



# **Warrumbungle Shire Council**

**Council meeting**  
**Thursday, 19 March 2009**

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

**commencing at 1.00 pm**

## ***MAYOR***

Councillor Peter Shinton

## ***DEPUTY MAYOR***

Councillor Murray Coe

## ***COUNCILLORS***

Councillor Kerry Campbell

Councillor Tilak Dissanayake

Councillor Ray Lewis

Councillor Mark Powell

Councillor Victor Schmidt

Councillor Ron Sullivan

Councillor Denis Todd

## ***MANAGEMENT TEAM***

Robert Geraghty (General Manager)

Carolyn Upston (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Tony Meppem (Acting Director Environmental Services)

Rebecca Ryan (Director Community Services)

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE  
FIRE CONTROL CENTRE, COONABARABRAN ON THURSDAY, 19 MARCH 2009  
COMMENCING AT 1.00PM**

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Date: 13 March 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 March meeting. 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 19 February 2009

**CONFIRMATION OF MINUTES** of the special meeting of Warrumbungle Shire Council held on 5 March 2009

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

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Aerodromes Advisory Committee meeting held on 9 March 2009  
(Endorsement of Recommendation 01 of these committee minutes requires amendment of Council's determined structure for the Aerodromes Advisory Committee)

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## **PRESENTATION**

**1.00pm**      **Community Garden** – Presentation by representatives from community group

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

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

The following items – Sale of Land for Overdue Rates and Fees write off - are classified CONFIDENTIAL under Section 10A(2)(b) and (c) 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
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

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## **GENERAL MANAGER'S REPORT**

## **ANNEXURE 1**

### **1.1 DRAFT POLICIES**

ICAC legislation requires the General Manager to report any perceived acts of corruption in the workplace. One of the management strategies recommended by the ICAC is the adoption of a Fraud and Corruption Policy together with an Internal Reporting Policy.

In adopting these policies Council is keeping its commitment to a high standard of honesty and probity not only in its operational activities but in its dealings with the community.

The former Coonabarabran Council had adopted an Internal Reporting Policy. This Policy has now been updated and has been distributed separately to Councillors for consideration.

A Draft Fraud and Corruption Policy has been developed and has also been distributed separately to Councillors for consideration.

### **RECOMMENDATION**

For Council's consideration and implementation if approved.

### **1.2 COUNCIL COMMITTEES**

Council at its ordinary February meeting approved nominations for the Shire's Medical Advisory Committee, Shire Halls Advisory Committee and the Warrumbungle Shire Tourism and Economic Development Advisory Committee.

At the time of the meeting Mr Kenneth Pellow's name was submitted and accepted to be the community representative on this Committee to represent Coolah however, a formal nomination had not been received from him at that time.

Council has now received a nomination from Mr Ted Miller of Coolah as well as later that of Mr Kenneth Pellow of Coolah.

Council now needs to determine how it will deal with these two nominations.

A representative for Dunedoo should also be sought.

Council has advertised twice in the local papers calling for expressions of interest for membership of the Coonabarabran Town Beautification Advisory Committee. To date there have been no nominations received for this Committee.

As there is no interest in this Committee then Council should consider winding up the Committee.

While Council has received one nomination for the Shire Halls Advisory Committee, its membership is made up of representatives from Baradine, Binnaway, Purlewaugh, Goohi and Youth Club Management members. The nomination received is from Binnaway.

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Council should also consider whether it wishes to wind up this Committee.

## **RECOMMENDATION**

That Council decide whether to again call for nominations for the Coonabarabran Town Beautification Advisory Committee and the Shire Halls Advisory Committee or to dissolve these Committees. It is also necessary for Council to consider and determine who will be the Coolah representative on the Warrumbungle Medical Advisory Committee.

## **1.3 AUSTRALIA DAY**

Council at its February meeting determined that the Australia Day item tabled for that meeting would be held over for the ordinary March 2009 meeting.

The report to the February meeting stated:

*Council at its December meeting determined the awards for Australia Day 2009 in the following categories:*

- 1. Citizen of the Year Award*
- 2. Young Citizen of the Year Award*
- 3. Senior Citizen of the Year Award*
- 4. Sportsperson of the Year Award*
- 5. Young Sportsperson of the Year Award*
- 6. Certificate of Recognition (in recognition of particular service during 2008) - one each for the towns of Coolah, Dunedoo, Mendooran, Baradine, Binnaway and Coonabarabran.*
- 7. Group Community Service Award*
- 8. Sports Team of the Year Award*
- 9. Community Award – Villages, Less than 100 residents (award funds to be utilised on a Local village facility)*

*At the time of consideration concerns were expressed about the selection process or the need to select so many categories. It was suggested that the only category that Council determines would be Citizen of the Year and Sportsperson of the Year.*

*In the past concerns have been expressed but never adequately dealt with as it has been left to the end of the year to address. This report is tabled to allow early consideration of the 2010 Australia Day function and Awards.*

*Set out below in point form are issues that have been raised by various town organisers and participants.*

### ***Coonabarabran***

- Consider moving the starting time of the function to 7.00pm*
- An increase is needed in the budget*
- Consider forming an Australia Day Committee*

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- 
- *Additional Australia Day flags are needed*
  - *Additional Bunting is also needed*
  - *Consider the possibility of charging for the meal*
  - *Consider also the allowing for Australia Day show bags/merchandise*

## ***Coolah***

- *Additional Australia Day flags are needed*
- *Additional Bunting is also needed*
- *Development Groups could possibly run the day and also purchase the Ambassador gifts*
- *Groups would like the banners and information delivered the week before*
- *Groups would like a choice of Ambassador*
- *The Old Coolah Shire used to give the Ambassador a gift basket of local goods – would like to do this again*

## ***Binnaway***

- *The \$7.00 per head was too expensive*
- *Mendooran*
- *Would like an increase in the budget for the Australia Day function*

## ***Dunedoo***

- *Would also like the Australia Day programme and banners delivered the week before*
- *Additional Australia Day Bunting and flags are needed.*

*The matter is now presented for discussion and consideration.*

To assist Council in their review approaches have been made to other Councils to establish how they manage their Australia Day functions. It is difficult to compare Warrumbungle Shire with other LGA's as we have 6 towns. Cabonne Shire is the most similar LGA in NSW.

The surrounding Councils have provided the following information in relation to the way their Australia Day nominations are judged:

## ***Cabonne***

Nominations are received through the records system (for all 8 towns and villages in the shire) and are judged in a closed council meeting. The PA before the close date for nominations will email Councillors if there are no nominations being received for a particular town. This enables the Councillors to then get the word out to that community to encourage nominations. Nominations are collated and given to the Councillors at the commencement of the closed meeting.

## ***Gunnedah***

The Tourism and Economic Development division look after Australia Day in Gunnedah however, they form an Independent Australia Day Committee chaired by a Councillor.

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## **Gilgandra**

Nominations are received through the records system. An independent committee is formed (the past Certificate of the Year winners and the Mayor).

## **Coonamble**

Tries to form an independent committee however, finds it very difficult to get community people involved. A Coordinator is employed from end of November to end of January who calls for the nominations and does all the advertising and events management. He has a specific budget (\$6,000).

## **Narrabri**

Holds functions in each of its three towns. The two smaller towns completely organize their own functions. The nominations are judged in a closed council meeting.

## **Tamworth**

Nominations are received through the Citizen Services section. A Section 355 committee of Council is formed to judge the nominations.

Most Councils in forming an external Committee would use Section 355 of the Local Government Act to formalize the process. Section 355 states:

### **355 How does a council exercise its functions?**

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

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

Warrumbungle Shire Council provided \$5,900 for Australia Day activities.

If Council wishes to establish independent Committees there has to be a number of questions answered about the structure of the awards:



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- a) Will there be only a Citizen of the Year Award
- b) Will there be any of the Shire wide single Awards

In addition to that,

- How will the various towns select their awards recipients
- What support will Council give for,
  - Financial assistance
  - Clerical assistance
  - Organizational assistance

The above questions need a detailed answer before a full determination can proceed.

## **RECOMMENDATION**

For Council's consideration.

