



# **Warrumbungle Shire Council**

**Council meeting**

**Thursday, 22 October 2009**

**to be held at the Fire Control Centre,  
Coonabarabran**

**commencing at 1.00pm**

***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 FIRE CONTROL CENTRE, COONABARABRAN ON THURSDAY, 22 OCTOBER 2009  
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Date: 15 October 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 22 October 2009. I further attach relevant reports from the Directors to me for the consideration of Council.

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

**ADOPTION OF THE RECOMMENDATIONS** of the Social Services Advisory Committee meeting held on 25 September 2009

**ADOPTION OF THE RECOMMENDATIONS** of the Traffic Advisory Committee meeting held on 24 September 2009

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

# **WARRUMBUNGLE SHIRE COUNCIL**

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

1C Sale of land for unpaid rates

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

The item relates to sale of land for unpaid rates and is classified CONFIDENTIAL under Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (b) the personal hardship of any resident or ratepayer

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## **GENERAL MANAGER'S REPORT**

## **ANNEXURE 1**

### **1.1 NOTICE OF MOTION**

The following Notice of Motion has been received from Councillors Ron Sullivan, Victor Schmidt and Denis Todd.

*That Council hold off on a decision about the proposed toilets in the Timor Street car park until further investigation takes place.*

*Concerns have been expressed about the sizes and position of the facility.*

### **RECOMMENDATION**

For Council's consideration.

### **1.2 PECUNIARY INTEREST RETURNS**

As part of the public scrutiny of councillors (and designated persons), councillors (and designated persons) are required to prepare and submit a written return identifying their pecuniary interests. Under the Act, a Councillor, holding that position at 30 June in any year, must complete and lodge with the General Manager, within three months after that date, a Return - ie. returns must be completed, signed and lodged with the General Manager by 30 September in each year.

The General Manager is required to table the Register of Returns at the first ordinary council meeting after this date.

The Register is now tabled. Returns have been received from Councillors Campbell, Coe, Dissanayake, Lewis, Powell, Schmidt, Shinton, Sullivan and Todd and also lodged by Mr R Geraghty, Mrs R Ryan, Mr K Tighe, Ms C Upston and Mr Tony Meppem.

### **RECOMMENDATION**

For Council's information.

### **1.3 BOUNDARY ADJUSTMENT**

At the Ordinary Council meeting in June it was resolved, *that the Warrumbungle Shire Council agree to the transfer to Lot 3 DP 251071 (1.118 ha) and Part Lot 195 DP 755487 from Gunnedah Shire Council Local Government area to Warrumbungle Shire Council Local Government area. Further that if Gunnedah Shire Council agrees to the proposal then a formal proposal be lodged with the Department of Local Government for the transfer to be completed.*

The following response from the Gunnedah Shire Council states:

*At the Ordinary Meeting of Council held on Wednesday 26<sup>th</sup> August 2009, it was resolved as follows:*

### **COUNCIL RESOLUTIONS**

# **WARRUMBUNGLE SHIRE COUNCIL**

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- 1. That Council agree to a boundary adjustment in line with the black line indicated on the map, that Lots 195 DP 755487 in relation to the property Barracombe, Mullaley, be transferred to Warrumbungle Shire Council.*
  - 2. That all legal fees associated with the transfer be met by Warrumbungle Shire Council.*
  - 3. That any documentation in relation to the transfer be signed under Seal of Council as required.*

Communications with the Gunnedah Shire confirm that there are no outstanding rates or charges as at the end of June 2009 relating to this land.

To progress this matter it is now necessary to make application to the Minister and the Governor to alter the existing Council boundary to include an area of 1.18Ha currently rated in Gunnedah Shire to be transferred to this Shire.

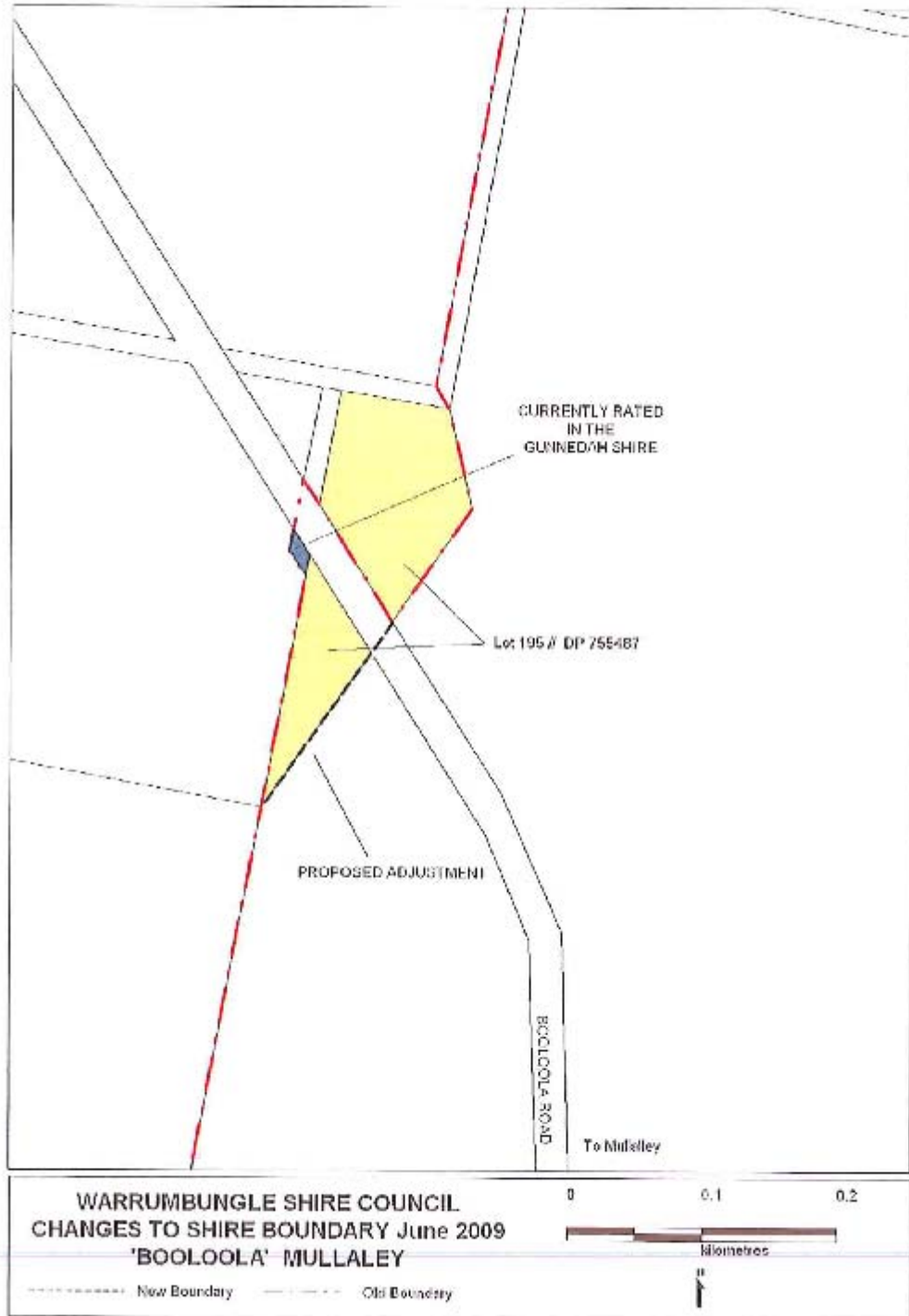
## **RECOMMENDATION**

That the General Manager be authorized to make application to the Minister for Local Government and the Governor of the State of New South Wales to alter the boundary of the Warrumbungle Shire Council to include an area of 1.18Ha which is currently rated by Gunnedah Shire and that part of Lot 195 DP 755487 that while within the gazetted boundary of Gunnedah Shire has been rated as being in Warrumbungle Shire Council. The adjusted boundary is shown by the broken black line on the plan below.

# WARRUMBUNGLA SHIRE COUNCIL

ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL TO BE HELD AT  
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# **WARRUMBUNGL SHIRE COUNCIL**

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## **1.4 NOTICE OF MOTION**

The following Notice of Motion has been received from Councillor Ray Lewis.

*That the vacant position of Labourer in Binnaway be advertised and filled as soon as possible.*

*With the onset of warmer weather the additional staff resources are needed for maintenance purposes.*

## **RECOMMENDATION**

For Council's consideration.

## **1.5 NORTH WEST EQUESTRIAN EXPO**

The Chairman of the North West Equestrian Expo has written to Council seeking reconsideration of Council's contribution towards their event. They indicate that Council has for many years supported the event with a donation of \$2,000 except for 2009 when the contribution was \$1,000.

It was also noted that Council charges them an amount of approximately \$2,000 towards the collection of garbage and line marking.

Council is asked to reconsider its decision not to include a contribution in its donations for 2010.

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

## **GENERAL MANAGERS NOTE:**

Please note the comments contained in the St Lawrence's School request relating to budget constraints. Also a decision to provide in kind support will need to be financially quantified and a supplementary budget provided.

## **RECOMMENDATION**

For Council's consideration and if agreed to make a donation where the funds are to be provided from.

## **1.6 POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS**

Council at its Ordinary Meeting on the 26<sup>th</sup> May 2006 adopted a policy for the payment of expenses and the provision of facilities. That policy is now somewhat out of date with the Department issuing annual updates. The most recent update is 9/36 and the attached Policy will bring Council's policy into line with the expectations of the Department.

Councillors should note that there is a significant shift in the new policy from what council previously adopted, particularly as with expenses for conferences Council had previously set a daily amount – this is now not allowed. The emphasis is on documented



# **WARRUMBUNGLÉ SHIRE COUNCIL**

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claims for **reasonable** expenses for the actual costs incurred rather than allowances and that there is a strict requirement to show details of every dollar claimed (that is fully transparent). Another area is the provision of Computer equipment – it is necessary in this regard that Council consider if it should set an upper limit of \$50 a month with a reimbursement based on a documented claim by the Councillor. Any claim must be made within 3 months of it being incurred and there are limits to certain classes of claims as well as specific exclusions. Another aspect is that a report must be provided in writing to council on the aspects of the conference (the Shires Conference is excluded) when attended and supported by Council.

The draft Policy has been prepared incorporating the issues covered by the Guidelines. A copy of the document has been forwarded under separate cover for Councillors' information. Prior to adoption of this Policy, the draft policy must be advertised for a period of twenty eight (28) days seeking public submissions. Council must then consider all submissions received and make any appropriate changes to the Policy. Following adoption or amendment of the policy, the policy and details of submissions are to be forwarded to the Director-General of the Department of Local Government within 28 days of adoption by Council. This will mean that the policy will be adopted at the December Council meeting.

## **RECOMMENDATION**

That Council endorse the draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors and that the draft be placed on public exhibition for 28 days seeking community comment.

### **1.7 ST LAWRENCE'S OVAL**

The St Lawrence's Oval is a sports ground owned by the St Lawrence's School at Coonabarabran and has been used for many decades as a back up community facility. As an off set Council has occasionally mowed the ground.

Presently the oval has been used for Junior Cricket and Soccer on weekends as all the three ovals are often being used for Seniors fixtures at the same time as the Junior.

The School is now requesting that Council consider making a contribution to the erection of a fence along the Ann Street boundary and partly the Camp Street boundary. This request along with associated quotes have been forwarded to Councillors separately.

The Director of Technical Services has investigated the site and makes the following observations:

*“The oval is regularly used on a weekly basis by soccer (winter) and junior cricket (summer).”*

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*It appears to me that Council will need to determine the level of community benefit from the fence. The only benefit is a reduction in potential vandalism from cars driving on the oval”*

In considering this and other requests Council should have regard for the present budget situation. The budget for 2009/10 (general fund) provided for a surplus of \$839, with revotes of \$1,908,077DR and supplementary votes to date of \$38,500DR, giving a projected deficit of \$1,945,738DR. Also there are two additional impacts on the 2009/10 bottom line that needs to be taken into account.

- i) The 20% levy cap that applies for farmland rates will mean that we will receive \$141,282 less than was projected in the budget deliberations. This will need to be quantified and accounted for in the quarterly review for September 2009.
- ii) Financial Assistance Grant. We have been advised that the amount of FAGS for 2009/10 will be \$200,985 less than was provided for in the original budget. This also will need to be quantified and accounted for in the September quarterly review.

Taking these two comments into account along with the revotes and original budget Council will now have a deficit of \$379,928 without the impact of the revotes.

