to construct monitoring bores and planning approval by Council under S112 of the EP&A Act. It is expected that these approvals and licenses are a matter of process once all the management and technical issues are finalised.

Options

Council will be aware that pollutant concentrations in the discharge effluent from the Dunedoo STP often fail to meet the requirements of Council's license with the EPA. Council has been active in trying to improve the performance of the plant by undertaking a program to remove sludge from the final lagoon and by making the operation of the aerating channel more efficient. The results of these efforts will not be known with any certainty for some time, however, it is unlikely that pollutant concentrations will consistently meet the licence conditions. While the EPA license is not load based, meaning that license fees change depending upon discharge concentrations, the EPA will eventually demand improvements to the performance of the STP.

The 2002 EIS briefly covered the option of upgrading the existing STP, however very little detail was provided. That is, it appears that the cost of upgrading the existing STP has not been adequately investigated. The EIS stated that the town is not expected to

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grow significantly and this assumption probable influenced assessment of the various upgrade options. Council may now consider this assumption invalid given the coal mine proposal and the potential impact on development in Dunedoo as a result.

Council may wish to consider the options in relation to management of the irrigation system on the golf course. Council may consider the irrigation scheme to be more sustainable in the long term if the irrigation operation is under the direct control of Council. That is, Council may use a contractor to manage the irrigation scheme or it may want to use Council staff to operate the irrigation system.

Financial Considerations

There is an allocation of \$50,000 in the 2009/10 budget for the effluent reuse scheme at Dunedoo. A funding request to the Minister in December 2003 indicated that the capital cost of the project is estimated at \$300,000. This estimate will need to be revised, particularly in relation to cost of upgrade works at the STP, pump line and irrigation equipment. The ongoing maintenance costs have not been assessed.

It appears that funding from the State Government under the Country Towns Water Supply and Sewerage Programme is no longer available, however confirmation of this will be provided at the meeting. From time to time the Australian Government through the Department of the Environment, Water, Heritage and the Arts, offer grants for water reuse projects. The most recent round of submissions closed 1 December 2009. One of the project criteria was that the project must be at least \$500,000 in value with a 50 percent contribution from the applicant.

RECOMMENDATION

1. An Environmental Management Plan be prepared in relation to the proposal to irrigate treated sewage effluent on the Dunedoo golf course. Furthermore, the EMP covers operational and management issues to minimize license conditions that may be imposed by the Environmental Protection Agency
2. Discussions are held with the Dunedoo Golf Club with the aim of developing an agreement regarding operation and management of the proposed sewage effluent irrigation scheme. Furthermore, any proposed agreement is considered by Council.
3. In relation to the proposed sewage effluent irrigation scheme an irrigation designer be engaged to assess the suitability of the current irrigation system at the Golf Club for effluent irrigation.
4. In relation to the proposed sewage effluent irrigation scheme, detailed designs and working drawings are prepared for the necessary works at the Dunedoo Sewage Treatment Plant and at the site of storage dam.
5. A cost estimate of the proposed sewage effluent irrigation scheme be prepared and made available during preparation of the 2010/2011 budget.

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.....
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 DA 70/0910 PROPOSED ANIMAL BOARDING KENNELS (File No. P90903)

ADDRESS: Lot: 5 DP: 848625
 Lot 5 Purlewaugh Road, Coonabarabran

APPLICATION DA 70/0910
No:

PROPOSAL: Dog/Cat boarding kennels

PLANS REF: Drawings numbered titled "elevations" & "floor plan" dated undated,
 drawn by applicant and received by Council on 25 November 2009.