### **1.4 DUNEDOO MILLING PARK SCULPTURES**

The Dunedoo Garden Club wrote to the August 2008 Council meeting stating:

*I am writing on behalf of the Dunedoo Garden Committee seeking permission to erect up to 7 sculptures in the western end of the Dunedoo Lions Park*

*"These sculptures would go hand in hand with phase one of the tree planting programme presently being undertaken by the Group with Council's valued assistance. We are well aware that any such structures will have to meet with Council's approval. The design of these sculptures will be done by David Sherlock of Coolah in conjunction with your Council.*

*The general consensus by the committee is that they be on poles at least 2 meters high so that they would not interfere with Council employees when performing their normal Park maintenance duties.*

*I am faxing a rough plan of where the sculptures may fit into the Park. The intended Programme would not be starting until early 2009 which fits in with the Regional Arts Funding we are seeking which leaves plenty of time for the proper designing of the project.*

*The Dunedoo Central School's Metalwork class, under the guidance of their teacher, Mr Graham Booth and Project designer Mr David Sherlock, will be responsible for a majority of the work.*

**While the project is commendable Council may wish to give some consideration to its long term plans for upgrade of Milling Park and how this project would fit those.**

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At that meeting Council resolved to seek further detailed information from the Dunedoo Garden Club on location and the types of sculptures.

Mr George Dent of the Dunedoo Garden Club has again written to Council with the additional information on the sculptures and how they would like to have them installed in the Park.

The detailed information submitted relates to the main sculpture and the supporting 6 sculptures are yet to be finalised as to nature and form. Council may wish to reserve its decision on the minor sculptures. The theme is intended to be a depiction of the birds of the Dunedoo area.

The main sculpture will be made by Mr David Sherlock of Coolah and will be a black cockatoo constructed of recycled farm machinery parts. The minor sculptures will be constructed by the Metalwork Students at the Dunedoo Central School and will be overseen by Mr Sherlock.

Supporting documentation has been dispatched to Councillors separately.

The Garden Club is keen to proceed with the project as it is partly funded from an Arts Grant and the terms of the Grant need to be complied with.

## **RECOMMENDATION**

For Council's consideration and determination.



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## **1.5 NOTICE OF MOTION – DONATION**

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

*That the Warrumbungle Shire Council contributes \$3,000 towards the purchase of new goal posts for Bowen Oval, Coolah. These monies to be withdrawn from the Coolah Town Improvement Fund, a restricted asset that has approximately \$9,000.00 in kitty.*

The following information is offered by Councillor Powell in support of his Motion.

*History: The goal posts on Bowen Oval fractured when being removed by Council employees after last season. Normally, replacement of the posts would be paid out of Council's operating budget. Being mindful of the difficult financial period at present, it has been agreed that half the purchase price will be worn by the Coolah Rugby Club (some \$3,000.00) with the balance from the above mentioned restricted asset, thus creating no burden on Council's budget."*

## **RECOMMENDATION**

For Council's consideration

## **1.6 BARADINE PA & H ASSOCIATION INC**

Council has received the following request from the Baradine PA & H Association Inc:

*The annual show will be held on March 21<sup>st</sup> and following the excellent rains in the past several months the show grounds need another mowing, ie the arena and parking areas.*

*Arrangements have been made with Mr max Purdy to do this job with the shire equipment, would it be possible for this to be done gratis as a gesture in the promotion of the coming event. Acknowledgment of such action will be promulgated at the show.*

*Thanking you in anticipation.*

In relation to a request from the Baradine Campdraft Association, Council at its 21<sup>st</sup> August 2008 meeting by Resolution Number 36, determined that it would hire plant and equipment at internal plant hire rates provided that this does not interfere with the works programme and that the plant and equipment is to be operated by a qualified Council staff operator and further that Council donate from Donations Other an amount up to two hundred dollars (\$200) to assist with the hire fees and that any additional hire fees in excess of \$200 be paid by the Association.

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## **RECOMMENDATION**

For Council's consideration and if approved to determine where the funds will come from.

### **1.7 PROPERTY ADDRESSING POLICY**

Council, since the amalgamation, has been working towards a uniform rural property numbering system. A report has been provided by the Acting Director Environmental Services in a separate section of this Business Paper.

It is now appropriate that a Policy be adopted formalising Council's position and future expectations of rural property numbering.

The draft policy is set out below:

### **PROPERTY ADDRESSING POLICY**

#### **Objective:**

The objective of this policy is to provide a clear and consistent understanding of property addressing across the Warrumbungle Shire.

Council is in the process of establishing urban and rural addressing systems covering the entire shire with the following primary objectives:

- to provide a unique and identifiable address for each property within the Shire;
- to facilitate emergency vehicle response;
- to provide for prompt and efficient responses from service providers.

#### **INFORMATION:**

##### **Urban Addressing**

This numbering applies to properties within the limits of an urban address area. Every address within the boundary address area may be given a number or a number range. Such sites may include public reserves, schools, public buildings and any other fixtures.

Both developed and undeveloped properties may be provided with a number. It is the property owner's responsibility to adequately display their numbers so they can be easily read from the road pavement.

##### **Rural Addressing**

The allocated rural addressing number is determined in a logical sequence based on the distance of the property access from the start of the road. Each number represents the distance (in metres), divided by 10 from the road's commencement point, and adjusted slightly to achieve odd numbers on the left-hand side and even numbers on the right-hand side of the road.

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The rural address number will replace roadside mailbox numbers (RMB's), lot numbers and other numbering systems used in the past. If properties are identified by a property name, this name may still be used in conjunction with the rural address.

To ensure uniformity of the system throughout the Shire, Council provides standard number plates with the reflective rural address number adhered.

Council does not permit the plate to be moved once installed as they are based on a specific distance.

## **POLICY:**

- Warrumbungle Shire Council will allocate every dwelling, or structure with an address to assist in the identification of that place for service delivery, emergency or otherwise;
- Warrumbungle Shire Council shall maintain a system of rural and urban addressing into the future;
- Council applies as a condition of development consent to all new rural subdivisions a requirement for the provision of property addresses in accordance with AS 4918 including the payment of the appropriate fee for the installation of numbers, by Council, at each new allotment created;
- Council applies as a condition of consent for all new rural dwelling development applications a requirement for the provision of a property address in accordance with AS 4918, if one does not already exist and that installation be carried out by Council after payment of the appropriate fee;
- Council applies as a condition of consent for all urban development applications and subdivision applications a requirement for the provision of property addresses in accordance with AS 4918 at the applicants consent;
- Rural Addressing number plates shall meet Council's specification in terms of size, material, character and location.
- In the case of easements, rights of way, crown roads or private vehicle accesses, rural address numbers shall be located at the junction of a public road so as to be visible from a public road;
- The fee for the provision of the Rural Address shall be in accordance with Council's adopted Schedule of Fees and Charges; however the fee will only be recovered if the address is for a feature established after 1 July 2009 or the practical completion of Council's initial number installations on that particular road, whichever comes last. Fees do not apply for urban addresses.
- Changes to rural addresses as a result of realignments of roads shall be included into the cost of the road alignment project. These costs may include the identification of new property accesses, calculation and population of addresses,

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supply and installation of plates and numbers and notification of service providers such as:

1. Landholders
2. Australia Post
3. NSW Government
4. Australian Electoral Commission
5. Telstra
6. Country Energy
7. Emergency Agencies:
  - Police
  - Ambulance
  - Fire
  - Rural Fire Service

## **RECOMMENDATION**

For Council's consideration.

### **1.8 BINNAWAY PROGRESS ASSOCIATION**

Council has received the following letter from Mr P Medley of the Binnaway Progress Association.

The issue of sewerage schemes for both Binnaway and Mendooran were raised at the October 2008 meeting and covered by Minute 88.

*For years the Coonabarabran Shire considered the completion of the sewerage system for all towns in the Shire, but it always side stepped the issue when raised in public works discussions.*

*Perhaps understandably so, because the implementation of such schemes were costly and because there was a reluctance to impose harsh imposts on homeowners.*

*However, the need to deal with the issue still remains. The septic toilet belongs in the days of the T Model Ford, and is not the way to attract population to our country towns.*

*We have had a reprieve in the last decade or so. The unusually dry conditions have been ideal for the septic tank system to function, but the wet cycle will return and if nothing is done, we will again see human faeces in the streets of Binnaway.*

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*In those years the Health Authorities were so concerned that the Council was pressured into appointing an officer to inspect and supervise the operation of septic systems in the Shire, and to impose strict guidelines for their operation.*

*Binnaway people had extreme difficulty coping with the Council requirements, mainly because of a clay shelf underlying the topsoil, which retarded and in many cases prevented absorption, and causing the complete failure of the system.*

*We feel now is the time for Warrumbungle Shire Council to follow the example of other western councils in taking advantage of the new technology to install sewerage systems in their small towns.*

*We ask that the installation of sewerage systems for the towns of Binnaway and Mendooran be moved to a top priority.*

*We think now is the time to do this, because of the National Building and Jobs Creation Plan initiated by the Prime Minister.*

*The kind of public works we are talking about clearly comes under the heading of Local Community Infrastructure and Council should not miss this opportunity of submitting a strong case for funding from this source.*

With respect to the implementation of “new” water and sewerage schemes there are a number of steps that need to be taken:

- i) an assessment of the scope of the scheme and the area covered needs to be undertaken – this will entail location of critical works such as treatment works, pump station, treatment ponds and major main.
- ii) this preliminary work will have to be budgeted in General Fund as there is no fund or charging regime for that new scheme. The costs are recovered when the scheme commences, if it does not commence then the General Fund foots the bill.