As advised to Council in its budget deliberation of 2009/10 and taking into account the past bridge construction works, the global financial situation and spending trends Council cannot afford a deficit of \$379,928 indeed we ideally should be looking for a balanced budget.

With respect to the St Lawrence’s request this is now submitted for Council’s determination.

## **RECOMMENDATION**

For Council’s consideration and if agreed to where the funds are to be provided from.

## **1.8 DELEGATIONS – COMMUNITY COMMITTEES**

The Warrumbungle Shire Council at its Special September 2009 meeting resolved to endorse the Community Committees and their Council representatives.

Community Advisory Committees have delegated functions on behalf of Council through recommendations from the Committee meetings.

In reviewing the committee delegations it has been found there are several that are out of date due to the change in committee structures and the creation of new committees.

It is now appropriate for Council to formalize and endorse the delegated functions for the following Committees:

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## **WARRUMBUNGLE SHIRE TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

### **Tourism**

The Group is delegated the following functions on behalf of Council.

- i Liaise with the community on future directions for the promotion of tourism within the Shire.
- ii provide advice to Council through recommendations and budget submissions on community desires and aspirations for the development of Warrumbungle Shire as a tourist destination.

### **Economic Development**

The Group is delegated the following functions on behalf of Council.

1. To advise council on economic development within Warrumbungle Shire Council.
2. To advise council on how to promote, market and raise the profile of the shire as attractive and viable for both residential and business location.
3. To assist with the establishment and expansion of viable business enterprises in the shire across the full spectrum of industrial, commercial and service activities.
4. Review and recommend improvements in council infrastructure development and liaison with other government agencies and local committees.
5. To develop, in conjunction with council, a development strategy for the future of the Warrumbungle Shire.
6. In all instances work with Council staff to achieve these objectives.
7. To investigate and provide advice to the council on all matters referred to the committee by council.
8. To investigate and provide advice to council on problems inhibiting the expansion of existing industries and/or the establishment of new industries within the shire and advise action to resolve these problems in co-operation with the Warrumbungle Shire Council.
9. Recommend budget items to improve and promote development facilities.

Council has also placed a restriction on any committee that is made up in part or whole by members of the public which requires the Committee to -

- i produce a budget;
- ii present an annual financial report to the Council's General Manager.

## **AERODROMES ADVISORY COMMITTEE**

The committee is delegated the following functions on behalf of Council.

- i To provide advice to Council on the ongoing and future use of the Coonabarabran, Coolah and Baradine aerodromes.
- ii To review the operating standards that relate to all or individually the three aerodromes and offer advice in addressing those changing circumstances.

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Council has also placed a restriction on any committee that is made up in part or whole by members of the public which requires the Committee to -

- i produce a budget;
- ii present an annual financial report to the Council's General Manager.

## **MEDICAL SERVICES ADVISORY COMMITTEE**

The committee is delegated the following functions on behalf of Council:

- i) To formulate policy for the Management of the Warrumbungle Shire Council Medical Centres
- ii) To formulate policies for the relationship between the Medical Centre and all other related health services within the community
- iii) To advise, liaise and assist any other body that is involved in providing health services to this community.

## **ORANA ARTS INCORPORATED COMMITTEE**

The Committee is delegated the following functions on behalf of Council and in conjunction with the Memorandum of Understanding:

- i) Work actively with the Communities in the Region to deliver vibrant outcomes for the Community
- ii) Provide specific assistance to the Communities with projects and programs

## **WARRUMBUNGLE SHIRE COUNCIL SOCIAL SERVICES ADVISORY COMMITTEE**

The Committee is delegated the following functions on behalf of Council:

- i) Monitor and review the services provided by the Social Services – Warrumbungle Shire
- ii) Provide advice to Council through recommendations from Meetings

## **RECOMMENDATION**

For Council's consideration and endorsement.

### **1.9 COMMUNITY COMMITTEES**

At the September Special meeting of Council the Community Committees were endorsed with the exception of the Yuluwirri Kids Advisory Committee.

Council should now formerly endorse this Committee as follows:

### **The Warrumbungle Shire Council Yuluwirri Kids Advisory Committee**

Director of Community Services

## **RECOMMENDATION**

For Council's consideration and endorsement.

### **1.10 COMMUNITY COMMITTEES**

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At the September Special Meeting of Council the Committees with Council Representation were endorsed. The Central Orana Regional Arts Steering Committee has been renamed should be now be amended to the following:

## **Orana Arts Incorporated.**

### **RECOMMENDATION**

For Council's consideration and endorsement.

### **1.11 COUNCIL POLICY**

Council at its ordinary August Meeting adopted a set of policies for Warrumbungle Shire Council that set aside any past policies for any of the previous councils.

A close review of the various policy documents have highlighted a number of areas where Council may wish to adopt policies that are not included in the new policy register. These policies relate to:

- i) Itinerant Markets
- ii) Erection of Banners
- iii) Staff Telephone Reimbursement
- iv) Coonabarabran Town Hall tables and chairs
- v) Property Accesses
- vi) Gravel Pit Access and Restoration
- vii) Road Crossing for farm water supply
- viii) Local Contractor Policy
- ix) Public Gates and Traffic By-passes

These policies are listed below for consideration.

#### **A25. Itinerant Markets**

That no permission be granted to itinerant traders to sell goods from or on Council property.

#### **A28 Erection of Banners**

That Council raise no objection to advertising banners across John Street, provided they are erected by Country Energy on the poles provided adjacent to the Tourist Centre and Poplars Motel and the approval of the Roads and Traffic Authority and local Police being first obtained.

**Note:** Council may wish to consider reviewing this policy to include other towns.

#### **B16. Staff Telephone Reimbursement**

That Council meet the cost of rental and actual business calls of all staff whose telephone number is required to be shown as an after hours number.

All other staff will be reimbursed all documented and authorised business calls on behalf of Council.

# WARRUMBUNGLA SHIRE COUNCIL

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## **A49. Coonabarabran Town Hall Tables And Chairs**

The tables and chairs from the Shire Hall shall not be available for public hire or use except the following occasions:

- Any function organised by Coonabarabran Shire Council
- Coonabarabran Schools ie
  - Year 12 formal
  - Science Fair
  - Presentation nights
  - School dinners (within a school or Council controlled hall)
- Use in association with the Hire of the Shire Hall.

## **D2. Access to Properties**

To provide access to property within the Shire on the following conditions:-

- i In both towns and rural areas - full cost to landowners.
- ii Council does not pay for pavement across road reserve or travelling stock reserve to landholders gateway;
- iii At new road construction where levels are altered, Council installs and covers accesses to existing entrances.

## **D4. Gravel Pit Access and Restoration**

### **i Siting**

- a) that material for road construction and maintenance be obtained from whatever source of suitable material is nearest to the site of the work for which the material is require, unless it is preferable having regard to all of the circumstances of the case, to obtain the material from an alternative site;

### **ii Entry**

- a) that entry onto privately owned property for the purpose of obtaining material for road construction and maintenance be by agreement between the Council and the landholder concerned.

### **iii Damage**

That in pursuance of this policy the Council cause as little damage as possible to the property concerned.

### **iv Restoration**

- a) That at the conclusion of the work the track used for haulage be graded or otherwise restored to the reasonable requirement of the landholder concerned;
- b) That at the conclusion of the work any Council roads used for the haulage be graded or otherwise restored.

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- c) That as soon as practicable following the conclusion of the work the pit from which the material has been extracted be restored to the reasonable requirement of the landholder concerned; excepting that any restoration work involving rock work, large quantities of earthwork, restoration of top soil and grassing be first submitted to Council for determination.
  
  - v Compensation  
That in all cases the Council offer as compensation for material removed and land disturbed, an amount per cubic metre equivalent to the amount payable as “Gravel Royalty” determined from time to time by the Council.
  
  - vi Legal Considerations  
That in implementing this policy the provisions of the Local Government Act and the Environmental Planning and Assessment Act and all other relevant legislation be complied with.

## **D11. Road Crossing for farm water supply**

That:

- i All works must be completed at no cost to Council and to the satisfaction of the General Manager.
- ii That the pipe must be laid at a depth not less than 450 mm for the full width of the road reserve.
- iii That prominent markers bearing the legend “Water” must be placed over the pipe at each road reserve boundary.
- iv The applicant agrees to remove or relocate the pipe if required by Council and at no cost to Council.
- v The applicant agrees to meet the full cost of any road repairs which are attributable to the installation of the water supply.

## **D12 Local Contractor Policy**

That Council’s policy be in future that local truck contractors be given a five per cent (5%) advantage on all Council works against non local contractors.

## **D13 Public Gates and Traffic By-passes**

- 1 Council may grant a permit for the installation of a public gate across an unfenced road on written application by the occupier of land through which the unfenced road passes.
- 2 Where the applicant occupies land on only one side of the road, the application must contain the written permission of the owner(s) of the land on the other side of the road.
- 3 Where the applicant requests approval for the installation of

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- (a) A classified road: The applicant shall submit with the application, written approval for the gate, from the RTA.
  - (b) A rabbit proof, dog proof or marsupial proof fence: The applicant shall submit with the application, written approval of the local Livestock Health and Pest Authority.
- 4 Before determining an application for a public gate, Council shall cause notice of such application to be advertised in a local newspaper and seek submissions for a period of not less than 28 days.
- 5 On granting an application for a public gate and/or a traffic by-pass, notice of such approval shall be published in a local newspaper.
- 6 Where a permit for a public gate is issued, the applicant shall construct a traffic by-pass, along the line of the road, at the intersection of the boundary fence and the road, to a specification approved by the General Manager and erect the gate beside the by-pass.
- 7 The applicant granted approval to construct a by-pass in accordance with Clause 6 above shall:
  - (i) Install conspicuous notices near each end of the by-pass.
  - (ii) Maintain the by-pass and the notices in good condition.
  - (iii) Maintain the road approaches to the by-pass for a distance of 20 metres on either side of the by-pass and to the width specified in the approval.
- 8 Approval for public gates and traffic by-passes shall not be granted for roads, shown in Council's Management Plan, as being programmed for bitumen sealing.
- 9 Where grids currently exist in roads shown in Council's Management Plan as being programmed for bitumen sealing, notice shall be served on the adjoining landholders to fence the land fronting the road length to be bitumen sealed and to remove the grids.
- 10 In circumstances where the permit holder for the grid cannot be determined, Council shall service notice on the adjoining landholders directing them to fence out the affected length of road and Council shall remove the grids as part the work associated with the bitumen sealing.
- 11 Any permit for a public gate and/or traffic by-pass, may be revoked, at any time, by the serving of notice on the permit holder and the permit holder shall, within one month of the serving of the notice, remove the gate and/or by-pass. Failure of the permit holder to comply with such notice shall cause the Council to remove the by-pass and recover the cost of this work as a debt due to the Council, in any Court of competent jurisdiction.
- 12 The holder of a permit for a by-pass may close the by-pass by giving notice to the Council:
  - (i) prior to such closure; and
  - (ii) complying with any direction of the General Manager to ensure the safety of persons using the road.



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- 13 This policy is to be read in conjunction with the Roads Act 1993 and the Roads Regulation 2008 and those provisions are deemed to be incorporated in this policy.
- 14 The fee applicable for the registration of a public gate and/or traffic by-pass shall be \$50.00 as amended from time to time.
- 15 Any application for the installation of a new grid to be approved by Council.
- 16 For category one unsealed roads the width of any new grid must be at least 6 metres. For category 2 and category 3 roads, the width of any new grid must be at least 4 metres.

## **RECOMMENDATION**

For Council's determination.

### **1.12 RECORDS MANAGEMENT POLICY**

Under the requirements of the State Records Act, Local Government agencies have defined formal record keeping responsibilities. The legislation requires agencies to make and keep full and accurate records. The legislation also requires public offices to establish and maintain a records management program supported by policies and procedures.

A draft Records Management Policy has been prepared and is submitted for Council's consideration. A copy of the document has been forwarded under separate cover for Councillors' information.

## **RECOMMENDATION**

That the Records Management Policy be endorsed as presented to Council.

### **1.13 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM: ROUND TWO \$220 MILLION**

Additional funding of \$220 million for the Australian Government's Regional and Local Community Infrastructure Program (RLCIP) has been made available in 2009-2010. As previously announced *'funding will assist councils to build and modernise community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure and is intended to support local jobs and provide long-term benefits to communities by renewing and upgrading local infrastructure'*.

The \$220 million injection into the RLCIP will be delivered as follows: \$100 million is being allocated to all 566 of Australia's councils (565 councils plus the ACT) on a formula basis and \$120 million for larger Strategic Projects will be available on a competitive basis.