OWNER: D & M Oliver

APPLICANT: Dale Oliver
 Lot 5 Purlewaugh Road
 COONABARABRAN NSW 2357

DATE LODGED: 25 November 2009

DATE OF 5 January 2010
REPORT:

WARRUMBUNGLE SHIRE COUNCIL

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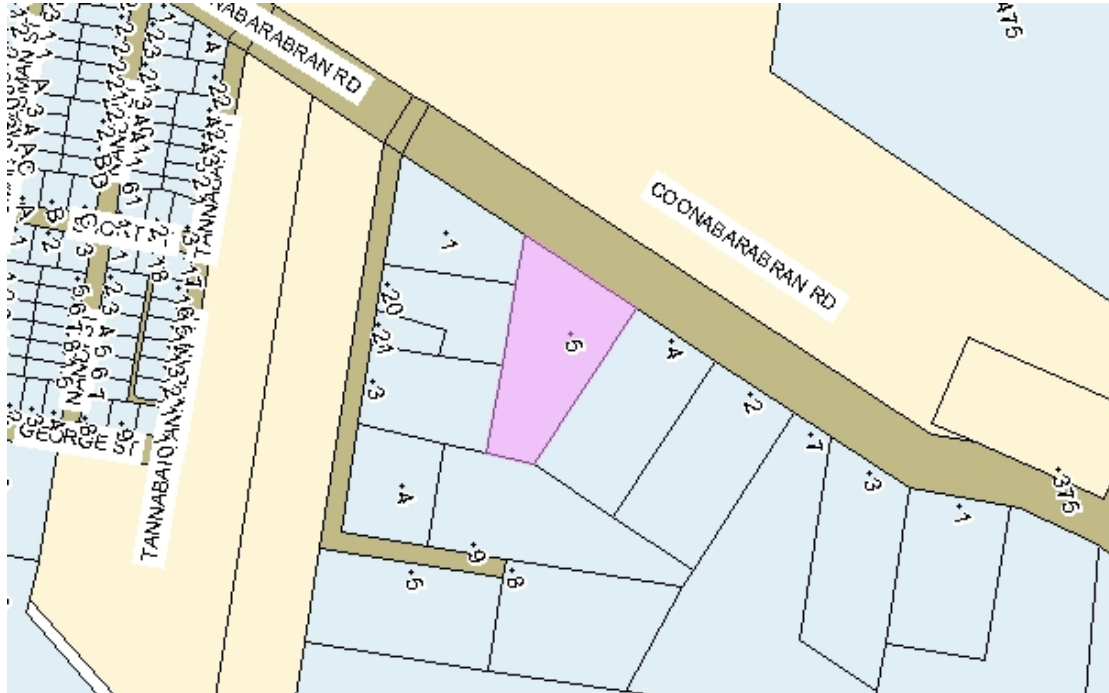
SUMMARY

ISSUES: Noise, odours, storm water, traffic

SUBMISSIONS: Three (3)

RECOMMENDATION: Refusal

LOCALITY MAP



DESCRIPTION OF PROPOSAL

Proposed are dog boarding kennels in a 6m x 12m lined shed with a 3m external fence. The shed will have air conditioning and the maximum number of dogs kept on the premises is proposed to be ten (10). The application is being referred to Council as three (3) submissions have been received.

STATUTORY CONTROLS

Environmental Planning & Assessment Act 1979

Coonabarabran Local Environmental Plan 1990

- Zoning – Village 2 (v)
- Item of Heritage
- Conservation Area
- Special controls
- Local Development

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DESCRIPTION OF LOCALITY

The subject site is identified as Lot 5 in DP 848625. The subject site is located on the eastern outskirts of Coonabarabran on Purlewaugh Road approximately 1.56km from the junction of John Street and Purlewaugh Road. There is an existing four (4) bedroom brick veneer dwelling and a colorbond pre fabricated shed on the subject site.

RELEVANT HISTORY

A Notice of Determination (DA 64/2000) for the erection of a garage/temporary dwelling was issued on the 3 July 2000. A Complying Development Certificate (CDC13/0708) was issued for a four (4) bedroom brick veneer dwelling on 5 September 2007. The current application was lodged with Council on 25 November 2009.

SUBMISSIONS

Surrounding properties were notified of the development proposal between 27 November 2009 and 11 December 2009.

Three (3) submissions were received with the main issues raised being summarised below.