Generally Councils look to the State Government through the Country Towns Sewerage and Water Supply scheme to fund up to 50% of the capital cost of construction. Council will be aware of the negotiations around the exact percentage contribution for the Mendooran Sewerage.

To be eligible for the funding the individual scheme is given a rating in the Country Town Sewerage and Water Supply Scheme. Funding is based on that priority and as funding becomes available. Council has lodged the following proposals with the following rating:

- |                          |        |
|--------------------------|--------|
| ▪ Mendooran Water        | Rank 3 |
| ▪ Coolah Sewerage        | Rank 7 |
| ▪ Coonabarabran Sewerage | Rank 7 |

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| ▪ Dunedoo Sewerage   | Rank 8 |
| ▪ Mendooran Sewerage | Rank 8 |

The Binnaway Sewerage proposal has not been lodged and this does not have a ranking.

That was the position in February 2005 and rankings were reviewed regularly. However the current situation is that there are now no rankings done.

The reason for this is that the funds are committed to existing projects. This only applies to projects with a ranking of 4 or below also additional urgent projects come on line as needed which effects changes in rankings.

The only means to raise the priority of the Scheme is to fully fund the Scheme from Council funds.

There is no science in the following figures other than knowledge of recent schemes. The costs of new scheme would be in the order of \$3-6 mil.

The servicing of loans along with operational costs would be met by the local community or on a Shire wide scheme basis.

The ratable assessments in the towns are:

- |             |     |
|-------------|-----|
| ▪ Mendooran | 159 |
| ▪ Binnaway  | 260 |

The above information is provided as a general guide.

## **RECOMMENDATION**

That the matter of future sewerage supplies for Binnaway and Mendooran are referred to Council's 2009/2010 budget considerations for further review.

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



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

Dear Sir

## **DIRECTOR OF CORPORATE SERVICES**

## **ANNEXURE 2**

### **2.1 DUE BY THE BANK TO THE FOLLOWING FUNDS AS AT 28 FEBRUARY 2009**

<b>GENERAL FUND</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund Bank Balance	\$ 11,884,334.27	\$ 1,408,000.00	\$ 5,996,334.27
Future Capital Upgrading		\$ 2,520,000.00	
Employees Leave Liability		\$ 770,000.00	
External Grants for Specific Projects		\$ 980,000.00	
Development Sec 94 & 64 Contb'ns		\$ 210,000.00	
<b>TOTALS</b>	<b>\$ 11,884,334.27</b>	<b>\$ 5,888,000.00</b>	<b>\$ 5,996,334.27</b>
<b>WATER FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Baradine Water Bank	\$ 8,819.66		\$ 8,819.66
Binnaway Water Bank	\$ 437,113.66	\$ -	\$ 437,113.66
Coonabarabran Water Bank	\$ 1,343,387.50	\$ 179,230.45	\$ 1,164,157.05
Coolah Water	\$ 893,158.05		\$ 893,158.05
<b>TOTALS</b>	<b>\$ 2,682,478.87</b>	<b>\$ 179,230.45</b>	<b>\$ 2,503,248.42</b>
<b>SEWERAGE FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Coonabarabran Sewerage	\$ 2,146,274.83	\$ 836,510.08	\$ 1,309,764.75
Baradine Sewerage	\$ 375,988.75	\$ 332,320.00	\$ 43,668.75
Coolah Sewerage	\$ 1,135,773.68	\$ 563,170.00	\$ 572,603.68
<b>TOTALS</b>	<b>\$ 3,658,037.26</b>	<b>\$ 1,732,000.08</b>	<b>\$ 1,926,037.18</b>
<b>SUMMARY</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund	\$ 11,884,334.27	\$ 5,888,000.00	\$ 5,996,334.27
Water Fund	\$ 2,682,478.87	\$ 179,230.45	\$ 2,503,248.42
Sewerage Fund	\$ 3,658,037.26	\$ 1,732,000.08	\$ 1,926,037.18
<b>TOTALS</b>	<b>\$ 18,224,850.40</b>	<b>\$ 7,799,230.53</b>	<b>\$ 10,425,619.87</b>

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE  
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<b>TERM DEPOSITS</b>	<b>Maturity Date</b>		<b>Interest Rate</b>
BOND 1 TRUST AAA FRN	14.12.2010	\$ 2,000,000.00	BBSW +
C B A CALLABLE RANGE	11/12/2010	\$ 2,000,000.00	
DRESDNER BANK OCTAGON	30.10.2015	\$ 1,500,000.00	
ANZ 3 PILLARS	06.04.2010	\$ 500,000.00	
ANZ SAIL	30.12.2011	\$ 500,000.00	
ANZ ASPRIT 1	08.11.2012	\$ 500,000.00	
ANZ ASPRIT 11	30.03.2013	\$ 800,000.00	
BENDIGO BANK	21.09.2012	\$ 500,000.00	
TRIDENT	30.05.2011	\$ 500,000.00	
AVERON BOND-SEALINK	30.10.15	\$ 700,000.00	
DEUTSCHE BANK - DAISY	31/05/2011	\$ 1,500,000.00	
SUNCORP METWAY-AT CALL	11am account	\$ 975,000.00	3.7500%
WESTPAC CALLABLE	11am account	\$ 347,342.87	3.0000%
PIMCO PRINCIPAL			
PROTECTED	28.02.2011	\$ 500,000.00	
DANDELION-WESTPAC	21.12.2012	\$ 1,000,000.00	
ROYAL BANK OF CANADA	16.03.2011	\$ 1,000,000.00	
ALL SEASONS-KEOLIS AAA	16.06.13	\$ 1,500,000.00	
<b>TOTAL</b>		<b>\$ 16,322,342.87</b>	

I certify that the above investments have been invested in accordance with Council's policy and in accordance with the Local Government Act 1993 and Regulations

**Carolyn Upston**  
**DIRECTOR CORPORATE**  
**SERVICE**

**RECOMMENDATION**  
For Council's information.

# **WARRUMBUNGLE SHIRE COUNCIL**

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## **2.2 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – 28/2/2009**

**Date 28 February 2009**

<b>CASHBOOK</b>
-----------------

Balance as at 01.02.09	18,361,785.34
Income	
- Total Receipts	3,956,160.63
- Total Investments	
	<hr/> 22,317,945.97
Expenditure	
- Total Cheques Drawn	4,093,095.57
Balance as at 28.02.09	<hr/> <b>18,224,850.40</b>

<b>BANK STATEMENT</b>
-----------------------

Bank Statement as at 28.02.09	17,974,274.33
Amount Not Receipted This Month	
	<hr/> 17,974,274.33
Outstanding Deposits	264,189.80
	<hr/> <b>18,238,464.13</b>
Total Investments	
Unpresented Cheques	13,613.73
Balance as at 28.02.09	<hr/> <b>18,224,850.40</b>

### **RECOMMENDATION**

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

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## **2.3 STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2009 INVESTMENT REGISTER**