#### **RLCIP - \$100 million component**

All councils will receive a base grant of \$30,000. The 105 councils classified as urban fringe or urban regional according to the Australian Classification of Local Government Code and who have at least 30,000 residents will receive an additional growth component of \$150,000.

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All councils with at least 5,000 residents will share in the distribution of the remaining funds in proportion to their 2008-2009 general purpose *Financial Assistance Grant*. Warrumbungle Shire Council is eligible to receive \$224,000.

Council should have completed and properly acquitted the current projects (\$568,000) under the original \$250 million allocated component of the RLCIP. These projects were:

Baradine Bore	New Bore	\$ 68,250
Binnaway Camping Ground	BBQ/Walkway	\$ 45,700
Coolah Swimming Pool	Fence/Shade	\$ 37,500
Bowen Oval Coolah	Grandstand extensions	\$ 46,250
Youth Club Coonabarabran	Shutters	\$ 31,500
VRA Coonabarabran	Addition to new Headquarters	\$ 52,500
Coonabarabran Swimming Pool	Solar Heating	\$ 36,750
Town Hall Coonabarabran	Refurbishment	\$110,000
Coursing Club Coonabarabran	Addition to Amenities Block	\$ 15,750
Dunedoo Mainstreet Beautification	Footpath/Paving and Park	\$ 91,800
Mendooran Swimming Pool	Shade	\$ 32,000

The Round Two Guidelines have been provided to Councillors in earlier correspondence, of note:

- Funding will not cover Project Management expenses
- Council's submission for projects must be lodged by Friday 20 November 2009
- In determining projects it is the responsibility of Council to consult with the Community, address the needs of Indigenous population and consider environmental sustainability
- Projects are to be completed by end December 2010
- Funding cannot replace Council's 2009/2010 Management Plan - Projects must be additional, ready to proceed or additional stages of current projects

Council should note that the USU has informally questioned the use of external contractors for the current 2009 projects. Whilst some projects did utilise the services of Council staff, the intent of the funding was and remains, clearly given to provide local economic stimulus and jobs growth. Council cannot defer its own budgeted program or individual projects to replace with the RLCIP funding.

Feedback so far from the Department managing the RLCIP program has been positive as to the level of reporting, progress, project scope and benefit.

In considering the priority list of projects for Round Two:

- those most challenging to complete and time consuming are actually the projects being supervised by a third party
- the 'budget' needs to be more than simply a third hand 'estimate'

# **WARRUMBUNGLE SHIRE COUNCIL**

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- there is no source of additional funding so any budget over expenditure becomes the responsibility of Council
- Council's recommendation does not guarantee funding approval.

Since the Australian Governments' announcement of this Round Two program, and given the success of the current projects, community interest for new projects has been forthcoming. Also, there remains a list of unfunded projects that were submitted to Council in January 2009 that may be revisited at Councillors discretion.

A determination by Council for list of projects in order of priority is required at the October or November Council meetings.

## **RLCIP – Strategic Projects (SP) \$120 million component**

Funding under this round will be made available to councils on a competitive basis for limited number of larger scale strategic projects. All projects must comply with the new round's Guidelines and proposals will be assessed by the Department against the program Guidelines.

Applications close on 15 January 2010. It is expected that successful projects will be announced during the first quarter of 2010.

Council submitted an application earlier this year for a Coonabarabran Library/Cultural Centre on the Crane Building site, which despite meeting all funding guidelines was unsuccessful.

## **Summary**

Guidelines for Round Two RLCIP (\$100 million) and Round Two RLCIP - Strategic Projects (\$120 million) along with a list of frequently asked questions and answers are available at <http://www.infrastructure.gov.au/local/index.aspx>

Council should determine:

1. The method for compiling, assessing and finally prioritising of list of projects to be submitted for funding under the RLCIP Round Two \$224,000 allocation at either; October or November Council meeting.
2. If an RLCIP – SP application is to be prepared and submitted, and for what project?

## **RECOMMENDATION**

For Council Consideration

### **1.14 COMMUNITY GARDEN**

Council has been approached by a group of local people to be allowed to establish a community garden on land adjacent to the Castlereagh River.

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The land that the Group have indicated is of interest to them is the area shown on the map below. The land is crown land vested in Council as Trustees for the purpose of public recreation.

To progress this matter the following steps need to be taken:

- i) That Council determine, in principle, that it is prepared to make the land available
- ii) That the proposal then be advertised for 21 days for public comment
- iii) That all identified adjoining property owners be written to setting out the proposal and seeking their comments within 21 days.

Once that process is concluded the matter should then be brought back to Council for determination. That will be the December Council meeting.

Other issues that will need to be addressed are:

- a) The supply of water and how it will be charged
- b) Because the land is Crown land there are a set of particular requirements needed in the formal agreement. These are required by the Department Of Lands to protect their interest and liability exposure.

## **RECOMMENDATION**

For Council consideration and determination.

# WARRUMBUNGLE SHIRE COUNCIL

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

# WARRUMBUNGLE SHIRE COUNCIL

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

## DIRECTOR OF CORPORATE SERVICES

## ANNEXURE 2

### 2.1 BANK ACCOUNTS AND INVESTMENTS AS AT 30 SEPTEMBER 2009

<b>GENERAL FUND</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund Bank Balance	10,416,508.99	1,408,000.00	4,528,508.99
Future Capital Upgrading		2,520,000.00	
Employees Leave Liability		770,000.00	
External Grants for Specific Projects		980,000.00	
Development Sec 94 & 64 Contb'ns		210,000.00	
<b>TOTALS</b>	<b>10,416,508.99</b>	<b>5,888,000.00</b>	<b>4,528,508.99</b>
<b>WATER FUNDS</b>			
Baradine Water Bank	516,789.76		516,789.76
Binnaway Water Bank	516,950.72		516,950.72
Coonabarabran Water Bank	1,152,495.36	179,230.45	973,264.91
Coolah Water *	<b>-382,445.83</b>		<b>-382,445.83</b>
<b>TOTALS</b>	<b>1,803,790.01</b>	<b>179,230.45</b>	<b>1,624,559.56</b>
<b>SEWERAGE FUNDS</b>			
Coonabarabran Sewerage	2,527,294.15	836,510.08	1,690,784.07
Baradine Sewerage	297,339.60	332,320.00	-34,980.40
Coolah Sewerage	1,251,399.66	563,170.00	688,229.66
<b>TOTALS</b>	<b>4,076,033.41</b>	<b>1,732,000.08</b>	<b>2,344,033.33</b>
<b>TUST FUND</b>			
Trust Fund	102,311.17	102,311.17	0.00
	<b>102,311.17</b>	<b>102,311.17</b>	<b>0.00</b>
<b>SUMMARY</b>			
General Fund	10,416,508.99	5,888,000.00	4,493,040.08
Water Fund	1,803,790.01	179,230.45	1,696,124.54
Sewerage Fund	4,076,033.41	1,732,000.08	2,297,343.47
Trust Fund	102,311.17	103,605.08	
<b>TOTALS</b>	<b>16,398,643.58</b>	<b>7,799,230.53</b>	<b>8,486,508.09</b>

#### Notes

\* This represents payments against a loan of \$300,000 to be obtained to complete the Mendooran Water Supply

#### RECOMMENDATION

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

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## 2.2 INVESTMENTS HELD AS AT 30 SEPTEMBER 2009

<b>Warrumbungle Shire Council</b> Local Government Financial Management Regulations (Clause 16) Investments Held As At 30 September 2009										
<b>ON CALL</b>										
	ON CALL Invested With	Balance at 30 September 2009			Maturity	Interest Taken	Interest Paid	Interest Rec'd for August		Current Interest Rate
	Suncorp Metway	464,259.66			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	1,904,662	31.08.2009	7.27%	17/05/2005	14/12/2010			3.83%

## WARRUMBUNGL E SHIRE COUNCIL

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	<b>ON CALL Invested With</b>	<b>Balance at 30 September 2009</b>			<b>Maturity</b>	<b>Interest Taken</b>	<b>Interest Paid</b>	<b>Interest Rec'd for August</b>		<b>Current Interest Rate</b>
3	<b>CBA</b> Range Accrual	1,000,000.00	903,500.00	31.08.2009	7.50%	14/12/2005	14/12/2010			
4	<b>CBA</b> Range Accrual	1,000,000.00	903,500.00	31.08.2009	7.50%	16/12/2005	16/12/2010			
5	<b>ROYAL BANK CANADA</b> Range Accrual	1,000,000.00	969,900.00	31.08.2009	7.70%	16/03/2006	16/03/2011			
6	<b>PIMCO PRINCIPAL PROTECTED</b>	500,000.00	488,734.00	31.08.2009	50% CG	22/02/2007	28/02/2011			
7	<b>TRIDENT-CREDIT SUISSE SYDNEY BRANCH</b> PPN-AA-	500,000.00	523,562.50	30.9.2009	50% CG	30/05/2007	30/05/2011			
8	<b>ANZ</b> CREDIT SAIL-ANZ INVESTMENT BANK CDO- A	500,000.00	251,500.00	31.07.2009	BBSW+150	14/11/2005	30/12/2011			



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	ON CALL Invested With	Balance at 30 September 2009			Maturity	Interest Taken	Interest Paid	Interest Rec'd for August		Current Interest Rate
9	<b>BENDIGO BANK</b> FRN	500,000.00	438,850.00	31.08.2009	BBSW +120	21/09/2007	21/09/2012	4,455.00	Accrued 31/08/2009	5.4467% to 23/3/09
10	<b>ANZ</b> ASPIRT 1-CPPI/FRN-Aap	500,000.00	438,305.00	31.07.2009	50% CG	15/11/2006	11/08/2012			
11	<b>WBC</b> DANDELION-FRN-	1,000,000.00	823,000.00	31.08.2009	BBSW + 12BP	20/12/2007	21/12/2012			
12	<b>ANZ</b> ASPRIT 11-CPPI/FRN-Aap	800,000.00	682,672.00	31.07.2009	50% CG	30/03/2007	30/03/2013			
13	<b>DEUTSCHE BANK AG LONDON</b> DAISY	1,500,000.00	1,377,015.00	31.07.2009	6% + CG	31/05/2006	31/05/2011			
14	<b>ANZ</b> ALL SEASONS-KEOLIS AAA	1,500,000.00	956,400.00	30.09.2009	8.00%	16/06/2006	16/06/2013			

## WARRUMBUNGL E SHIRE COUNCIL

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	ON CALL Invested With	Balance at 30 September 2009			Maturity	Interest Taken	Interest Paid	Interest Rec'd for August		Current Interest Rate
15	ANZ  AVERON BOND-SEALINK P/L-CPPI/FRN-AAA	700,000.00	398,720.00	30.09.2009	BBSW+1.50	4/10/2006	20/06/2013			
16	DRESDNER BANK  OCTAGON PLC-EMU NOTE	1,500,000.00	1,145,550.00	30.09.2009	7.00%	25/10/2005	30/10/2015			
		<b>15,464,259.66</b>	<b>12,550,870.50</b>	<b>NOTE: The balance of \$15,464,259.66 differs from the total investments shown in the Bank Reconciliation by \$8,364.56 which is interest accrued in the Suncorp Account which has yet to be journalised</b>						

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 J Geraghty  
Responsible Accounting Officer

### RECOMMENDATION

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

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## 2.3 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – AS AT 30 SEPTEMBER 2009

	<b>General Managed Fund</b>	<b>Trust Fund</b>	<b>Investment Fund</b>
<hr/>			
<b>Cashbook as at 30th September, 2009</b>			
<b>Opening Balance</b>	<b>1,070,347.42</b>	<b>79,366.02</b>	<b>15,455,895.10</b>
Plus Deposits	2,456,428.44	26,697.55	
Less Payments	-2,686,338.17	-4,661.60	
<hr/>			
<b>Adjusted Cashbook Balance</b>	<b>840,437.69</b>	101,401.97	<b>15,455,895.10</b>
<hr/>			
<b>Bank Statement as at 30th September 2009</b>	<b>839,169.86</b>	<b>102,311.17</b>	
Plus Outstanding Deposits	11,643.79	1,415.80	
Less Outstanding Payments	-10,375.96	-2,325.00	
<hr/>			
<b>Adjusted Statement Balance</b>	<b>840,437.69</b>	101,401.97	<b>0.00</b>
<hr/>			
<b>Ledger Cash Book</b>			
Closing Balance	840,437.69	101,334.37	15,455,895.10
<hr/>			
<b>Total Ledger</b>	<b>840,437.69</b>	<b>101,334.37</b>	<b>15,455,895.10</b>
<hr/>			
<i>Difference (1)</i>	0.00	-67.60	0.00