Name & Address of Basis of Submissions

Submitter

In Confidence

- *The drawing by the applicant is not to scale and provides inaccurate distances.*
- *The zoning of the land is residential and as such a commercial operation involving livestock or animals should be outside that area.*
- *Storm water problem existing, expressed concern at effluent runoff in times of heavy rain.*
- *Burying animal waste is a concern for contamination of the water table as bores are only at 120 feet deep with water at 100 feet.*
- *Traffic flow increase*
- *Size of complex, animal welfare*
- *Did not have previous knowledge of proposal.*

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In
Confidence

- *The zoning of the land is residential and as such a commercial operation involving livestock or animals should be outside that area.*
- *Storm water problem existing, expressed concern at effluent runoff in times of heavy rain.*
- *Burying animal waste is a concern for contamination of the water table as bores are only at 120 feet deep with water at 100 feet.*
- *Traffic flow increase*
- *Concern that dogs will bark day and night (noise)*
- *Size of complex, animal welfare*
- *Did not have previous knowledge of proposal.*

In
Confidence

- *Close proximity to the proposed development.*
- *The area is zoned residential and as such is an inappropriate area for this development.*
- *Excessive noise and odours*

CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

COONABARABRAN LEP 1990

1. Permissibility within the zone: (Part II)

The proposed development is permissible as boarding kennels within the Village 2 (v) zone.

2. Zone Objectives

The proposed development is considered to be inconsistent with the zone objectives of the Village (2v) Zone as dog/cat boarding kennels would not be compatible with the urban function of the zone.

20. Access (Clause 32)

No new access will be created as a result of the proposed development.

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STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No. 55 – Remediation of Land

The subject property has a history of residential use and it is considered that the site is not likely to be subject to contamination that would require remediation of the land relative to the proposed development and use of the land.

REGIONAL ENVIRONMENTAL PLANNING POLICIES

Orana Regional Environmental Plan

The proposed development complies with the Orana Regional Environmental Plan No.1 – Siding Springs. There will be no outside lights on the proposed development.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments that apply to the proposed development.

DEVELOPMENT CONTROL PLANS

The application has been assessed against the provisions of the Coonabarabran Shire Council's DCP No. 4 – Coonabarabran, Baradine and Binnaway. The proposed development is not inconsistent with DCP No 4 as there are no Clauses specifically relating to dog/cat boarding kennels.

LIKELY IMPACTS OF DEVELOPMENT

Context and Setting

The subject site is located within the Village 2 (v) zone under the Coonabarabran LEP 1990. The surrounding area is characterised by residential use and as such, the proposal does not fit in with the context and setting of the surrounding area.

Built Form

The proposed shed is a 6m x 12m x 3m high steel shed consisting of 10 individual dog kennels, a cattery, office, food storage, injured animals room and drain with five (5) outside grassed exercised yards.

Potential Impact on Adjacent Properties

Adjacent land uses in the vicinity of the subject site are residential uses. As such, the proposed development will have a potential impact with regard to noise – dogs barking.

Access

There is existing access to the proposed development off Purlawaugh Road. Three (3) car parks are proposed which is considered to be appropriate to meet the needs of the proposed development.

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Utilities

All necessary utilities (electricity and water) are available to the subject site.

Water

Stormwater will be collected and stored in tanks on the property. This water is proposed to be used appropriately in the new development.

There will be limited removal of ground cover vegetation and silt traps are proposed as control measures for erosion.

Waste

Animal waste will be removed daily and buried on site. Kennels are proposed to be washed daily and runoff from the graded flooring will drain to a complete drainage system connected to an absorption trench.

Noise

Noise is proposed to be controlled by lining in the shed. The exercise yards are proposed on the eastern side of the development as the majority of neighbours are to the west. There is existing vegetation between neighbouring dwellings and proposed development. Due to the close proximity of neighbouring dwellings to the proposed facility it is considered that the proposed noise control measures would not be sufficient in negating the noise levels from the facility. It is considered that noise will still be emitted from the facility (dogs barking) which could cause nuisance to neighbours.

Cumulative Impacts

It is considered that the cumulative impacts as a result of the proposed development will be minimal.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered to be inconsistent with the existing land use (residential) in the vicinity. As the locality is zoned residential 2 (v) and is a developing area, the proposal is not considered to be an appropriate form of development for the locality because of noise issues. Apart from the proximity to neighbouring development the site attributes are conducive to the development.