Days	Rate	Purchase Date	Maturing Date	Amount	Balance	Cash Out Indication
ANZ 3 PILLARS					500,000.00	49.29
5years	BBSW+1.2%	24.03.05	06.04.10	500,000.00		
BOND ST CUSTODIAN-TITANIUM AAA					2,000,000.00	81.9876
5.5years	7.2683	17.05.05	14.12.10	2,000,000.00		
OCTAGON PLC-DRESDNER BANK-EMU NOTE					1,500,000.00	
10years	7.00	25.10.05	30.10.15	1,500,000.00		
CREDIT SAIL-ANZ INVESTMENT BANK					500,000.00	
6years	Bbsw+1.5	14-11-05	30-12-11	500,000.00		
CBA CALLABLE RANGE					1,000,000.00	90.00
5years	7.5	14-12-05	14-12-10	1,000,000.00		
AVERON BOND-SEALINK P/L					700,000.00	58.50
7years	Bbsw+1.5	25.10.05	30.10.15	700,000.00		
DEUTSCHE BANK AG LONDON BRANCH-DAISY					1,500,000.00	91.58
5years	5-6%+cg	21-03-06	20-03-13	1,500,000.00		
ALL SEASONS-KEOLIS AAA					1,500,000.00	58.17
7years	8.00	16-06-06	16-06-13	1,500,000.00		
ANZ ASPIRT 1					500,000.00	84.636
6years		15-11-06	08-11-12	500,000.00		
PIMCO PRINCIPAL PROTECTED					500,000.00	82.94
4years		22-02-07	28-02-11	500,000.00		
ANZ ASPRIT 11					800,000.00	82.091
6 years		30-03-07	30-03-13	800,000.00		
TRIDENT-CREDIT SUISSE SYDNEY BRANCH					500,000.00	89.64
4 years		30.05.07	30.05.11	500,000.00		
BENDIGO BANK					500,000.00	
5 years	Bbswmid+120	21.09.07	21.09.12	500,000.00		
DANDELION-WESTPAC					1,000,000.00	80.20
5 years	Bbsw12M+0bp	20-12-07	21-12-12	1,000,000.00		
AT CALL					1,322,342.87	
WESTPAC CALLEABLE-1.65%						
				347,342.87		
SUNCORP-METWAY LIMITED-3.75%						
				975,000.00		
ROYAL BANK CANADA					1,000,000.00	90.00
1year	7.7%	16.03.06	16.03.11	1,000,000.00		
CBA CALLABLE RANGE					1,000,000.00	90.00
5years	7.5%	16-12-05	16-12-10	1,000,000.00		
			<b>TOTAL</b>		<b>16,322,342.87</b>	

I certify that the above investments have been invested in accordance with Council's policy and in accordance with the Local Government Act 1993 and Regulations.

# **WARRUMBUNGL SHIRE COUNCIL**

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**CAROLYN UPSTON  
DIRECTOR CORPORATE SERVICE**

**RECOMMENDATION**  
For Council's information.

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

GENERAL		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2008/2009	TOTAL OUTSTANDING 2007/2008	COLLECTION % 2008/2009	COLLECTION % 2007/2008
	CBN RES/RURAL RES	112,581	940,156	71,552	683,798	296,918	300,877	42.56%	68.04%
	BARADINE	38,915	126,476	17,387	82,075	65,926	63,286	53.69%	53.69%
	BINNAWAY	18,975	59,120	10,124	40,597	27,372	33,777	51.91%	51.91%
	VILLAGES	7,995	21,698	2,164	15,134	12,393	14,051	48.19%	48.19%
	FARMLAND	151,493	3,835,073	19,675	2,858,676	1,096,874	1,156,525	70.22%	70.22%
	COOLAH	13,702	181,643	14,509	130,210	50,625	48,755	72.88%	72.88%
	DUNEDOO	12,688	200,118	16,263	143,056	53,486	57,260	69.71%	69.71%
	MENDOORAN	9,744	62,484	6,979	42,964	22,283	21,259	67.30%	67.30%
	LEADVILLE	2,511	9,430	1,487	6,279	4,175	4,712	55.15%	55.15%
	MERRYGOEN	539	3,817	688	2,309	1,359	1,496	56.84%	56.84%
	NEILREX	107	2,296	200	1,219	984	645	72.32%	72.32%
	UARBRY	830	3,386	76	3,950	190	1,066	66.73%	66.73%
	COOLABAH ESTATE	2,259	14,347	1,563	9,877	5,165	6495	56.45%	56.45%
	RUR/RES COBBORA	599	3,387	299	2,229	1,457	1294	68.11%	68.11%
	GENERAL RESD/BUS-STH	10,724	129,606	9,193	98,139	32,990	33,525	73.58%	73.58%
	BUSINESS-CBN- RURAL	31,534	361,148	250	286,080	106,254	112,343	72.31%	71.42%

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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2008/2009	TOTAL OUTSTANDING 2007/2008	COLLECTION % 2008/2009	COLLECTION % 2007/2008
<b>WATER</b>						0	-		
	COONABARABRA N	31,344	310,865	27,397	218,962	95,564	89,544	69.25%	69.25%
	BARADINE	36,144	85,278	10,272	60,222	50,927	52,018	49.69%	49.69%
	BINNAWAY	33,560	65,706	8,750	50,459	40,054	48,210	49.12%	49.12%
	VILLAGES	16,526	11,040	875	6,179	20,511	19,596	22.44%	22.44%
	FARMLAND - NTH & STH	88.00	1,026.00	0.00	861	253	101	85.41%	85.41%
	COOLAH	21,343	183,484	12,149	128,325	64,353	42,231	69.65%	69.65%
	DUNEDOO	8,348	123,105	9,348	87,474	34,631	35,382	68.70%	68.70%
	MENDOORAN	9,926	96,480	4,664	64,025	37,708	20,741	64.51%	64.51%
	MERRYGOEN	2,439	10,580	831	7,003	5,185	5,325	53.86%	53.86%
<b>SEWERAGE</b>						0	-		
	COONABARABRA N	44,440	635,885	27,202	468,639	184,085	184,028	70.92%	70.92%
	BARADINE	52,659	145,365	8,740	115,630	73,651	84,123	54.02%	54.02%
	COOLAH	13,463	152,896	8,844	110,077	47,438	44,591	71.22%	71.22%
	DUNEDOO	8,975	144,059	9,173	104,805	39,057	41,034	69.98%	69.98%
		<b>694,451</b>	<b>7,919,954</b>	<b>300,655</b>	<b>5,829,252</b>	<b>2,471,867</b>	<b>2,524,290</b>	65.45%	<b>68.43%</b>

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		RATE ARREARS	2007/2008 LEVY	PENSIONER WRITE OFF	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2008/2009	TOTAL OUTSTANDING 2007/2008	COLLECTION % 2008/2009	COLLECTION % 2007/2008
GARBAGE- North		68,913	601,268	50,181	422,533	197,409	184,458	69.04%	69.04%
GARBAGE - South		32,222	369,371	36,181	249,473	115,921	109,541	68.34%	68.34%
FARMLAND - NTH - STH		722	29,890	471	16,114	14,028	20,996	53.46%	0.00%
LEGAL FEES		178,484	112,726	0	112,726	178,410	70,524	38.72%	23.61%
						0			
INTEREST		153,612	0	0	69,854	83,758	102,387	45.47%	32.96%
	TOTALS	1,128,404	9,033,210	387,488	6,630,099	3,061,393	3,012,196	67.92%	67.27%

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

## RECOMMENDATION

For Council's information.



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## **2.5 REQUEST FOR WRITE OFF OF RATES**

Council has been approached by Mrs Murdoch to make an adjustment to her rates for the 2007-2008 rating period.

A portion of her property was compulsorily acquired by National Parks and Wildlife in August 2007 and property owned by National Parks and Wildlife is non-rateable.

The request is for a write off of \$752.58 based on the following calculations:

Yearly Rates Levy for 2007-2008 Rating Year:	\$1,157.19
Total Rates payable for July & August	\$ 196.57
Rates payable for percentage of retained area (for the remainder of 2007-2008)	\$ 232.40
	<hr/>
Total Liability for Murdoch	<u>\$ 578.62</u>
Balance outstanding but not collectable from National Parks and Wildlife	<b>\$ 752.58</b>

## **RECOMMENDATION**

That Council write off the amount of \$752.58 against Assessment Number 12688.102 which is the proportion of rates applicable to land compulsorily acquired by National Parks and Wildlife, who are exempt from paying rates.

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

# **WARRUMBUNGLE SHIRE COUNCIL**

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

Dear Sir

Attached is my report for consideration by Council

## **DIRECTOR OF TECHNICAL SERVICES**

## **ANNEXURE 3**

### **3.1 USER PAY SEWERAGE POLICY OPTIONS FOR BARADINE, COOLAH, COONABARABRAN & DUNEDOO.**

#### **Background**

Council will be aware that a consultation process has been occurring regarding the introduction of user pay sewage. The process included a mail out to customers in Baradine, Coolah, Coonabarabran and Dunedoo and an invitation to a public meeting. As a result of the public meetings a number of issues need resolution by Council before final prices are determined and considered by Council during preparation of the 2009/2010 budget.

#### **Issues**

The proposed change in pricing policy will have a significant impact on some businesses in each of the towns. In particular the sewer charge will increase substantially for those businesses with any of the following features; multiple water connections, large diameter water connections and high water consumption and a high Sewage Discharge Factor (SDF). In this regard the types of businesses that will have higher sewer charges include; hotels, motels, hospitals and schools.