(1)

*Trust Fund - difference of 67.60 is under investigation*

**RECOMMENDATION**  
For Council's information.

## WARRUMBUNGLE SHIRE COUNCIL

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### 2.4 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END SEPTEMBER 2009

GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAN- DING 2009/2010	TOTAL OUTSTAN- DING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
	CBN RES/ RURAL RES	107,434	978,530	68,105	8,600	1,009,258	323,173	686,085	667,950	<b>32.02%</b>	31.91%
	BARADINE	42,846	135,622	16,588	0	161,881	39,509	122,371	106,568	<b>24.41%</b>	27.96%
	BINNAWAY	18,724	65,065	10,534	0	73,255	21,021	52,235	44,325	<b>28.70%</b>	34.83%
	VILLAGES	8,033	27,838	2,299	0	33,572	11,021	22,551	18,425	<b>32.83%</b>	33.07%
	FARMLAND	193,869	3,938,853	18,214	141,282	3,973,227	1,133,764	2,839,463	2,781,236	<b>28.54%</b>	29.69%
	COOLAH	16,446	194,288	14,309	0	196,425	67,497	128,927	114,482	<b>34.36%</b>	36.75%
	DUNEDOO	14,882	209,204	15,306	0	208,780	72,960	135,820	125,523	<b>34.95%</b>	36.16%
	MENDOORAN	8,991	66,241	6,868	0	68,363	18,705	49,658	43,264	<b>27.36%</b>	33.78%
	LEADVILLE	2,970	10,318	1,437	0	11,850	3,778	8,072	6,708	<b>31.88%</b>	35.83%
	MERRYGOEN	465	4,242	759	0	3,948	1,429	2,519	2,419	<b>36.20%</b>	34.04%
	NEILREX	336	2,372	151	0	2,557	1,210	1,347	1,251	<b>47.31%</b>	42.30%
	UARBRY	0	3,628	85	7	3,536	2,128	1,408	752	<b>60.18%</b>	81.84%

## WARRUMBUNGLE SHIRE COUNCIL

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GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAN- DING 2009/2010	TOTAL OUTSTAN- DING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
	COOLABAH ESTATE	2,567	15,056	1,554	0	16,070	3,869	12,201	10611	<b>24.07%</b>	29.58%
	RUR/RES COBBORA	572	3,040	229	0	3,383	1,060	2,322	2030	<b>31.34%</b>	44.93%
	GENERAL RESD/BUS- STH	12,536	161,382	9,962	1	163,955	65,553	98,403	74,857	<b>39.98%</b>	42.90%
	BUSINESS- CBN-RURAL	21,086	380,889	250	0	401,725	188,170	213,555	234,714	<b>46.84%</b>	40.19%
<b>WATER</b>						0		0			
	COONABARA BRAN	32,524	362,731	26,590	1,823	366,841	117,334	249,507	212,092	<b>31.98%</b>	32.21%
	BARADINE	36,273	107,574	9,825	0	134,022	33,355	100,667	80,939	<b>24.89%</b>	27.16%
	BINNAWAY	30,832	112,577	8,293	0	135,116	38,265	96,851	60,124	<b>28.32%</b>	33.61%
	VILLAGES	18,872	11,040	875	0	29,037	2,778	26,259	23,710	<b>9.57%</b>	11.17%
	FARMLAND - NTH & STH	3.72	1,120.00	0.00	0.00	1,124	83	1,041	778.00	<b>7.34%</b>	30.18%
	COOLAH	20,604	210,894	11,293	0	220,205	67,205	153,000	95,331	<b>30.52%</b>	34.29%
	DUNEDOO	10,276	144,540	9,190	0	145,625	50,895	94,731	78,736	<b>34.95%</b>	35.54%
	MENDOORAN	14,837	140,985	4,725	0	151,097	40,562	110,535	71,163	<b>26.85%</b>	30.10%
	MERRYGOEN	1,857	10,580	875	0	11,562	3,231	8,331	8,723	<b>27.94%</b>	28.43%

## WARRUMBUNGLE SHIRE COUNCIL

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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	ABAND- ONED	RATE ARREARS AND NET LEVY	TOTAL PAY- MENTS TO DATE	TOTAL OUTSTAN- DING 2009/2010	TOTAL OUTSTAN- DING 2008/2009	COLLECTION % 2009/2010	COLLECTION % 2008/2009
<b>SEWERAGE</b>						0		0			
	COONABARA BRAN	46,222	596,800	26,412	2,274	614,336	197,264	417,072	437,983	<b>32.11%</b>	32.93%
	BARADINE	47,624	156,541	8,250	0	195,916	58,301	137,615	133,900	<b>29.76%</b>	29.24%
	COOLAH	15,882	206,629	9,018	0	213,493	83,986	129,507	101,719	<b>39.34%</b>	35.47%
	DUNEDOO	11,126	179,772	8,928	0	181,970	68,106	113,864	93,295	<b>37.43%</b>	35.17%
		<b>738,688</b>	<b>8,438,350</b>	<b>290,923</b>	<b>153,987</b>	<b>8,732,128</b>	<b>2,716,211</b>	<b>6,015,918</b>	<b>5,633,608</b>	<b>31.11%</b>	<b>31.74%</b>
<b>GARBAGE- North</b>		73,509	703,591	54,810	542	721,748	254,600	467,148	397,079	<b>35.28%</b>	35.90%
<b>GARBAGE - South</b>		35,703	436,205	38,379	0	433,529	142,966	290,563	239,199	<b>32.98%</b>	34.34%
<b>FARMLAND - NTH - STH</b>		1,491	35,741	563	0	36,669	10,854	25,814	21,032	<b>29.60%</b>	30.22%
<b>LEGAL FEES</b>		218,349	32,584	0	257	250,676	32,584	218,092	165,953	<b>13.00%</b>	16.33%
								0			
<b>INTEREST</b>		191,238	0	0	0	191,238	28,721	162,517	132,532	<b>15.02%</b>	13.72%
	<b>TOTALS</b>	<b>1,258,977</b>	<b>9,646,470</b>	<b>384,675</b>	<b>154,785</b>	<b>10,365,987</b>	<b>3,157,215</b>	<b>7,180,051</b>	<b>6,589,403</b>	<b>30.46%</b>	<b>31.50%</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**

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## **2.5 RATES/REVENUE POLICIES**

### ***Background***

Review of Council policies is an ongoing process and from time to time policies require updates.

### **Report**

Policies are public documents which ensure transparency, equity and consistency in related procedures.

Currently Council only has one policy under the umbrella of Rates/Revenue which is Operational Policy 2.1 - Debt Recovery. This policy is no longer relevant to actual procedures.

Two draft policies are herewith presented to Council for adoption.

### ***Payment of Rates Policy:***

This is more generic than the previous policy for Debt Recovery but includes Debt Recovery relevant to how staff are now managing this important function.

### ***Pensioner Concessions:***

Whilst Pensioner Concessions are covered by legislation in Section 575 of the Local Government Act (1993), a policy to explain our requirements for claiming a Pensioner Concession and to make the public aware that their claim will be verified through Centrelink Electronic Confirmation Service is pertinent.

## **RATING POLICY - PAYMENT OF RATES**

### **Policy Objective:**

To ensure collection of rates, charges and sundry debtors is carried out in a transparent manner and complies with the Local Government Act and Section 60 of the Trade Practices Act.

### **1. Recovery of Debts:**

- a) Recovery action may commence when rates and/or charges are not paid by the due date for each quarterly instalment unless arrangements have been entered into (in writing) to make periodical payments under section 564 of the Local Government Act.
- b) Recovery action will commence when rates and/or charges are not paid by the due date for each quarterly instalment unless arrangements have been entered into.

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- c) Recovery action will commence if other debts (*other than amounts due from Government Departments*) are not paid within sixty (60) days unless arrangements have been entered into.

## **2. Agreements for Periodical Payments**

- a) Ratepayers who are unable to pay rates and charges and/or water usage charges by the due date, either because of reasons beyond their control or because payment would cause hardship, may apply to enter into an agreement with Council to make periodical payments [ henceforth called the 'Agreement']. The payments made under this said agreement should adequately repay the rates and charges levy.
- b) In order for such an agreement to be considered a 'Payment Arrangement' form is to be completed subject to mutual agreement of payment amounts (appendix 1). The ratepayer is to specify the dates and the amounts that are to be paid and an appropriate contact number and address must be supplied to Council.
- c) Verbal agreements shall not provide a reprieve from the debt recovery process.
- d) If a ratepayer fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding rates and charges and/or water usage and accrued interest shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.
- e) If a sundry debtor fails to meet the terms of an agreement, the agreement shall be terminated and the full amount of the outstanding sundry debt shall be due and payable immediately. Recovery action shall be taken immediately for recovery of the amount due and payable.

## **3. Writing off Accrued Interest:**

- a) Applications for writing off accrued interest under the hardship provisions of the Local Government Act 1993 shall be determined on the merits of each individual case, on the basis of whether or not the hardship criteria have been satisfied by the applicant and a proper opinion can be formed.
- b) All applications for writing off accrued interest must be made in writing.

## **4. Writing Off by Resolution:**

Rates and/or Charges (including accrued interest) or other debts can only be written off by resolution of Council.

## **5. Miscellaneous Debtors:**



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- a) The debt must be greater than \$300.00 to be considered for legal recovery process.
- b) If the debt is not satisfactorily resolved within twelve (12) months, the debt is to be recommended for adjustments or write-off.

## **RATING POLICY – PENSIONER CONCESSIONS**

### **Purpose**

To ensure that all applications for the statutory pensioner concession are managed equitably and in compliance with current legislation.

### **Introduction**

Eligible pensioners are entitled to a statutory pensioner concession provided for under Section 575 of the Local Government Act, 1993.

## **1. ELIGIBILITY CRITERIA**

### **1.1 Eligible Persons**

The person must be an eligible pensioner. Eligible pensioners are those who receive any of the following:

- A pension, benefit, or allowance under Chapter 2 of the *Social Security Act 1991* (Cth), and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- A service pension under part III of the *Veterans' Entitlements Act 1986* (Cth) and hold a pensioner concession card issued by or on behalf of the Commonwealth Government;
- A pension from the Commonwealth Department of Veterans' Affairs, who are also eligible for a pensioner concession card from centrelink;
- A general rate pension adjusted for extreme disablement under section 22(4) of the *Veterans' Entitlements Act 1986* (Cth), or a special rate of pension under section 24 of that Act.

### **1.2 Other Conditions of Eligibility for Concession**

The pensioner concessions are granted where a pensioner/owner or joint pensioner/owners:-

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- Occupy a *dwelling* on the property, for which a concession is sought, as their sole or principal place of abode. Rebates are not granted for vacant or unoccupied land.
- Do not reside on the land subject to the rates in respect of which a rebate is claimed during periods of hospitalisation or convalescence (*subject to eligibility reviews*).
- Do not rent the property.
- Where an application is received for a rebate of rates payable on land held in joint ownership, the applicant pensioners are granted a rebate in accordance with the above and in accordance with the proportion of their interest in the premises.
- A rebate is granted to an eligible pensioner where the land is owned by the Estate of a deceased person and is occupied by the eligible pensioner, who is liable for the payment of rates. This is subject to the granting of probate and the production of documentary evidence of a life tenancy agreement by the eligible pensioner.

### **1.3 Liabli for the Payment of the Rates**

The eligible person must be solely liable, or a person jointly liable with one or more other persons for the rates and/or charges levied on that property.

## **2. APPLICATION FOR CONCESSION**

### **2.1 Application Form**

The eligible person must fully complete the Pensioner Concession Application Form shown in Annexure A. Applicants must sign the customer consent, which allows Council to confirm with appropriate Government agencies, the accuracy of the details provided by the applicant. Applicants who fail to sign this section will not be granted the rebate.

### **2.2 Evidence**

Evidence in the form of the Pensioner Concession Card provided by Centrelink must be produced as evidence when applying for the concession. A rebate will not be granted without providing this evidence.

### **2.3 Confirmation**

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Council will from time to time, and at least annually, use the electronic Pensioner Confirmation Service provided by Centrelink to confirm eligibility.

### **3. APPLYING THE CONCESSION**

#### **3.1 Date of Grant**

##### *After first day of current financial year*

If a person becomes an eligible pensioner after the first day of the current financial year, the amounts of the rebate will be proportioned to the number of full quarters remaining after the day on which the person becomes an eligible pensioner.