THE PUBLIC INTEREST

The proposed development is not considered to be in the public interest as dog/cat boarding kennels are not a suitable development for an expanding residential area.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

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ENVIRONMENTAL APPRAISAL	CONSIDERED
1 Statutory Controls	YES
2 Policy Controls	YES
3 Design in relation to existing building and natural environment	YES
4 Landscaping/Open Space Provision	YES
5 Traffic generation and Car parking provision	YES
6 Loading and Servicing facilities	YES
7 Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8 Site Management Issues	YES
9 All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES
10 Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993	YES

Consistency with the Aims of Plan

The development is inconsistent with the specific aims of the plan and/or the objectives of the zone and/or the objectives of the controls as outlined in this report and as such, consent must not be granted.

SUBMITTORS CONCERNS

The issues raised in the submissions are addressed as follows, if they have not already been addressed in the body of this report:

- *The drawing by the applicant is not to scale and provides inaccurate distances.*

Planning comment:

The application is still able to be assessed with on site appreciation of distances.

- *The zoning of the land is residential and as such a commercial operation involving livestock or animals should be outside that area.*

Planning comment:

The zoning of the land is Village 2 (v), under which any purpose, (other than those prohibited by the Coonabarabran LEP 1990) is permissible with development consent. As such, the development is permissible under the Village 2 (v) zone however it is not considered to be an appropriate form of development for the specific locality.

- *Storm water problem existing, expressed concern at effluent runoff in times of heavy rain.*

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Planning comment:

The proposed development would result in a minimal impact with regard to the existing storm water problem as proposal would involve adequate disposal of water.

- *Burying animal waste is a concern for contamination of the water table as bores are only at 120 feet deep with water at 100 feet.*

Planning comment:

Not valid objection as there is little chance of the small quantities of dog faeces resulting in contamination.

- *Traffic flow increase*

Planning comment:

It is not considered that there will be significant traffic flow increase as a result of the proposed development.

- *Size of complex, animal welfare*

Planning comment:

The development has been designed in accordance with the NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments.

- *Did not have previous knowledge of proposal. Close proximity to the proposed development.*

Planning comment:

The notification letter received by the objector was the first notice of the proposal, prior notification is not required.

- *Excessive noise and odours*

Planning comment:

The applicant has proposed that noise impacts will be minimised by existing vegetation between the proposed development and existing dwellings, by location of the exercise yards and by lining the shed, however, external exercise yards will still cause noise to be emitted from the facility which could cause nuisance to neighbours.

CONCLUSION

The applicant has provided the attached response to the concerns of the objectors to his proposal for Council's further consideration; however, it is still considered that the development is inappropriate in what is predominantly a residential area.

RECOMMENDATION

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Pursuant to Section 80/91 of Environmental Planning and Assessment Act 1979 (As Amended)

That Council refuse development consent to Development Application No. 70/0910 for development of Dog/Cat boarding kennels on land at Lot: 5 DP:848625, Lot 5 Purlawaugh Road, Coonabarabran, for the following one (1) reason:-

1. The proposed development is located in a residential area and as such the likely noise which would be emitted from the facility would have a detrimental impact on the occupants of adjoining land and therefore render the development detrimental with the amenity of the area.

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Dec

RECEIVED
- 7 JAN 2010

BY:.....

In response to objections raised against Proposed Development
Application no.70-0910

We are zoned residential but neighboring properties do keep a large number of livestock & we feel that the size of our property is reasonable & sufficient to accommodate the size of the complex we propose.

We have occupied Lot 5 Purlewaugh Road for twelve years & during that time we have made many improvements to help slow the storm water runoff we & the blocks below us have encountered. This is in the form of contour banks & ag pipe which we have installed along our top boundary, although it has not fixed the problem it has diverted some of the water. Unfortunately with the amount of rain we have had in the past few weeks there is not a lot we can do with that much stormwater which runs from South East directly through our land down to the bottom of the hill. What we can do is install contour banks on the bottom side of our land to help ease the stormwater problem. The stormwater that will be collected in the tanks that will be installed will be redirected onto the grounds of the complex. Any Animal waste will also be collected in an environmental septic system on the sight to the complex.