Council is able to ameliorate the impact of the price increase, by allowing non residential property owners some concession through any of the following;

- Demonstration by property owners that use of large diameter water service connections are used infrequently. This is particularly the case for those properties with 100 mm diameter service connections used only for fire protection.
- Implementation of the price changes over a period up to 5 years.
- Fixing a common access charge across the whole Shire. The changes to the overall charge under this option will vary depending upon water consumption.

Three(3) pricing models have been developed and presented to Council and the community at the public meetings. The features of each model are outlined as follows:

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## **Model 1:**

- No pensioner rebates
- Non rateable properties are charged the same as non residential

## **Model 2:**

- Same as model 1 except that pensioner rebates are applied

## **Model 3:**

- Same as model 2 except there is no access charge for non rateable properties, schools, hospitals and emergency services.

The best practice guidelines prohibit sewer charges based on land value. In this regard, there will be some substantial changes to sewer charges for residential properties in Coonabarabran.

During the public meetings concerns have been raised regarding individual units, such as retirement units on land that is assessed as residential. The Best Practice Guidelines indicate that these units should be treated as a residential assessment.

The Best Practice guidelines indicate that the sewer usage charge should reflect the 'long run marginal cost of sewerage business'. The guidelines estimate that this figure is 150% of the costs associated with operating and maintaining the sewerage system. The pricing models developed to date equate the long run marginal cost to the capital cost component in each town budget. That is, it has been assumed that the budget allocation for capital works, including any transfers to restricted asset or surpluses, is sufficient to ensure the long term sustainability of the respective sewerage systems. If usage charges are based on operating and maintenance costs multiplied by 1.5, then there will be substantial increases for some towns.

## **Options**

It is expected that Council will develop the pricing policy for user pay sewage for inclusion in the 2009/2010 management plan. That is, users will have the ability to scrutinize the pricing proposals when the plan is placed on display in May 2009. However, Council has discretion on a number of factors that will influence the eventual price paid by property owners.

## **Financial Considerations**

The sewer charges that have been developed to date for each town, under each model, are shown in attachment 1.0. The potential impact on certain users in each town, as a result of applying model 2 charges is shown in attachment 2.0, which has been forwarded to Councillors under separate cover.

The impact of fixing access charges for the whole Shire is also shown in attachment 2.0.

## **RECOMMENDATION**

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The following principles are applied to determination of sewer charges for the towns of Baradine, Coolah, Coonabarabran and Dunedoo:

1. Model No 2 is used for the determination of sewer charge, that is, an access charge is levied against non rateable properties and rebates are provided to eligible pensioners. That is, model No 2 is used across the whole Shire.
2. Access charge will be based on best practice guidelines.
3. Each strata title residential unit or flat is treated as a residential assessment (ie, no distinction between houses and flats).
4. Submissions will be permitted from property owners with water service connections 100mm in diameter or larger. Such submissions will only be considered and determined by Council.
5. Non Residential charges will be implemented over a 3 year period commencing 1 July 2009.
6. That for the purpose of preparing charges for 2009/2010 the usage charge is based on current capital budget allocated for each town.

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Attachment 1.0

User Type	Current (2008/09)				Model 1				Model 2				Model 3			
	Coonabar	Baradine	Coolah	Dunedoo	Coonabar	Baradine	Coolah	Dunedoo	Coonabar	Baradine	Coolah	Dunedoo	Coonabar	Baradine	Coolah	Dunedoo
<b>Residential</b>	\$397	\$466	\$325	\$325	\$402	\$445	\$296	\$292	\$409	\$460	\$307	\$301	\$430	\$479	\$341	\$314
<b>Non Residential</b>																
Access Charge																
20 mm	n/a	n/a	n/a	n/a	\$308	\$255	\$320	\$269	\$314	\$263	\$329	\$276	\$341	\$290	\$360	\$300
40 mm	n/a	n/a	n/a	n/a	\$1,231	\$1,019	\$1,280	\$1,076	\$1,256	\$1,053	\$1,316	\$1,104	\$1,363	\$1,162	\$1,440	\$1,198
100 mm	n/a	n/a	n/a	n/a	\$7,696	\$6,366	\$8,000	\$6,727	\$7,847	\$6,584	\$823	\$6,897	\$8,517	\$7,262	\$9,003	\$7,491
Usage Charge (\$/kl)	n/a	n/a	n/a	n/a	\$1.16	\$1.24	\$0.43	\$0.61	\$1.18	\$1.28	\$0.46	\$0.63	\$1.19	\$1.28	\$0.44	\$0.61

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## **3.2 REQUEST FOR WATER AND SEWER EXTENSION – DOWS LANE COONABARABRAN**

### **Background**

The owner of Lot 68 and Lot 2 DP753378, which is located in Dows Lane Coonabarabran, are requesting extension of sewer and water mains to service their property. Currently, the property is paying water and sewer rates because the distance to existing sewer and water mains is within the statutory distance, that Council may levy a charge. The location of the property is shown in attachment 1.0.

Generally, requests of this nature are considered during preparation of Council's annual budget, however, Council is being asked to consider this request because of implications it may have for expansion of the water and sewer network.

### **Issues**

A small area of Lot 68 is within the 75 metre distance of the sewer main and hence in accordance with Council's current policy sewer charges have been levied against the property. In Coonabarabran, current sewer charges are based upon land value, and as such the sewer charge for this property reflects is size of 2.35 hectare. Under the proposed user pay pricing policy, this property pay the charge associated with non connected properties.

The extension of gravity sewer to Lot 68 is possible via a gravity connection to manhole JE04. The distance of this extension is around 150 metres, however, it would involve creation of an easement across adjoining land. If the sewer is extended to Lot 68 the 'catchment' area for sewer would not increase as the adjoining property Lot 67 is further than 75 metres from where the sewer would finish.

In relation to water, Lot 68 is approximately 210 metres from the water main, which is located on the Newell Highway. Hence, the property is being levied a water connection charge because it is within 225 metres of a water main. If the water main is extended along Dows Lane to Lot 68, then Lot 67 and Lot 448 fall within the 225m catchment area and will incur and access charge for water.

### **Options**

Should Council wish to extend either the water main or sewer main to service Lot 68, Council may wish to seek a financial contribution to the work.

### **Financial Considerations**

There is no budget allocation for extensions of the water or sewer main along Dows Lane.

## **RECOMMENDATION**

1. That the cost of extending sewer to Lot 68 be estimated and presented for consideration during preparation of the 2009/2010 budget.

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2. The owner of Lot 68 be advised that Council will not be extending the water main along Dows Lane to service their property.

Attachment 1.0



### **3.3 SEWAGE DUMP POINT PROPOSAL**

#### **Background**

At the meeting on the 19 February 2009 Council sought a report on sewage dump points within the Shire. Dump points are used by campervans and caravans to discharge stored effluent directly in the sewer. Currently, there are no public dump points within Shire. It is understood that a dump point exists at the Coolah Caravan Park and that application for one at the John Oxley Coonabarabran Caravan Park is imminent. Also, there is sewage dump point at the camping area at the Warrumbungle National Park.

It is clear that the number of self contained campervans and caravans travelling on major roads is increasing and that the demand for quick access to facilities and services is also

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increasing. Council needs to develop a strategic response to the demand for the services to enable maximum economic advantage are obtained from the travellers. In this regard, close consultation with the Tourism and Economic Development Committee and the various town development groups is required.

The roads in the Shire with the highest traffic volume pass through Dunedoo, Coolah and Coonabarabran and hence options for locating dump point in each of these towns are identified in this report.

## **Issues**

The Campervan and Motorhome Club of Australia offer a modular connecting cover to any organization that can provide access to sewer. There are three conditions to the offer; the dump facility must include an access to water via a hose, the facility must be accessible by vehicles up to 19m in length and use of the facility must be free.

While part of the capital cost of constructing a dump point facility might be subsidized, there are further costs associated with constructing the facility and then maintaining it. In particular, there are costs associated with water usage and sewerage usage. Council will need to determine if the economic benefits of constructing and operating a sewer dump facility exceed the associated costs.

Concerns have previously been expressed that installation of public dump points might deflect business away from Caravan Park owners. Given that the apparent demand for dump points has arisen because of increased numbers of campervans on the road, a dump point service is additional to the services provided at a Caravan Park. That is, the campervan drivers do not want to stay overnight. However, these issues should be further researched and discussed by the various Committees.