##### *Before the first day of current year*

If a person had become an eligible pensioner prior to the start of the current financial year they will be eligible only for the full annual rebate for the current financial year. A pensioner concession rebate will not be back dated beyond the start of the current financial year.

#### **3.2 Value of Rebate**

The amounts of the concession available on an annual basis (current as at 1 July 2009) are:

- Up to \$250.00 on all ordinary rates and domestic waste management service charges; and
- Up to \$87.50 on water supply service charge; and
- Up to \$87.50 on Domestic Waste service charges.

### **4. Payment Options**

Under Council's policy, eligible pensioners have three payment options:-

- Pay the full amount of rates as set out on the Rates Notice by the due date;
- Pay the full amount of the rates as set out on the Rates Notice by four instalments. Details of this option and amounts payable each quarter and the due dates are included on the Rates Notice.
- Special payment arrangements can be made with Council whereby rates are paid over an extended period at an agreed amount. For example, a pensioner may request to pay their rates at \$50.00 per month, ensuring that the agreed amount paid will satisfy the total amount owing for rates.

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## **RECOMMENDATION**

That Council delete Operational Policy 2.1 – Debt Recovery and adopt a Rates and Revenue Policy which includes as separate sub-policies the Payment of Rates Policy and Pensioner Concessions Policy, with others to be added as the need arises.

## **2.6 SHORTFALL IN SECTION 44 CLAIM (DECEMBER 2006-JANUARY 2007)**

### **Background**

There is a balance in Sundry Debtors as at 30/06/09 of \$35,213.72 outstanding relating to the Section 44 Fires in December 06/January 07.

This is another longstanding problem which has not been resolved and has been discovered by the contractor preparing our annual statements for 2008/2009.

### **Report**

Council has made claims with the Rural Fire Services for costs incurred during the December January Fires in 2006/2007.

Enquiries to the finance department at Rural Fire Service Headquarters disclosed that the \$35,213.72 was not paid for the following reasons:

- a) Some of the claim was outside the 90 day limit for Section 44 Claims
- b) Supporting documentation was not provided for part of the claim and
- c) Capital purchases were made which are ineligible for reimbursement.

Rural Fire Service also stated categorically that it will not be paid.

A detailed breakdown of the \$35,213.72 will be provided prior to the meeting.

## **RECOMMENDATION**

That Council resolve to write off the outstanding balance of \$35,213.72 because it is not recoverable.

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

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

Dear Sir

Attached is my report for consideration by Council

**DIRECTOR OF TECHNICAL SERVICES**

**ANNEXURE 3**

## **3.1 SHIRE ROAD INSPECTIONS**

### **Background**

Road Operations staff have been undertaking written inspections on Council's local road network since July 2008. The inspections form developed by Road Operations attempts to establish a condition rating that is easy to understand, quick to apply and consistent enough to provide comparison between roads. The second section of the inspection records hazards on the network, identifying hazard type, location, action taken and a risk rating from a local roads risk assessment reckoner.

These written assessments satisfy Council's obligation to regularly inspect the network while also allowing Council to compare road condition (for prioritising work).

### **Issues**

The trial period for these assessments has proven beneficial with recorded data allowing road comparison, aiding in response to complaints and an active risk rating for every shire road. Inspection frequency has been set according to road category and recognises the correlation between traffic movements and Council's exposure to risk. Increased traffic volumes are reflected in road category and as such are inspected more regularly. Given that the trial has provided reliable assessment of the network, Council needs to adopt these inspection procedures to allow their use in defending Council against claims arising from either road condition or hazards occurring on local roads.

### **Financial Considerations**

Council has budgeted for road inspections to be carried out according to the inspection sheets.

### **RECOMMENDATION**

That Council adopt the road inspection documents (attached) as Council's road inspection procedure.

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### Warrumbungle Shire Council Sealed Inspection Checklist

Category 1 Local Roads Frequency - Monthly  
Category 2 Local Roads Frequency - Quarterly  
Category 3 Local Roads Frequency - Half Yearly

Road Name :		Category :		Date :		Inspector :	
Road Name :		Category :		Date :		Inspector :	
Road Name :		Category :		Date :		Inspector :	
Road Name :		Category :		Date :		Inspector :	
Defects		Severity	Rating	Hazards		Action Taken	Rating
Edgebreak	1 = <75mm and <10%						
	2 = <75mm and 10 - 30%						
	3 = >75mm or > 30%						
Potholes	1 = <20mm deep, <100mm Diameter						
	2 = 20-60mm deep, >200mm Diameter						
	3 = >60mm deep, >300mm Diameter						
Grass Cutting	1 = <150mm high						
	2 = 150 - 300mm high						
	3 = >300mm high						
Pavement Failures	1 = >80% average speed						
	2 = 70 - 80% average speed						
	3 = 60 - 70% average speed						
	4 = 50 - 60% average speed						
	5 = <50% average speed						
Table Drains	1 = minimal ponding no pavement failures						
	2 = 10 - 30% ponding some pavement failures						
	3 = >30% ponding pavement failure obvious						
Culverts	1 = 0 - 20% blocked						
	2 = 20 - 50% blocked						
	3 = >50% blocked						
Roadside Furniture	1 = no signs missing, guardposts on culverts						
	2 = <20% signs or guardposts missing						
	3 = >20% signs or guardposts missing						
<b>Total Defect Score</b>							

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**Warrumbungle Shire Council  
Unsealed Inspection Checklist**

Category 1 Local Roads      Frequency - Monthly  
 Category 2 Local Roads      Frequency - Quarterly  
 Category 3 Local Roads      Frequency - Half Yearly

Road Name : \_\_\_\_\_  
 Category : \_\_\_\_\_  
 Date : \_\_\_\_\_  
 Inspector : \_\_\_\_\_

Defect	Severity	Rating	Hazard / Location	Action Taken	Rating
Unsealed Corrugations	1 = >80% average speed				
	2 = 70 - 80% average speed				
	3 = 60 - 70% average speed				
	4 = 50 - 60% average speed				
	5 = <50% average speed				
Unsealed Potholes	1 = >80% average speed				
	2 = 70 - 80% average speed				
	3 = 60 - 70% average speed				
	4 = 50 - 60% average speed				
	5 = <50% average speed				
Unsealed Restitching	1 = 0 - 5% exposed subgrade				
	2 = 5 - 10% exposed subgrade				
	3 = 10 - 20% exposed subgrade				
	4 = >20% exposed subgrade				
Table Drains	1 = minimal ponding				
	no pavement failures				
	2 = 10 - 30 % ponding				
	some pavement failures				
Culverts	3 = >30% ponding				
	pavement failure obvious				
	1 = 0 - 20% blocked				
Roadside Furniture	2 = 20 - 50% blocked				
	3 = >60% blocked				
	1 = no signs missing, guideposts on culverts				
	2 = <20% signs or guideposts missing				
	3 = >20% signs or guideposts missing				
<b>Total Defect Score</b>					

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## Local Roads Risk Assessment Reckoner

Consequence How Bad is it Likely To Be	Probability How Likely is it To Happen				Rare / Very Unlikely Could Happen but Probably Never Will
	High/very likely: Could Happen at any time	Medium/Likely: Could Happen Sometime	Low / Unlikely Could Happen but Very Rarely		
1: Kill or Cause Permanent Disability Vehicle or Vehicles a write off	1	1	2	3	3
2: Long Term Illness / Permanent Injury Vehicle needs to be towed from scene	1	2	3	4	4
3: Medical Attention and Time Off Work Vehicle may lose control / Some Damage	2	3	4	5	5
4: First Aid Needed Vehicle May Require Mechanical Assistance	3	4	5	6	6

<b>Risk Rating</b>	<b>Minimum Action Required</b>	<b>Notify</b>
1	Rectify immediately or signpost appropriately until defect is rectified.	Manager
2	Signpost defect if necessary and schedule at weekly meeting.	Supervisor
3	Raise at weekly meeting and prioritise, may include in annual programs.	Meeting
4	Include for consideration in annual programs.	Meeting
5	No action required	NA
6	No action required	NA



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## **3.2 2009/10 REGIONAL ROAD REPAIR PROGRAMME – CHANGE IN LOCATION OF PROPOSED WORKS**

### **Background**

Council applied and received funding for the following works on MR55 under the 2009/2010 REPAIR programme:

- *MR55 widen shoulders, 150mm overlay and seal 9.36 -10.36km in segment 33, and from 17.91 – 20.86km in segments 65 and 66.*

Segments 65 and 66 are located north of Coolah near Kurrajong Park. These segments were recommended to Council in 2008 by the Director Technical Services on the basis of condition relative to other segments along the full length of MR55. However, the rate of pavement deterioration on MR55 particularly around Hannahs Bridge over the Coolaburragundy River is much higher than expected and higher than that occurring in segments 65 and 66.

It is proposed to change the scope of work under the 2009/2010 REPAIR programme so that widening and rehabilitation of the pavement occurs on the road approaches to Hannahs Bridge. Council's approval is sought for this proposed change of scope

### **Issues**

The deterioration of the road pavement on the road approaches to Hannahs Bridge is adversely impacting upon road safety in this area. The edges of the bitumen seal are deteriorating as is overall surface roughness of the pavement. Furthermore, the road pavement to the south of Hannahs Bridge has been upgraded in recent years and northbound motorists are presented with a change in surface condition on a curve in the road and at a bridge site.

Changing the scope of works on a project funded under the REPAIR programme must be approved by the RTA prior to works commencing. That is, should Council decide to change the scope of works it must also be approved by the RTA.

### **Options**

Council has discretion in this matter. Any change in project scope must attract the same merit points on the assessment form used by the RTA.

### **Financial Considerations**

The budget allocation for the 2009/2010 REPAIR Programme project on MR55 is \$800,000 and this will not change with a change in scope. The works associated with segment 33 include 1km of road widening and rehabilitation and this work is expected to cost around \$400,000. A similar length of road works will be undertaken around Hannahs Bridge under the proposed change in project scope.

## **RECOMMENDATION**

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That the scope of works under the 2009/2010 RTA REPAIR Programme be changed by including segment 27 in the project scope and deleting reference to segment 66 and 65.

### **3.3 2010/2011 REGIONAL ROAD REPAIR PROGRAM**

#### **Background**

The RTA is inviting funding submissions from Councils for eligible projects under the 2010/2011 REPAIR program. Submissions close 30 October 2009. All 28 Councils in the RTA Western Region have an opportunity to submit a project on any regional road in their Shire. A project assessment sheet must be completed for each proposal and points are determined based on a range of assessment criteria. The RTA western region is allocated funding for the REPAIR program and only projects with points above a determined cut off score are allocated funding from the pool. Funding is only available for 50 percent of the estimated total project cost.

#### **Issues**

The cut off score for projects last year was 26 points and Council obtained funding for the pavement widening and rehabilitation works on MR55 with a project point score of 29. Last year Council approved a forecast program as follows;

Project No.	Project Description	Point Score	Total Project Cost		
			2009/10	2010/11	2011/12
1	Rehabilitation of Segments 33 (south of Coolah), 65 and 66 (north of Coolah) on MR55	29	\$800,000		
2	Realignment of vertical and horizontal approaches to Yuggel Creek on MR129 with initial of 0.6km	26		\$800,000	
3	Realignment of vertical and horizontal approaches to Saltwater Creek No 2 on MR129 with initial seal of 1.1 km	27			\$800,000
<b>Total</b>			<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>

Council has traditionally funded projects on either MR55 (Black Stump Way) or MR129 (Purlewaugh Road) or both. The project on MR129 has been ongoing for at least 15 years and to complete the overall project involves completion of waterway crossings and associated approach works at Yuggel Creek and Saltwater Creek No 2.

The traffic volume on MR55 is the highest of any of the regional roads in the Shire and improvement works involve widening and strengthening with an overlay of road base.

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## Options

Council has the option of making a submission for projects on MR129 and MR55 similar to last year or alternatively, Council may nominate other projects on regional roads. Other improvement projects on regional roads include those in the following table. However, given that the cut off point score for 2009/2010 was 26, these projects may not receive funding.