As stated in the application the 12m x 6m complex will be fully insulated with sound proofing to minimise the noise of any barking dogs. The dogs themselves will be kept in their own designated area where there will be screening from one dog to another to minimise barking. Our research has shown that if dogs are unable to see each other it lessens the chance of barking. Heating & cooling will be installed in the form of reverse cycle air conditioning. Animals become restless under extremes of temperatures so this will assist the animals in our care to rest easier so as to sleep longer & quieter. Also if we had a problem barker that dog would be removed from the complex & would not be welcome back. As another form of a sound barrier we will plant a row of scrubs as close to the complex as possible on the western side. The benefits of scrubbery are twofold, firstly they contribute to the visual screening of the environment from the animals & visa versa, secondly they serve to both deflect & absorb noise. As part of our overall property plan for the reduction of fire hazard & risk the plants chosen for the hedging are fire resistant.

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Operating hours will be between the hours of 8am & 5pm unless prior arrangements have been made.

As council can see what is listed above has addressed any & all objections in order to reduce any avoidable negative impact of the complex activities of surrounding neighbors. Our application was a way of filling a demand for animal care in Coonabarabran whilst the many travellers that come to our town may stay longer to take in our local sights, and patronise our local services and into our National parks & has gained much local support. It has always been our first concern to have as little impact on our neighbors as possible bearing in mind that this is our home also & we want to keep it as the quiet country setting we have grown accustomed to living in.

D & M Oliver

WARRUMBUNGLE SHIRE COUNCIL

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4.2 ADOPTION OF SECTION 94A DEVELOPER CONTRIBUTIONS PLAN (File No. LU0006)

Background

Council's can raise developer contributions from developers via either the old Section 94 plans which required Council to demonstrate a nexus between the development and the contribution being requested whereas the Section 94A contributions plan provisions allows Council's to levy a contribution toward the cost of provision of public infrastructure based purely on a percentage of the cost of all development over \$100,000. Council is able to run the two plans in tandem however, it is not permitted to request contributions for development on land where a previous Section 94 contribution has been paid, ie a house is proposed on a parcel of land created in the last 10 years where section 94 was paid. The Section 94A basically shifts the trigger for the contributions from the lot creation stage to the actual development activity stage which allows a broader type of development to be captured.

At its meeting on the 22 October 2009 Council considered the draft Section 94A plan provided by All About Planning P/L and resolved in minute 131 to adopt the format and content of the plan and place it on public exhibition for the statutory period to enable receipt of submissions either in favour or against the plan.

The plan was placed on exhibition at all public libraries and Council offices throughout the shire for a period in excess of 28 days after advertisements in all newspapers circulating in the area. No submissions were received as a result of the public consultation process.

Commentary

A copy of the draft plan has been included for Council's review.

Council must now determine whether it wishes to adopt the plan as exhibited, adopt it with modifications as Council deems appropriate or may decide not to proceed with the plan. Should Council decide to adopt the plan, with or without modification a copy of the plan must be provided to the Minister for Planning and the decision to adopt the plan must be publically advertised and its date of commencement notified.

Some key issues Council needs to determine are as follows:

1. To which development will the plan apply?

The current plan before Council proposes to charge a levy of 0.5% of the cost on all development above \$100,000 but not more \$200,000 and charge 1% on the cost of all development over \$200,000. In effect this means that a \$300,000 house development application on a lot where no levy has been previously paid would require the payment of a \$3000 levy before approval is granted for Construction Certificate. Council does have the ability to determine to restrict which types of development will be liable to levy, however, any such restriction will limit the amount of money raised.

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2. What rate will the levy be applied at?

Council does have the ability to apply a lower percentage levy than the amounts listed above if it desired, however, again the effect of such action would be to lower the amount raised.