## **Options**

Options for locating a campervan and motorhome sewage dump point in Coonabarabran include:

- Essex Street at the intersection of Charles Street and adjacent Neilson Park
- Town Hall carpark at the rear of the old library building
- Carparking area at the Visitor Information Centre.

The distance to sewer main and water main in all of the above three options are similar and hence the cost of constructing a facility would be similar.

For Dunedoo, the only option appears to be at the rear of Milling Park in the current truck parking area. For Coolah, the only option appears to be Binnia Street at the intersection of Queensborough Street.

## **Financial Considerations**

The cost of constructing the facility will depend on the proposed location and in particular, if extensions to the sewer main and water mains are required and if



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modifications to kerbing and guttering are required. For the purpose of feasibility analysis only, the capital cost can be assumed to be somewhere between \$3,000 and \$6,000. If the facility requires cleaning twice weekly, then the ongoing operational cost will be around \$10,000 per year.

Currently, there is no budget allocation for either construction or maintenance of the dump point. If the dump point facility is considered as a service similar to a public toilet, then for the purposes of management control the cost centre may be added to the Urban Services section of Council's budget. However, Council will be aware that staff and equipment resources in this area are fully allocated and that the need for additional resources will need to be considered.

## **RECOMMENDATION**

That a campervan and motorhome sewage dump point facility at the intersection of Essex Street and Charles Street is designed and a Development Application is lodged for the proposal. Further, the cost of the facility is considered during budget considerations for 2009/2010.

.....  
KEVIN TIGHE  
DIRECTOR TECHNICAL SERVICES

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

Dear Sir

Attached is my report for consideration by Council

**DIRECTOR OF ENVIRONMENTAL SERVICES      ANNEXURE 4**

## **4.1      PROCEDURE FOR LAND CLEANUP**

### **Summary**

The purpose of this report is for Council to adopt a procedure for dealing with owners of land who have not complied with an order to attend to overgrown and untidy allotments of land.

### **Background**

There are a number of properties in the shire which become overgrown or accumulate rubbish, with many of the properties consisting of vacant land or land with an unoccupied dwelling on it.

It has been Council's practice to issue the owner of the land with an order No. 21 under section 124 of the Local Government Act 1993 however in some cases this order has not been complied with.

Under section 124 of the Local Government Act, the Council has power to issue the following relevant kinds of orders.

<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>To do what?</b>	<b>In what circumstances?</b>	<b>To whom?</b>
<b>21</b>	To do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.	The land or premises are not in a safe or healthy condition.	Owner or occupier of land or premises.

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<b>22A</b>	To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises.	The waste is, in the opinion of an environmental health officer (within the meaning of the Public Health Act 1991), causing or is likely to cause a threat to public health or the health of any individual	Owner or occupier of the premises.
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## **Merit Appeals**

Orders under Item 21 of section 124 can be appealed to the Court on their merits and Council would need to persuade the Court that the order should be confirmed.

Orders under Item 22A cannot be the subject of a merit appeal however the recipient could still challenge the legal validity of the order in class 4 proceedings in the Land and Environment Court.

## **ENFORCEMENT OPTIONS**

If the order is not complied with, Council has the following options:

- 1. Prosecution For Non-Compliance –**  
Council may instigate criminal proceedings in the Local Court. Any such proceedings must be commenced within six months of the date of the infringement, that is, within six months of the date on which something required by the order was not done. Council will need to provide criminal standard of proof, that is, beyond reasonable doubt proof. The maximum penalty is 20 penalty units which equates to a fine of \$2,200.00 (as per section 628(2) of the Local Government Act). Council would need to engage legal representation at it's own cost. It is also highly unusual for a court to fine to the maximum level.
- 2. Penalty Notice For Non-Compliance**  
A penalty notice may be issued (the person issuing must be authorized to do so) if it appears that the person to whom the order was issued has not complied with the order. A penalty notice can be issued for failure to comply with an order No. 21 however cannot be issued for failure to comply with an order No. 22A.
- 3. Civil Enforcement For Non-Compliance**  
An alternative to civil enforcement, is for Council to do all such things as are necessary to give effect to the terms of the order.

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If the land is not used for residential purposes, the Council can proceed to take such action in compliance with the provisions of Part 2 in Chapter 8 of the Local Government Act. A summary of those provisions follows:

- The clean-up may be carried out by Council staff or persons authorized by the Council;
- The persons carrying out the work must be in possession of an authority from the Council and produce that authority if required to do so by the owner or occupier of the premises;
- The authority must:
  - a) state that it is issued under the Local Government Act;
  - b) give the name of the person to whom it is issued;
  - c) describe the nature of the powers conferred and the source of the powers;
  - d) state the date (if any) on which it expires;
  - e) describe the nature of the powers conferred and the source of the powers;
  - f) state the date (if any) on which it expires;
  - g) describe the kind of premises to which the power extends, and
  - h) bear the signature of the General Manager.
- The clean-up may only occur at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the premises.
- Before entry, the Council must (usually) give the owner or occupier of the premises written notice of the intention to enter the premises including details of the day on which the person intends to enter the premises;
- However, the requirement for notice does not apply if:
  - a) entry is required because of the existence or reasonable likelihood of a serious risk to health or safety; or
  - b) entry is required urgently and the General Manager has authorized entry without notice in writing (either generally or in the particular case);
- reasonable force may be used (other than on residential premises) if the Council has so authorized the persons in writing in respect of the particular entry and specified the circumstances must exist before force may be used;
- if force is used for entry, or entry occurs in an emergency, the person who does so must advise the Council and the Council must then give notice of the entry to such persons or authorities as appear to the Council to be appropriate in the circumstances;
- a person who enters land must do as little damage as possible;

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- as far as practicable, entry onto fenced land is to be made through an existing opening in the enclosing fence;
  - if entry is not by an existing opening in the enclosing fence, a new opening may be made in the enclosing fence, but the fence is to be fully restored when the need for entry ceases.

Where the relevant land is used for residential purposes, section 200 of the Local Government Act provides that *“The powers of entry and inspection conferred by this Part are not exercisable in relation to that part of any premises being used for residential purposes except: a) with the permission of the occupier of that part of the premises, or c) under the authority conferred by a search warrant.”*

In order for Council to enforce an order on land used for residential purposes, the Council needs a search warrant under section 678 (10) of the Local Government Act unless the permission of the occupier has first been obtained. The power of entry is also governed by Division 4 of part 5 of the Law Enforcement (Powers and Responsibilities) Act 2002. If a search warrant is obtained, a police officer can accompany the Council's authorized staff and provide assistance.

If Council takes clean-up action, any expenses incurred by the Council together with all of the Council's associated costs, can then be recovered as a debt from the person to whom the order was issued in a court of competent jurisdiction. **The debt cannot be recovered utilizing the sale of land provisions that apply to unpaid rates and charges under the Local Government Act.**

## **RECOVERY OF COSTS OF ENFORCEMENT ACTION**

To recover its costs of legal action or clean-up, the Council may need to bring separate proceedings. The first step would be for Council to issue an invoice or a demand for payment for these costs. If this is unsuccessful Council will need to take formal legal action for recovery.

The two(2) options for enforcement of the debt are:

- i. A writ for the levy of property – which authorizes the Sheriff to seize certain goods, money, land or other assets to meet the debt; or
- ii. A garnishee order on income of the debtor, his or her bank accounts, creditors or the like

## **CONCLUSION**

The recommended procedure for non compliance with an order issued under items 21 or 22A of section 124 of the Local Government Act is:

1. In relation to land other than that being used for occupied residential purposes, issue a notice of intention to enter letter authorizing entry to the premises by Council staff or contractors and execute the order by carrying

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- out the clean up works and issue an invoice to the owner for the costs incurred.
  2. In relation to land that is being used for residential purposes, obtain a search warrant from the registrar of the Coonabarabran Local Court authorizing entry to the premises by Council staff or contractors to execute the order by carrying out the clean-up works and issue an invoice to the owner for the costs incurred.
  3. In circumstances where the owner is able to be located by the Council and an order No 21 under section 124 of the Local Government Act 1993 has not been complied with the owner will be issued with a \$330 penalty notice in addition to council executing the order.
  4. In circumstances where the estimated cost of executing an order is greater than \$2000 a report shall be generated to Council seeking authority to carry out necessary works.