<i>Project Location</i>	<i>Project Description</i>	<i>Indicative Point Score under current assessment criteria</i>
<i>Blackburn's Hill MR 4053</i>	<i>Drainage and pavement rehabilitation</i>	<i>20</i>
<i>McGanns Crossing MR129</i>	<i>Medium sized culvert structure</i>	<i>22</i>
<i>Wieses Hill, MR129</i>	<i>Realignment of substandard curves and widening</i>	<i>24</i>
<i>Moe Creek, MR396</i>	<i>Bridge structure to improve vertical alignment</i>	<i>24</i>

## Financial Considerations

The maximum amount that any one Council can receive from the RTA under the REPAIR program is \$400,000, that is, total project cost of \$800,000. In previous years, most of Council's matching 50% contribution is funded from the block grant and from the Roads to Recovery program. The proposed forecast program is as follows:

Project No.	Project Description	Total Project Cost		
		2010/11	2011/12	2012/13
1	Realignment of vertical and horizontal approaches to Yuggel Creek on MR129 with initial seal of 0.6km.	\$800,000*		
2	Realignment of vertical and horizontal approaches to Saltwater Creek No 2 on MR129 with initial seal of 1.1 km		\$800,000*	
3	Rehabilitation and widening of MR55 south of Coolah, Segments 29 & 30.			\$800,000
<b>Total</b>		<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>

\* Preliminary costs only. It is expected that actual project cost of Saltwater Creek No 2 project will exceed available funding under the REPAIR programme.

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## RECOMMENDATION

That Council's priority for REPAIR programme funding in 2010/11 and forecast programme is as follows:

Project No.	Project Description	Total Project Cost		
		2010/11	2011/12	2012/13
1	Realignment of vertical and horizontal approaches to Yuggel Creek on MR129 with initial seal of 0.6km.	\$800,000		
2	Realignment of vertical and horizontal approaches to Saltwater Creek No 2 on MR129 with initial seal of 1.1 km		\$800,000	
3	Rehabilitation and widening of MR55 south of Coolah, Segments 29 & 30.			\$800,000
<b>Total</b>		<b>\$800,000</b>	<b>\$800,000</b>	<b>\$800,000</b>

.....  
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 JACKSON STREET INDUSTRIAL SUBDIVISION**

Council has previously resolved to prepare a Local Environmental Plan to reclassify the land known as lot 1 DP 1033599 Jackson Street Coonabarabran from community land to operational land to allow for subdivision and sale of separate lots. The reclassification process is progressing smoothly with the LEP currently on exhibition and a public hearing scheduled for late November to allow Council to consider the results of the exhibition and public hearing at its December meeting.

To be able to sell land to potential purchasers Council also needs to be concurrently providing the water and sewer connections and obtaining the subdivision certificate to obtain separate title to each lot.

The design and provision of water, sewer, drainage and road works to the whole subdivision is a major task which will require considerable time and expense to achieve. Council's best option to begin the development of the subdivision and provide land for immediate development would be to develop proposed lot 20 now as it requires the least Council investment via a short sewer main extension and a water connection. The cost of the sewer extension is not known at this stage and will need to be confirmed and a decision made regarding the merits of the extension relative to the expected return from the sale of the land.

The further development of the subdivision needs to be determined after Council considers a more comprehensive report from the team leader for tourism and economic development once the outcome of Council's interest free loan application to the NSW Government is known.

A copy of the previously approved plan of subdivision is attached for information.

### **RECOMMENDATION**

1. That Council agrees to carryout the works necessary to obtain a subdivision certificate for proposed lot 20 on the approved plan of subdivision without further delay subject to the Mayor and General Manager accepting a quotation for the

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extension of the sewer main to the land and being satisfied that the reserve price for the lot will adequately compensate Council for the cost of developing the land.

2. That Council staff investigate the most appropriate means of staging the next release of land and report at a future Council meeting once the outcome of loan funding applications has been made public.
3. That the lot created in stage one of the subdivision be offered for public auction with a reserve price set for the land based on an independent valuation of the market price by a registered valuer.

#### **4.2 DEVELOPMENT APPLICATION FOR DETERMINATION – DA 105/0910 SUBDIVISION OF ONE (1) LOT INTO TWO (2), LOT 22, DP 263478, TIBUC ROAD, COONABARABRAN.**

**DATE LODGED:** 2 March 2009

**ISSUES:** Bushfire prone, lot size, insufficient information received, non compliance with SEPP Rural Lands (2008), Coonabarabran LEP 1990, Council's DCP No. 3 Rural Land

**SUBMISSIONS:** Nil

**RECOMMENDATION:** Refusal

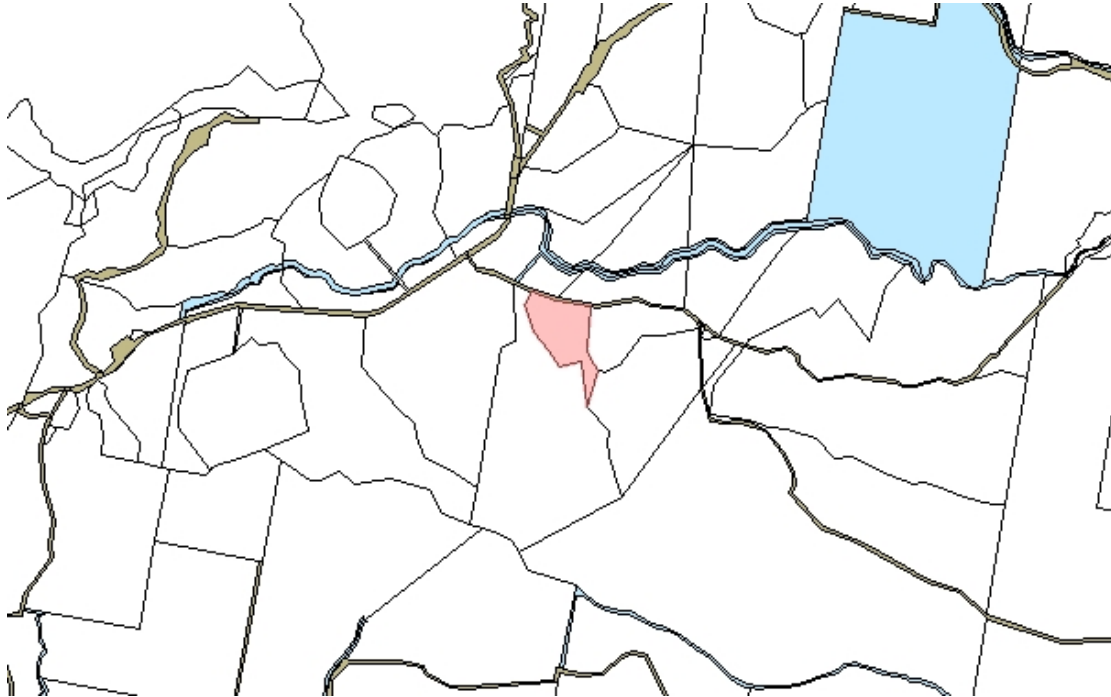
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## **LOCALITY MAP**



## **DESCRIPTION OF PROPOSAL**

The proposed development is the subdivision of one (1) lot into two (2) at 'Raglan' Tibuc Road Coonabarabran. The size of the existing allotment is 20.02ha and the proposed lots 220 and 221 will be 19.4ha and 5500m<sup>2</sup> respectively.

## **STATUTORY CONTROLS**

Environmental Planning & Assessment Act 1979

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (Rural Lands) 2008

Coonabarabran Local Environmental Plan 1990

- Zoning – Rural 1 (a)  
S94 Contributions  
Integrated Development

## **POLICY CONTROLS**

Coonabarabran Section 94 Contributions Plan

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## **DESCRIPTION OF LOCALITY**

The subject site is identified as Lot 22 in DP 263478, 'Raglan' Tibuc Road Coonabarabran. The subject site is located approximately 600m along the southern side of Tibuc road, south of Timor Road.

## **RELEVANT HISTORY**

A leadlighting workshop and gallery was approved on the subject site on 17 February 2003, a bed and breakfast was approved under Complying Development on 27 May 2004 and a shed was approved on 27 June 2005. The current application was lodged with Council on 2 March 2009.

## **REFERRALS**

### **Engineering/Traffic**

The application was referred to Council's Director of Technical Services on 19 March 2009. It was recommended that an access easement be provided through Lot 221, or alternatively new access be provided for Lot 220 in accordance with RTA Road Design Guide figure 4.9.7 at a location with a stopping sight distance with a design speed of 80km/hr.

### **External Referrals for Concurrence**

#### **NSW Rural Fire Service**

Insufficient information was received, with regard to a bushfire assessment. As such, the application was not able to be referred to the NSW Rural Fire Service.

## **SUBMISSIONS**

The application was not publicly notified as insufficient information was received with regard to the application.

## **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 not permissible as a subdivision within the Rural 1 (a) zone.



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## 2. Zone Objectives

The proposed subdivision of one (1) lot into two (2) is not consistent with the zone objectives of the Rural 1 (a) zone. The minimum lot size prescribed by the Coonabarabran LEP 1990 for the Rural 1 (a) zone is 500ha. The lot is already much smaller than this and the further subdivision will provide for further fragmentation of the rural land. The existing allotment is already one of the smallest in the immediate vicinity.

## 3. General considerations for development within rural zones (Clause 10)

- (1) *The Council shall not consent to an application to carry out development on land within Zone No 1 (a), 1 (b) or 1 (c) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:*
- (a) *the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production,*
  - (b) *vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),*
  - (c) *the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,*
  - (d) *the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including Aboriginal relics and places,*
  - (e) *the cost of providing, extending and maintaining public amenities and services to the development, and*
  - (f) *future expansion of settlements in the locality.*
- (2) *In addition to the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land or on other land in the locality.*
- (3) *Subclause (1) does not apply to the development, being:*
- (a) *an addition to a building or work,*
  - (b) *development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or*
  - (c) *the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purpose of a dwelling.*

In assessment of the application the cost of providing, extending and maintaining public amenities and services to the development has been considered. It is considered that the effect of the carrying out of the proposed subdivision will not result in extra cost for unnecessary public amenities and services.

## 4. Subdivision of land generally (Clause 11)

- (1) *A person shall not subdivide land to which this plan applies except with the consent of the Council.*
- (2) *The Council shall not consent to an application to subdivide land within Zone No 1 (a), 1 (b) or 1 (c) unless it has obtained all relevant information in relation to, and made an assessment of:*
- (a) *the primary purpose for which each allotment to be created by the subdivision is intended to be used,*
  - (b) *whether any allotment to be created by the subdivision is intended to be used primarily for the purpose of agriculture, and*

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- (c) *whether a dwelling is intended to be erected on any allotment to be created by the subdivision and the approximate location of any such dwelling.*

The existing allotment has three (3) existing buildings, two (2) dwelling-houses and a shed. The proposed subdivision would result in a dwelling-house on each proposed allotment. The applicant has not indicated the primary purpose for each proposed allotment.

## **5. Subdivision for the purposes of agriculture in Zone No. 1 (a) (Clause 12)**

- (1) *Subject to subclause (2), the Council may consent to the creation of an allotment within Zone No 1 (a) (of any area) if the Council is satisfied it is intended to be used for the purposes of agriculture.*
- (2) *The Council shall not consent to the creation of an allotment within Zone No 1 (a) if the Council is satisfied that it is intended to be used for the purposes of agriculture, the allotment has an area of less than 500 hectares and there is a dwelling on the allotment.*
- (3) *Notwithstanding subclause (2), the Council may consent to the creation of one, but not more than one, but not more than one allotment that the Council is satisfied is intended to be used for the purpose of agriculture from an existing holding within Zone No 1 (a) on which a dwelling stands if that dwelling was lawfully erected on the land on or before the appointed day.*

The applicant has not indicated that either of the proposed lots will be used for agriculture and as such, Clause 12 of the Coonabarabran LEP 1990 does not apply.

## **6. Subdivision for other purposes in Zone No. 1 (a) (Clause 14)**

A dwelling-house will be located on each of the proposed allotments, and as such, Clause 14 of the Coonabarabran LEP 1990 does not apply.

## **10. Dwellings in Zone No. 1 (a) (Clause 19)**

Neither of the proposed lots are vacant land and as such, Clause 19 of the Coonabarabran LEP 1990 does not apply.

## **12. Erection of additional dwellings in Zones Nos. 1(a), (b) & (c) (Clause 21)**

There are no additional dwellings proposed as part of the proposed development.

## **16. Land subject to bushfire hazard (Clause 26)**

The subject site is identified as bushfire prone land on Council's bushfire prone land map. No information has been provided by the applicant with regard to bushfire hazard to the proposed allotments.

## **20. Access (Clause 32)**

*A person, other than the Council, shall not construct a road which has access to a public road except with the consent of the Council.*

Details of legal access to proposed Lot 220 have not been supplied by the applicant.

## **STATE ENVIRONMENTAL PLANNING POLICIES**

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## **State Environmental Planning Policy No. 55 – Remediation of Land**

The subject property has a history of rural 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.