3. What projects shall be completed with the funds raised?

Page 4 of the document outlines the types of infrastructure that is able to be funded by the contributions and schedule 1.2 on page 6 provides a list of projects identified as requiring consideration. Council now needs to determine the merits of these proposals and their timing and whether other projects are more meritorious. It must be emphasized that the projects are required to be realistically achievable in the life of the plan (to 2020).

RECOMMENDATION

That Council adopt Warrumbungle Shire Council Section 94A (Indirect Community Infrastructure Contributions) Plan 2010 as presented to commence on the 1st of March 2010 and that notification be provided of the adoption of the plan to the Minister for Planning and the general public by public advertisement.

4.3 REQUEST TO RE-NAME A PORTION OF BINGIE GRUMBLE ROAD TO RACECOURSE ROAD (File No: RO0026)

At its December 2009 Council meeting, Council received an address by Mrs Dowsett regarding her request to re-name the first section of Bingie Grumble Rd to the end of the racecourse to its "historical name" of Racecourse Rd. Mrs Dowsett had written to Council in March 2009 advising that she wished her road name to be changed back to Racecourse Rd as it had always been and that Bingie Grumble Rd commence at the Weekes property entrance as it always had. The Director of Technical Services replied to Mrs Dowsett on the 24th March 2009 advising that the official name of the road in front of her property had always been Bingie Grumble Rd and that the sign Racecourse Rd was removed many years ago when it was realized that the official name was in fact Bingie Grumble Rd. It was also highlighted that the Geographical Names Board prohibited a road from having more than one name.

Mrs Dowsett appeared to be unhappy with her response from Council and again wrote a very similar letter to Council on the 10th December 2009 (copy included for councillors' information).

It would appear that Mrs Dowsett's proposal is to name the section of what is Bingie Grumble Rd from its origin at the intersection with Reservoir Street to the southern boundary of the racecourse as Racecourse Road and that from that point Racecourse Road would continue as Bingie Grumble Road. The altered road name would correspond with the urban boundary of the town of Coonabarabran however that boundary is not distinguishable other than on a map and this would create confusion with persons using the road.

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Examination of the file on this matter would appear to indicate that of the people with access to the portion of road in dispute, only Mrs Dowsett has issues with the current name. In view of the Director of Technical Services previous advice to Mrs Dowsett it would appear that Council has only two options available in that it could leave the road name as it currently is or rename the whole of what is currently Bingie Grumble Rd as Racecourse Rd. The first option would create the least amount of disruption to landholders being required to change addresses. Finally it is interesting to note that Mrs Dowsett advises in her last letter (copy included) that she uses a post office box for mail.

RECOMMENDATION

1. That Council advise Mrs Dowsett that it is not prepared to change part of Bingie Grumble Rd to Racecourse Rd to the town boundary as requested and that she should use the correct road name registered with the Geographical Names Board for all deliveries and emergency services, being Bingie Grumble Rd.
2. That Council's rates database be amended to alter any property addresses describing the road as Racecourse Rd to the correct name of Bingie Grumble Rd.

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4.4 APPLICATIONS RECEIVED FOR MONTH OF DECEMBER 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 72/0910	01/12/2009	Catherine Fleck	Kilchurn Road	Mullaley	New Steel Framed Residence	Pending
DA 73/0910	03/12/2009	John Anderson	Wyuna Road	Mullaley	Subdivision, Boundary Adjustment	Approved
DA 74/0910	07/12/2009	Eco Traders / Boswell	Guinema Road	Bugaldie	Two Lot Subdivision	Pending
DA 75/0910	09/12/2009	WSC Social Services	Cassilis Street	Coonabarabran	Four Bay Garage	Pending
DA 76/0910	09/12/2009	Mark Perrington	Wellington Street	Baradine	Hotel Shade Area	Pending
CDC 77/0910	09/12/2009	David Canham	Baradine Road	Bugaldie	Screen Enclosure	Approved
DA 78/0910	16/12/2009	Colin Lewis	Timor Road	Coonabarabran	New Residence	Pending
DA 79/0910	23/12/2009	Taylor Made Buildings	Binnia Street	Coolah	Transportable Dwelling	Pending
DA 80/0910	24/12/2009	Baradine Catholic School Trust	Queen & Darling St's	Baradine	New Toilet Block & Covered Walkway	Pending
DA 81/0910	24/12/2009	McIssac & Sullivan	Pibbon Road	New Mollyan	Two Lot Subdivision	Pending