## **RECOMMENDATION**

1. That Council adopt the following procedure for 'Non compliance with an order' issued under items 21 or 22A of section 124 of the Local Government Act:
  - (a) In relation to land other than that being used for occupied residential purposes, issue a notice of intention to enter letter authorizing entry to the premises by Council staff or contractors and execute the order by carrying out the clean up works and issue an invoice to the owner for the costs incurred.
  - (b) In relation to land that is being used for residential purposes, obtain a search warrant from the registrar of the Coonabarabran Local Court authorizing entry to the premises by Council staff or contractors to execute the order by carrying out the clean-up works and issue an invoice to the owner for the costs incurred.
  - (c) In circumstances where the owner is able to be located by the Council and an order No 21 under section 124 of the Local Government Act 1993 has not been complied with the owner will be issued with a \$330 penalty notice in addition to council executing the order.
  - (d) In circumstances where the estimated cost of executing an order is greater than \$2000 a report shall be generated to Council seeking authority to carry out necessary works.
2. That Council delegate its authority under the Local Government Act 1993 and the Environmental Planning & Assessment Act 1979 to the General Manager Mr R J Geraghty to do all things necessary to enforce the orders provisions of those Acts by:
  - (a) entering land for the purpose of carrying out inspections and conducting investigations, and
  - (b) issuing appropriate orders, and

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- (c) entering upon the land and executing the order where compliance with the orders requirements has not been achieved, and
  - (d) Issuing the relevant penalty infringement notices where orders are not complied with.

## **4.2 COONABARABRAN BAKERY PROPOSAL TO LEASE COUNCIL LAND Introduction**

The purpose of this report is to enable Council to determine whether it would be prepared to lease a portion of Rotary Park in Timor Lane Coonabarabran to the owners of the Coonabarabran Bakery to enable the installation of 4-6 750kg gas bottles immediately adjoining the rear wall of the bakery.

### **Background**

The complete proposal (forwarded to Councillors under separate cover) was received on 4 February 2009 and the proposal outlines the installation of LPG cylinders at the rear of the Coonabarabran Bakery building, for conversion of the primary cooking oven from diesel to LPG. To facilitate the conversion of the ovens to gas and meet the Australia Standards for gas installation the owner seeks Council concurrence to erect a storage cage measuring 2m wide by 9m long against the back wall of the bakery in the existing Rotary Park.

### **Commentary**

The procedure to obtain consent to carry out the works requires Council's General Manager to give permission for the Development Application to be lodged. The proponent has so far carried out only preliminary investigations into the feasibility of the project and is hesitant to invest money into further investigation until Council advises whether it would be prepared to enter a lease for a portion of the Rotary Park area to allow storage of gas cylinders.

A site inspection has been carried out with the proponent to establish the effects of the proposal on the use of the park by members of the public and it appears that no significant restriction to the public's use of the park would result from the leasing of a 2m wide strip of land at the rear of the bakery.

In view of the negligible effects upon the use of the park it would seem appropriate for Council to agree to permit the development application to be submitted by agreeing in principle with the proposal and reserving its final decision on the leasing of the portion of Rotary Park until the public has made submissions by way of support or objection to the proposal.

Council dealt with the land in September 1995 through Resolution 598 which states:

1. That the proposed development be approved subject to no objections being received from Mr Neate or Westpac.

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2. That should Mr Flood decide to convert to LPG, the gas cylinders be permitted to be positioned on Lot 1, Timor Street, subject to satisfactory leasing arrangements being entered into and that Mr Flood be responsible for all necessary screening, security and safety measures being undertaken,
3. That the Rotary Club be advised of 2 above and all furnishings and landscaping be positioned to take account of this.

## **RECOMMENDATION**

That Council agrees in principle with the proposal for the Coonabarabran Bakery to lease a portion of Rotary Park for the purpose of storage of gas cylinders subject to the following conditions:

1. Payment of an annual lease fee of \$500.
2. The proponent being required to obtain and maintain public liability insurance which indemnifies Council against any claims resulting from the activity carried out on the land to the value of \$20 million dollars.
3. A valid development consent being obtained by the proponents for the proposal prior to any lease being entered into by Warrumbungle Shire Council.
4. The proponents being responsible for all legal costs in the preparation of a suitable lease agreement between the parties.

## **4.3 NANDI LEASE OF LAND**

### **Introduction**

Council, as the trustee of the land, has leased the lands identified below for the purpose of grazing over a number of years. The lease expired in December 2007 and has been re-advertised calling for expressions of interest.

The land available for lease includes;

Lot 5 DP839637  
Lot 329 DP753378  
Lot 330 DP753378  
Lot 7012 DP1030457

and is shown outlined in the attached map.

### **Background**

Expressions of interest were called for and three submissions were received. All submissions are attached. The land is currently zoned: Village 2(v) under Council's Local Environmental Plan 1990.

Lot 7012 DP1030457 has been successfully maintained and managed by the Common Trust for the past 20 years. The remainder of the lots; 5/DP839637, 329/DP753378 and 330/DP753378 have been leased at various times over the years for varying periods.



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Recently the Department of Fisheries has carried out extensive restoration works and bank stabilization along the Castlereagh River located in lot 7012. An agreement was reached between Fisheries and the Common Trust concerning limited future uses of the land immediately joining the river. The intent of the agreement was to exclude stock from access to the river to limit their impact on the river and river bank.

The land is identified by the Department of Lands as being Dedication 520072, an area dedicated for the purposes of public recreation notified 10 January 1912. The land is Crown land with Coonabarabran Shire Council appointed Trust Manager (gazetted 24 March 1995).

Expressions of interest have been received from the following:

- The Common Trust
- The Coonabarabran and Upper Castlereagh Catchment and Landcare Group Inc.
- NSW Department of Primary Industries

These submissions are attached.

## **Commentary**

The Coonabarabran & Upper Castlereagh Catchment and Landcare Group have made a submission seeking to exclude the land from the possibility of being grazed in order to allow them to assist the bank stabilization project carried out with the assistance of the Department of Primary Industries by completing weed control works and other maintenance works.

The Common trust are seeking to lease the land for grazing for the sum of \$50 per year and the NSW DPI have submitted a letter requesting Council to restrict cattle access to the river banks.

A significant part of the extensive works carried out using the departments funding involves the restriction of cattle access to the areas where trees have been planted for a period of 2 years and after that period only periodic grazing (maximum 4 weeks per year) is suggested to be permitted.

It would appear that there is little benefit to any party in leasing the land for grazing at this point and given the landcare group is prepared to control weeds on site the most appropriate course of action for Council to take now would be to enter a written agreement with the landcare group for a period of 2 years to allow establishment of the plantings without the possibility of damage by stock.

## **RECOMMENDATION**

That Council enter into a written agreement with the Coonabarabran & Upper Castlereagh Catchment and Landcare Group allowing the group to maintain Lot 5

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DP839637, Lot 329 DP753378, Lot 330 DP753378 & Lot 7012 DP1030457 Timor Road Coonabarabran subject to the following conditions:

1. The group continues to hold appropriate public liability insurance of \$20 million that indemnifies Council against all actions associated with the group's activity on the land.
2. Public access to the lands for public recreation purposes be maintained at all times.
3. All noxious weeds be controlled by the group at no cost to Council
4. The agreement expires on the 31<sup>st</sup> March 2011.

## **4.4 PROPOSED LEASE OF LAND ADJOINING BUGALDIE CEMETERY.**

### **Introduction**

As part of its vacant public land management program submissions were called from interested persons by way of advertisement in the local newspapers for the lease of Lot 7001 DP 1002031 Guinema Goorianawa Road Bugaldie.

The following submissions have been received following Council's exhibition period, with regard to the proposed lease of land in Bugaldie. The land available for lease surrounds the Bugaldie Cemetery and does not include that portion of lot 7001 that includes the fenced portion containing monuments. The available land is vacant Crown land.

### **Background**

The land is vacant Crown land under Council's management. Expressions of interest were called and the advertising period closed on Friday 23 January 2009. Two submissions were received. Both submissions are attached. The land is currently zoned: Village 2(v) under Council's Local Environmental Plan 1990 and an identifying map has been attached.

### **Commentary**

The submission of Mr A R McGlashan is the most advantageous offer to Council and should be accepted subject to conditions for a maximum period of Five (5) years.

## **RECOMMENDATION**

Council enter into a lease agreement with Mr A.R McGlashan for the lease of the un-used portion of Lot 7001 DP 1002031 subject to the following specific conditions:

1. The Lessee continues to hold appropriate public liability insurance of \$20 million that indemnifies Council against all actions associated with the the use of the land.
2. All fences are maintained in a stock proof condition to the satisfaction of Council at all times.
3. All noxious weeds are controlled by the Lessee at no cost to Council.
4. The agreement shall expire on the 31<sup>st</sup> March 2014.