## **State Environmental Planning Policy (Rural Lands) 2008**

The proposed development is inconsistent with Clause 7 (rural planning Principles) of SEPP Rural Lands 2008. It is considered that the proposed location for the subdivision is not an appropriate location, being a Rural 1 (a) zone. Under Clause 8 of SEPP Rural Lands 2008 the Rural Subdivision Principles include *the minimisation of rural land fragmentation*. It is considered that the subdivision of the subject site would result in rural land fragmentation.

## **REGIONAL ENVIRONMENTAL PLANNING POLICIES**

### **Orana Regional Environmental Plan 1990**

The proposed development is consistent with the Orana Regional Environmental Plan 1990.

## **DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft environmental planning instruments that apply to the subject site.

## **DEVELOPMENT CONTROL PLANS**

The application has been assessed against the provisions of the Coonabarabran Shire Council DCP No. 3 Rural Lands. The proposed development is inconsistent with the aims of DCP 3 *to provide for legitimate rural residential development*. Legitimate rural residential development is adequately provided for within the Rural 1 (b) and Rural 1 (c) zones within the Warrumbungle Shire Council LGA.

The proposed road frontage of Lot 221 is not consistent with DCP 3. Clause 4.8.1 requires the minimum frontage to a main road, local road or public road to be 200m if the access is provided by that road. Proposed Lot 221 has a road frontage of 61m to the local access road, Tibuc Road.

## **SECTION 94 CONTRIBUTIONS**

A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Coonabarabran Section 94 Contributions Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

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<b>A</b>	<b>B</b>
Roads & Traffic Facilities	\$ 3309.00
Bushfire Contribution	\$ 445.00
<b>TOTAL CONTRIBUTION</b>	<b>\$ 3754</b>

## **REGULATIONS**

There are no clauses of the regulations that specifically apply to the proposed development.

## **LIKELY IMPACTS OF DEVELOPMENT**

### **Context and Setting**

The size, shape and design of the proposed allotments are not consistent with the local context of the subject site. The surrounding allotments have areas of 27.63ha, 46.91ha, 86.86ha, 20.56ha, 50.12ha, 124.1ha, 105.7ha. The proposed subdivision to create two (2) lots with areas of 19.4ha and 5500m<sup>2</sup> are not consistent with the surrounding area within the Rural 1 (a) zone.

### **Access, Transport and Traffic**

Details of proposed access to Lot 220 have not been provided with the application.

### **Utilities**

Both proposed allotments will have access to electricity, telephone and water.

### **Natural Hazards**

The subject site is identified on Council's Bushfire Prone Land Maps as being bushfire prone. As such, a bushfire report was requested from the applicant on 3 September 2009. No information was received by Council.

### **Cumulative Impacts**

The proposed development is recommended for refusal as, if it was approved a precedent would be set in which a subdivision would be approved with no compliance with the Coonabarabran Local Environmental Plan 1990 which would be illegal and leave Council open to legal challenge by a third party.

## **SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

- The proposal does not fit in the locality. The subdivision of a 5500m<sup>2</sup> allotment in the middle of a Rural 1 (a) zone is not an appropriate form of development for the subject site.
- The site attributes, natural hazard in the form of bushfire, are not conducive to the development.

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## **THE PUBLIC INTEREST**

The proposal is not considered to be in the public interest given its non-compliance with Coonabarabran Local Environmental Plan 1990.

## **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

## **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 Carparking 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 (context, setting, access, natural hazards, cumulative impacts) and the objectives of the zone (inconsistent proposed lot areas) and the objectives of the controls (Council's DCP 3, SEPP Rural Lands) as outlined in this report and as such, consent must not be granted.

## **RECOMMENDATION**

1. That pursuant to the provisions of section 80 of the Environmental Planning and assessment act 1979, Council refuse development consent to Development Application No. 85/2009 for development of the subdivision of one (1) lot into two (2) on land at Lot: 22 DP:263478, 'Raglan' Tibuc Road Coonabarabran, for the following two (2) reasons:-
  - (a) The applicant has provided insufficient information to allow Council to determine the application.

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(b) Non-compliance with the State Environmental Planning Policy Rural Lands (2008), Coonabarabran LEP 1990 and Council's DCP No. 3 Rural Lands.

## **4.3 RURAL SUBDIVISION REQUIREMENTS FOR WATER AND ELECTRICITY**

### **Purpose:**

To provide guidance for developers seeking to subdivide land within the Warrumbungle Shire and to provide consistency in conditions on Notices of Determination. These guidelines outline Council's general procedures and practices.

### **1. Electricity**

At present, development applications regarding subdivision are required to have low voltage power as a condition of development consent. Consultation with ten (10) Councils in the region resulted in the following results:

<b>Council</b>	<b>Requirement for electricity</b>
<b>Coonamble</b>	Power available at boundary
<b>Gilgandra</b>	No requirement
<b>Gunnedah Shire Council</b>	Low voltage electricity required at boundary
<b>Liverpool Plains Shire Council</b>	Rural Residential: Low Voltage power required Rural: between developer and Country Energy
<b>Mid-Western Regional Council</b>	Either power at boundary or 88B restriction on land indicating that there is no reticulated power
<b>Muswellbrook Shire Council</b>	Power is required on each site, details left up to Energy Australia
<b>Narrabri Shire Council</b>	Between developer and Country Energy
<b>Tamworth Regional Council</b>	Notice of requirements provided by applicant unless they can show that its impractical and require solar
<b>Upper Hunter Shire Council</b>	Details left up to Energy Australia
<b>Wellington Regional Council</b>	Evidence from Country Energy that power is available

Consultation with Country Energy raised concerns that blocks that were not required to have power would then have difficulty in gaining easements over land to get power at a later stage. It was advised that at subdivision stage, a 20m wide easement should be created from the connection point of the existing network to each lot boundary, to provide future occupants of the land with an opportunity to have electricity.

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Mid-Western Regional Council refer applications to Country Energy at notification stage. Country Energy suggested this option for Warrumbungle Shire Council, in order that Council might be made aware of any issues early on in the development process. The application could be either formally referred to Country Energy, with 21 days for a response, or informally referred with a response preferred but not essential.

With consideration of comments provided by Country Energy, one of the following are required.

*In the instance that power is available to the subject site the following condition is to be applied to the Notice of Determination:*

- A notice of arrangements or a certificate of acceptance to connect to electrical services shall be provided to the Certifying Authority with the Subdivision Certificate.

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

*If, in the instance that Council determines it to be unreasonable to provide power to a site, the following condition is to be applied to the Notice of Determination:*

- An easement for electricity 20m wide shall be created from the connection point of the existing electricity network to each proposed allotment. This easement shall be registered on the title of the relevant lots, naming Warrumbungle Shire Council and Country Energy as the authorities empowered to release or modify the same.

## **2. Water**

### **Background:**

Council's existing conditions for water include requiring each lot in a rural or rural residential subdivision to provide a bore (with a rate of 600 gallons/hr). Council's DCP 11 – Bushfire Protection requires a domestic water tank when a dwelling is erected on an allotment. At least 45,000 litres (approximately 10,000 gallons) storage shall be provided for domestic purposes.

A survey was conducted of ten (10) Local Government Area's in the region (Coonamble, Dubbo, Gilgandra, Gunnedah, Liverpool Plains, Mid-Western, Muswellbrook, Narrabri, Tamworth and Upper Hunter).

Ten (10) out of the Ten (10) Council's surveyed did not have any standard conditions regarding water at subdivision stage. Water requirements are imposed at dwelling stage for each of the above Councils.

All rural subdivisions are referred to the NSW Rural Fire Service under Section 100B of the Environmental Planning and Assessment Act 1979. Water requirements are addressed by the RFS and, if required are applied as conditions of consent.

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It does not seem necessary to continue having a requirement for water at the subdivision stage.

## **RECOMMENDATION**

That in dealing with subdivision applications Council adopts the following policies in relation to the provision of power and water supplies:

1. That no water condition be imposed at subdivision stage (unless requested by NSW Rural Fire Service or the new lots are practically connected to town reticulated water) and that the matter be dealt with as part of the dwelling development application
2. With consideration of comments provided by Country Energy, one of the following are required.

*In the instance that power is available to the subject site the following condition is to be applied to the Notice of Determination:*

A notice of arrangements or a certificate of acceptance to connect to electrical services shall be provided to the Certifying Authority with the Subdivision Certificate.

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

*If, in the instance that Council determines it to be unreasonable to provide power to a site, the following condition is to be applied to the Notice of Determination:*

An easement for electricity 20m wide shall be created from the connection point of the existing electricity network to each proposed allotment. This easement shall be registered on the title of the relevant lots, naming Warrumbungle Shire Council and Country Energy as the authorities empowered to release or modify the same.

## **4.4 DRAFT SECTION 94A CONTRIBUTIONS PLAN**

Councillors have previously expressed an interest in creating a Section 94A contributions plan adopted for the whole shire as a matter of urgency. 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 new Section 94A contributions plan provisions allows Council's to levy a contribution toward the cost of provision of public facilities based purely on a percentage of the cost of all development over \$100000. 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 made at subdivision stage. The 94A plan basically shifts the trigger for contributions from the lot creation stage to the



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construction stage so that a broader type of development is captured such as large developments on existing rural lands.

Council currently operates two Section 94 plans with one under each LEP. The Coonabarabran plan has generated significant amounts of funding over the years for water, sewer and road works however, the Coolah plan seems to be less than effective in raising income.

The attached draft contributions plan is provided for Councillors to consider the percentage to be charged, types of development to be levied and the proposed works schedule to be achieved with the money raised by the plan. To progress the plan to seeking Department of Planning consent decisions need to be made regarding these matters. In determining the works schedule Council should be mindful of the selection criteria in page 4 of the document and as a guide some projects have been listed by staff in the pools and community services areas. Council must restrict the works schedule to those items that it has reasonable grounds to believe are achievable in the period of the plan. With this fact in mind it is considered that smaller more achievable projects should be preferred over a grand large scale project.

## **RECOMMENDATION**

1. That Council adopt the draft format and general content of the Draft Warrumbungle Shire Council Section 94A (Indirect Community Infrastructure Contributions) Plan 2009 and determine the list of items to be included in the works schedule to the document.
2. That the plan be placed upon public exhibition and submissions sought after consultation and agreement with the Department of Planning in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

## **4.5 WARRUMBUNGLE ENFORCEMENT POLICY**

Council is aware that the Department of Local Government will be conducting a review of its operating procedures in the near future as part of a formal best practice review. The department's website contains checklists of matters that will be investigated and the Environmental Services section has been reviewing the checklists to allow for a better compliance rating once the review has been carried out and to improve current practices.

Under the Department of Local Government promoting better practice program, Council is required to have an enforcement policy to advise its staff and the public in their decision making processes when enforcing regulations.

A draft policy has been produced and attached for Council consideration.

## **RECOMMENDATION**

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Council adopt the Warrumbungle Shire Council Enforcement Policy as provided in annexure 1 to this report and that a copy be placed in Council's policy register and on the Council website for public access.

Annexure 1

## **Warrumbungle Shire Council "Enforcement Policy"**

### **PREFACE**

Warrumbungle Shire Council is involved in a broad range of regulatory activities.

In recognition of the regulatory responsibilities of all Councils, the NSW Ombudsman in June 2002 published "Enforcement Guidelines for Councils" which included a model enforcement policy. The guidelines and model policy were used as the basis for developing the Warrumbungle Shire Council Enforcement Policy.

The enforcement policy reflects the need for the decision making processes of Council's authorised officers to be carried out in a transparent, efficient, fair and consistent manner while having regard to all the circumstances in each case.

### **TITLE**

This policy ("the policy") is called the Warrumbungle Shire Council Enforcement Policy.

### **1. PURPOSE**

The purpose of this policy is to:

- Acknowledge Council's obligation under Section 8 of the Local Government Act 1993 to ensure that its regulatory powers are applied in a consistent manner and without bias, and
- Provide a proactive policy statement regarding the enforcement and compliance with legislation and/or condition/s of development consent, and
- Foster prompt, consistent and effective action by the Council in response to allegations of unlawful activity whilst ensuring that the principles of natural justice are respected.

### **2. POLICY OBJECTIVES**

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with proactive regulatory action by the Council and customer service requests or complaints about unlawful activity. It provides guidelines on:

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- a) How to assess whether complaints of unlawful activity require investigation'
  - b) Options for dealing with unlawful activity;
  - c) How to decide whether enforcement action is warranted.