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

CD or DA	Date Received	APPLICANT'S NAME	LOCATION	Town	Type of Development	Status
DA 138/0809	12/06/2009	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	Clock Stopped Waiting Further information
DA 51/0910	27/10/2009	Rawson Homes	Belar Street	Coonabarabran	Residential Dwelling	Clock Stopped Waiting Further information
DA 59/0910	5/11/2009	RJ Crooks & Associates	Rotherwood Road	Coolah	Subdivision	Clock Stopped Waiting Further information
DA 62/0910	11/11/2009	Graham Taylor	Caigan Street	Dunedoo	Urban Subdivision	Clock Stopped Waiting Further information

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

5.1 MACQUARIE REGIONAL LIBRARY 2010/2011 PER CAPITA ANNUAL CONTRIBUTIONS

As per clause 8.2 of the Macquarie Regional Library (MRL) Agreement the proposed member Councils 2009/2010 per capital Annual Contribution was tabled at the December Library Committee meeting.

Member Councils total contribution to the operations of MRL services is made up of the following;

- Annual Contribution – based on a per capita contribution. For the last three (3) financial years, the Committee has resolved that the increase in the per capita contributions in respect of the member Councils, be set at the annual rate pegging percentage increase as determines by the NSW Government which was 3.5% in 2009.
- Book Vote – 10% of the dollar rate per capita; ie the Annual Contribution, for the provision of library resources
- Salary Contribution – based on actual salaries of staff employed at each branch

This report is a consideration of only the Annual Contribution and Book Vote only.

As a guide for the purpose of preparing the 2010/2011 MRL budget, a 3.5% increase has been calculated and the proposed 2010/2011 Annual Contribution based on this calculation would be \$9.29 per capita.

Utilising the ABS 3218.0 – Regional Population Growth Australia figures; the following contributions for each Council would be included in the budget.

Annual Contribution

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	<u>2009/2010</u>	<u>2010/2011</u>
Warrumbungle	\$ 91,569	\$ 94,730
Dubbo	\$ 361,948	\$ 374,443
Wellington	\$ 78,225	\$ 80,925
Narromine	\$ 60,929	\$ 63,033

The MRL Committee also resolved that the member Councils give consideration to a proposal to increase the Book Vote from 10% to 15%. This follows the 2007 review of the MRL service by the NSW State Library, which recommended an increase in the Book Vote to achieve the short term acquisition rate benchmark within 3 years and to the 40% median term benchmark within 5 years.

The proposed additional 5 % allocation would provide an extra \$ 30,657 to purchase new book stocks in 2010-2011; and contribution allocation is as follows;

Book Vote

	<u>10%</u>	<u>15%</u>	<u>which is an additional</u>
Warrumbungle	\$ 9,473	\$ 14,210	\$ 4,737
Dubbo	\$ 37,444	\$ 56,166	\$ 18,722
Wellington	\$ 8,093	\$ 12,139	\$ 4,046
Narromine	\$ 6,303	\$ 9,455	\$ 3,152

The 2010-2011 Annual Contribution and Book Vote for Warrumbungle Shire Council would total \$ 104,203 with a 10% book contribution or \$ 108,940 if a 15% Book contribution was accepted.

Formal comment on the proposed 2009/2010 annual per capita contribution from the member Councils is to be advised in writing to the General Manager, Dubbo City Council, no later than Friday 12 February 2010.

RECOMMENDATION

That Council supports the proposed 3.5% increase for the purpose of estimating the 2010/2011 Annual Contribution with a 10% Book Vote to Macquarie Regional Library by Warrumbungle Shire Council and **FURTHERMORE** noting that the rate pegging percentage increase as determined by the NSW Government in 2010 will provide any adjustment required to the actual contribution for 2010/2011.

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REBECCA RYAN
DIRECTOR COMMUNITY SERVICES