### **3. ENFORCEMENT PRINCIPLES**

Warrumbungle Shire Council is committed to:

- (1) Acting in the interest of protecting community health, safety and the environment;
- (2) Acting consistently, fairly and impartially;
- (3) Preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reason/s;
- (4) Ensuring enforcement action is in keeping with the relative severity of the offence(s);
- (5) Ensuring enforcement action is taken against the right person for the correct offence;
- (6) Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner;
- (7) Disclosing all evidence relevant to the alleged offence/s;
- (8) Assisting the Court by providing all necessary information whether or not that information is in favour of the Council case;
- (9) Issuing cautions to the alleged offender/s, where necessary;
- (10) Making cost effective decisions concerning enforcement action having regard to the likely outcome at court;
- (11) Ensuring action is instigated within the specified time limits.

### **4. APPLICATION**

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals and orders.

While primarily directed at the regulation of development activity, the policy is also applicable to pollution control, regulation of parking, control over animals, unauthorised development including buildings, non-compliance with development consent conditions, food safety, public health and safety issues.

### **5. RESPONSIBILITY**

All Council staff who deal with the proactive enforcement of relevant legislation in addition to written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines. All notifications

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of alleged unlawful activity should be appropriately recorded by the Council.

## **6. DEFINITIONS**

“Unlawful activity” is any activity or work that has been or is being carried out:

- a) Contrary to the terms or conditions of a development consent, approval, permission or other written authorisation from the Council.
- b) Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- c) Contrary to legislative provision regulating a particular activity or work;
- d) Without a required development consent, approval, permission or the like;
- e) Contrary to New South Wales legislation for which the Council is the appropriate regulatory authority.

## **7. INVESTIGATING UNLAWFUL ACTIVITIES**

All complaints and matter regarding unlawful activities will be reviewed to determine whether the matter requires enquiry or investigation. Further enquiries/investigation will not be initiated where:

- a) The matter has already been investigated and resolved, or
- b) The Council has no jurisdiction (for example, NSW WorkCover issues on buildings sites or amusement devices or an internal matter within strata buildings or where the Department of Environment and Climate Change is the appropriate regulatory authority etc), or
- c) The activity is determined to be lawful without an investigation.

In considering whether a complaint will warrant enquiry or investigation the Council will consider a range of factors, including:

- (1) Is the matter within the jurisdiction of the Council?
- (2) Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
- (3) Is the activity or work permissible with or without consent?
- (4) If the activity is permissible with consent, is there a consent in place?
- (5) Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- (6) Is the complaint trivial, frivolous or vexatious?
- (7) Has too much time elapsed since the events which are the subject of the complaint?
- (8) Is there a more appropriate agency to investigate and deal with the matter?

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- (9) Is the activity having a significant detrimental effect on the environment, or does it constitute a risk to public safety?
  - (10) Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
  - (11) Is there a history of related complaints against this person or organisation?
  - (12) Does the complaint have special significance in terms of the priorities of the Council?
  - (13) Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
  - (14) Is it in the public interest to investigate the complaint?
  - (15) The effective use of resources having regard to the circumstances of the case.

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised.

## **RESPONDING TO COMPLAINTS**

Every effort will be made to ensure that all Customer Service Requests or complaints about alleged unlawful activity are actioned within the 'service standard' time allowed for resolving the category of complaint as indicated in the Customer Service Request system. Action will be instigated within the following time frames:

- a) Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. Examples include unsafe building works, dangerous awnings, collapsed building/wall, serious pollution, food safety issues and public health and safety matters, etc. As a guide these matters should be dealt with on the day of the receipt of a complaint.
- b) General compliance matters will be dealt with on a priority basis having regard to the relative seriousness of the matter. These examples include works not in accordance with consent or construction without consent, illegal use, noise and food complaints.
- c) Nuisance matters should be actioned within fourteen working days' examples include domestic noise matters, minor non-compliance such as overgrown land or other matters in which there are no likely immediate health or safety implications.

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT  
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Note that response times may vary depending on staff and other resources. However the Council will acknowledge the complaint and keep the complainant informed in accordance with the service standards of the Council.

## **Confidentiality of complainants**

The Council will respect the privacy and confidentiality of information received. However due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed. In cases where the release of information is considered to be necessary the person who made the complaint will be consulted before such a decision is made. The complainant's identity may be disclosed where:

- The person consents in writing to the disclosure of that information; or
- The principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; or
- Council is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively.

## **OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES**

The Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options.

Approaches to be considered include:

- (1) Referring the complaint to an external agency for further investigation or prosecution.
- (2) Taking no action on the basis of a lack of evidence or for some other appropriate reason.
- (3) Counselling the subject of the investigation to educate them on the relevant Council requirements.
- (4) Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- (5) Referring the parties for mediation with the Community Justice Centre or alternatively for private mediation.
- (6) Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.

# **WARRUMBUNGL SHIRE COUNCIL**

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- (7) Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (Local Government Act ss. 124 – 128, Environmental Planning and Assessment Act s. 121B, and the Protection of the Environment Operations Act Pts 4.2 – 4.4 and 8.6).
  - (8) Issuing a notice requiring work to be done under various legislation.
  - (9) Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (s.673 LG Act; s.123 EP&A Act).
  - (10) Seeking injunctions from the Land & Environment Court or the Supreme Court.
  - (11) Issuing a Court Attendance Notice in the local court.
  - (12) Issuing a penalty infringement notice.
  - (13) Taking proceedings for an offence against the relevant Act or Regulation (s. 691 LG Act, s.125 EP&A Act, Chapter 5 POEO Act).
  - (14) Carrying out the works specified in an order under the LG Act at the cost of the person served with the order (s.678 LG Act).

All enforcement action will be monitored and a decision made in relation to non-compliance within two weeks of any deadline imposed.

## **TAKING ENFORCEMENT ACTION**

From an operational perspective the Council has a range of enforcement options including, but not limited to the following:

- (1) Issuing a verbal warning;
- (2) Issuing a written warning;
- (3) Issuing a “show cause” letter;
- (4) Service of a Notice of Intention to issue an Order;
- (5) Service of written or oral Notices/ Orders/ Directions;
- (6) Issuing of a penalty infringement notice/s;
- (7) Recommendation to instigate legal action;
- (8) Granting an extension of time for compliance;
- (9) Revocation of an approval;
- (10) Removal/ impounding of goods or items;
- (11) Refusal of an application.

When deciding whether to take enforcement action, the Council will consider the circumstances of the case. These include:

1. Has the Council created an estoppel situation? Estoppel is a legal rule which prevents a person from later denying conduct or words which have been relied, and acted, upon by another person to their detriment.
2. Is the breach a technical breach only?
3. When was the unlawful activity carried out and for how long?
4. How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?

# **WARRUMBUNGLA SHIRE COUNCIL**

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5. Would consent have been given if it had been sought?
  6. Can the breach be easily remedied?
  7. Does the person in breach show contrition?
  8. Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
  9. Has the person the subject of the complaint received a previous warning or other non coercive approach or has formal legal action been taken?
  10. Would an educative approach be more appropriate than a coercive approach?
  11. What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?
  12. Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence or offence/s.
  13. Has Council staff acted appropriately in investigating the matter and were standard procedures followed including officers having appropriate authorisation and delegation?
  14. What are the chances of success if the proposed enforcement action was challenged in court?
  15. Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
  16. What action would be reasonable and proportionate in this case?
  17. Is it in the public interest including there being a reasonable prospect of success?
  18. Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?
  19. Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?
  20. What is the likely length and net expense of the legal action.

The Council will ensure that the principles of natural justice are adhered to prior to a decision being made. The following principles will be addressed and implemented by the Council:

- Whoever is the subject of concern must know all the allegations in relation to their action;
- All parties to the complaint must have the right to be heard;
- All relevant submissions and evidence must be considered;
- Matters which are not relevant must not be taken into account;
- The person who makes the complaint must not determine the matter;
- The decision-maker must be fair and just.

## **DELEGATIONS FOR ENFORCEMENT ACTION**

Council staff may be delegated to initiate various levels of enforcement action under the following Acts and associated regulations:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993



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- Protection of the Environment Operations Act 1997
- Impounding Act 1993
- Companion Animals Act 1998
- Roads Act 1993
- Food Act 2003
- Public Health Act 1991
- Swimming Pools Act 1992
- Contaminated Land Management Act 1997

## **HISTORY**

<b><u>MINUTE NO:</u></b>	<b><u>MEETING DATE:</u></b>	<b><u>DESCRIPTION</u></b>
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## WARRUMBUNGLE SHIRE COUNCIL

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### 4.6 APPLICATIONS RECEIVED FOR MONTH OF SEPTEMBER 2009

Complying Development (set criteria) Development Application (Specialised Conditions)	Date Received	APPLICANT'S NAME	LOCATION (of development)	(Town)	Development Type	Status (Approved or Pending)
CDC 30/0910	01/09/2009	Roger Earl	Werribee Road	Premer	Erection Of Shed	Approved
CDC 31/0910	03/09/2009	John Lloyd	Martin Street	Coolah	Extend Sun Dining Room	Approved
CDC 32/0910	07/09/2009	Kevin Brookes	Hill Street	Coonabarabran	Additions To Dwelling	Approved
DA 33/0910	07/09/2009	David Poyser	Namoi Street	Coonabarabran	Relocation of Dwelling & Carports	Pending
DA 34/0910	11/09/2009	Margaret Block	Dows Lane	Coonabarabran	New Storage Shed	Pending
DA 35/0910	09/09/2009	Mitchell & Cheryl Rawlinson	Piambra Road	Binnaway	New 2 Bedroom Dwelling	Pending
CDC 36/0910	15/09/2009	Timothy Bolte	Timor Road	Coonabarabran	In ground Swimming Pool	Approved
CDC 37/0910	18/09/2009	John Kattau	Booyamurra Street	Coolah	New Garage	Approved
DA 38/0910	23/09/2009	James Barber	Bullinda Street	Dunedoo	Relocate Dwelling	Pending
CDC 40/0910	30/09/2009	Kaylene Ryan	Macquarie Street	Baradine	New Carport & Shed / Demolish Old	Pending

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

## WARRUMBUNGLE SHIRE COUNCIL

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<b>CD or DA</b>	<b>Date Received</b>	<b>APPLICANT'S NAME</b>	<b>LOCATION</b>	<b>Town</b>	<b>Type of Development</b>	<b>Status</b>
DA 105/0809	02.04.09	Sue Harvey-Walker	Tibuc Road	Coonabarabran	2 Lot Rural Subdivision	Clock Stopped Waiting Further information
CDC 116/0809	16.04.09	Garry Wilson	Bandulla Street	Coonabarabran	Single Story Dwelling	Clock Stopped Waiting Further information
DA 138/0809	12.06.09	Jason Newton	Crane Street	Coonabarabran	Addition to Shed	Clock Stopped Waiting Further information
DA 21/0910	18/08/2009	Brian & Genise Hollingworth	Forest Road	Mendooran	Open Micro Distillery	Clock Stopped Waiting Further information
CDC 26/0910	25/08/2009	Roger & Linda Row	Baradine Road	Coonabarabran	New 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 29/0901	31/08/2009	Ted Hayman	Pilliga Forest Way	Kenebri	New Shed	Clock Stopped Waiting Further information

### **RECOMMENDATION**

For Council's 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      COMMUNITY TRANSPORT GARAGE COONABARABRAN**

Council received a report at the February 2009 meeting in regard to seeking permanent housing for the Community Transport and Meals on Wheels vehicles and equipment. Whilst a site at the former Council works depot in Castlereagh Street was approved in principal (Resolution No 241), there are a few issues that have been raised which has prevented any further progress. Namely; the unknown clean up cost of any contamination and existing buildings, the cost of a possible subdivision of the land and necessity for installation of security and lighting systems.

And as noted in the Social Services Advisory Committee meeting minutes the capital funding received in September 2008 for the building of the garage in Coonabarabran for HACC funded equipment has to date, not been expended.

An alternative site has been suggested which is immediately behind the current Warrumbungle Community Care office at 27 John St on the existing car park adjoining the Town Hall and Rural Fire Service. A map is attached marked 'Annexure A'.

A request has been made that Council grant permission for the lodgement of a Development Application for the building of the Community Transport garage on Coonabarabran Community Care office car park site. The colourbond proposed shed is 13.5 m x 6 m with 4 roller doors.

Whilst this location was deemed as not suitable previously, there appears to be no other agreeable/suitable Council owned site that will achieve the outcomes of the project.

### **RECOMMENDATION**

For Council Consideration

.....  
**REBECCA RYAN**  
**DIRECTOR COMMUNITY SERVICES**