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5. The Lessee shall pay to Council the sum of \$400 yearly in advance.
  6. All legal fees resulting from the execution of the lessee agreement shall be paid by the lessee.

## **4.5 RURAL NUMBERING PROJECT**

A rural address number is provided to individually identify properties gaining access from Council's rural road network. In the past addressing has been through the provision of property names or RMB numbers. Neither of these systems allows emergency service providers to quickly determine the location of a property. To overcome this problem a unique rural address number is provided which depicts the distance from a road intersection to the property entrance in metres divided by 10.

### **Background**

At the time of amalgamation approximately half of the rural areas within the shire had an operating rural address number. To extend this program to the whole shire Council voted \$23200 to complete the work in its 2005/2006 budget of which \$18882 had been spent. The project remained uncompleted after this and subsequent expenditure and this report will seek to provide advice as to how the project can be completed and the expected costs of completion.

### **Current Situation**

The southern section of the shire has a rural address system which has been completed; however, maintenance of the system is still required. Effective from the 16<sup>th</sup> of February 2009 the northern section of the shire has 103 roads with 708 properties which still require a rural number to be erected. The survey of property locations has been completed for all roads within the shire and the work remaining is the physical erection of the signs. It is estimated that 52 days of one person's time will be required to complete the installation of the numbers throughout the whole shire.

Council currently has in stock 253 number holders and 547 number tags. To complete the project council has purchased an additional 455 holders at a cost of \$3400. Council's current budget contains an amount of \$2500 (job number: 3131-0903-0000) for materials of which \$491.98 had been spent as of the 11/3/09. There has been an amount of \$1334 spent in the technical services budget this year that should be transferred to the above job number as no funding is provided in that area to offset the expenditure. To accommodate the purchase of the necessary materials to complete the project and cover the monies expended in the Technical Services area an additional allocation of \$2800 will need to be voted at the March 2009 quarterly review.

### **Completion of installation**

It is estimated that the installation of the remaining signs will take approximately 52 days for one employee being either one or both rangers. It would propose that the rangers would allocate their time to stock control while driving on rural roads to complete the numbering as there is no reason why the numbering jobs can't be carried out at the same time stock patrols are conducted. To complete the project a minimum of two days per

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week will need to be spent on the project by the appropriate staff which could see the work completed in approximately 6 months.

## **RECOMMENDATION**

That Council note the report on the progress of the rural address project and the need to allocate additional funding of \$2800 required to purchase the materials necessary to complete the rural numbering project at the March 2009 quarterly review.

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### **4.6 WARRUMBUNGL SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF FEBRUARY 2009**

<b>Complying Development (set criteria) Development Application (Specialised Conditions)</b>	<b>Date Received</b>	<b>APPLICANT'S NAME</b>	<b>LOCATION (of development)</b>	<b>(Town)</b>	<b>Development Type</b>	<b>Status (Approved or Pending)</b>
DA 99/0809	4 February 09	Fr L Beath for St. Lawrence's Catholic Church	14-16 Namoi Street	Coonabarabran	Additions to church building	Approved
CDC 100/0809	9 February 09	L & S Conn	13-15 Belar Street	Coonabarabran	Erection of a garage	Pending
CDC 101/0809	11 February 09	H Boden	18-24 Bligh Street	Baradine	Erection of a garage	Pending
CDC 102/0809	11 February 09	Joan Sanson	33 Lachlan Street	Baradine	Erection of a shed	Approved
CDC 103/0809	23 February 09	Rod Vowles	59 Martin Street	Coolah	Erection of garage	Pending
DA 104/0809	26 February 09	Matthew Rouse	68 Cassilis Street	Coonabarabran	Change of use of building	Pending

### **WARRUMBUNGL SHIRE COUNCIL APPLICATIONS HELD PENDING AS AT THE MONTH END FEBRUARY 2009**

<b>CD or DA</b>	<b>Date Received</b>	<b>Applicant</b>	<b>Location</b>	<b>Town</b>	<b>Type of development</b>	<b>Status</b>
CDC 58/0809	23.10.2008	M Capewell	29 Nelson Street	Coonabarabran	Additions to existing Dwelling	Approved in March
CDC 60/0809	16.10.2008	C Spiteri	Turill Road	Uarbry	Erection of Shed	Processing, clock has stopped – waiting submission of plans
DA 74/0809	26.11.2008	RFS	Gardiner Street	Coonabarabran	Erection of a brigade shed	Processing, clock has stopped – waiting submission of further information.

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<b>CD or DA</b>	<b>Date Received</b>	<b>Applicant</b>	<b>Location</b>	<b>Town</b>	<b>Type of development</b>	<b>Status</b>
DA 76/0809	26.11.2008	RFS	Whitely Street	Dunedoo	Subdivision of land and erection of fire centre	Processing, clock has stopped – waiting submission of further information and advertising
DA 82/0809	9.12.2008	Mathew Cook	‘Barwidgee South’	Box Ridge	Erection of dwelling	Processing, clock has stopped – waiting submission of additional information/amended plans
CD 91/0809	8.1.2009	Keith Roberts	Lot 5, Old Common Road	Coonabarabran	Erection of a garage	Processing, clock has stopped – waiting submission of additional information/amended plans
DA 94/0809	14.1.2009	M Eshman	Lot 5, Holly Farm	Coonabarabran	Erection of a dwelling	Processing, clock has stopped – waiting submission of additional information/amended plans
DA 95/0809	16.1.2009	T Owers	Lot 2, Purlewaugh Road	Coonabarabran	2 lot subdivision	Awaiting referrals from RFS
DA 98/0809	29.1.2009	G Trickey	Lot 13 South Burloo	Coonabarabran	2 lot subdivision	Awaiting submission of amended plans

.....  
ANTHONY MEPPM  
ACTING DIRECTOR ENVIRONMENTAL SERVICES

# **WARRUMBUNGLE SHIRE COUNCIL**

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE  
FIRE CONTROL CENTRE, COONABARABRAN ON THURSDAY, 19 MARCH 2009  
COMMENCING AT 1.00PM**

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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      YULUWIRRI KIDS ADVISORY COMMITTEE**

Council resolved at the December meeting that *'Council accepts Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre Advisory Committee Draft Delegation Statement and implement process of calling for nominations from parents/carers using the service; formally invite a delegate from the Local Coonabarabran Aboriginal Lands Council and advertise for a community representative who will be endorsed by Council.*

*Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre Advisory Committee Delegations*

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

- i. Monitor and review the services provided by (Name) Coonabarabran Preschool and Long Day Care*
- ii. Provide a forum for strategic planning of future services and meeting the needs of the community*
- iii. Provide input into the philosophy, programming and policies relating to the Centre's Management plan*

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

- i. hold an Annual General Meeting*
- ii. produce a budget*
- iii. present an annual financial report to Council's General Manager*
- iv. advertise on an annual basis calling for nominations of delegates and further that delegates be endorsed by Council*
- v. advertise extraordinary vacancies for delegates for expressions of interest and the selected delegate is to be endorsed by Council*

*9 delegates in total to include;*

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*Council's Director Community Services  
Manager Yuluwirri Kids Coonabarabran Preschool and Long Day Care Centre  
6 Parent/Carer representatives (2 per class room - being representative of  
families/carers with children from each age group enrolled at either Long Day  
Care or Preschool)  
1 representative from the Coonabarabran Local Aboriginal Lands Council  
1 representative from the Community*

(Resolution No 195)

Ms Linda Miller was appointed Manager Yuluwirri Kids and with Council's Director Community Services be Council staff delegate on this Advisory Committee.

Following invitations and advertisement, the community, parent and Coonabarabran Aboriginal Lands Council representative nominations have been received from the following;

1 x Community Representative

Ms Julie Brain

1 x Coonabarabran Aboriginal Lands Council Representative

Ms Karyn Sulter

Mr David Sulter (Alternate)

6 x Parent/Carer Representatives

Ms Samantha Bartlett

Ms Maree Robinson

Ms Meryl Downie

Ms Leanne McWhirter

Ms Linda Hardy

Ms Lisa Bonham

Ms Narelle Andrews

Ms Sarah Evans

The Parent/Carer nominations are representative of children enrolled in either Preschool or Long Day Care from each age group and has exceeded the desired minimum by 2. This is a very pleasing result so rather than discard any of the nominations it is recommended that all be accepted. A notation that 6 Parent/Carer representatives be the minimum may be made which will ensure a quorum is attained and parent interest encouraged.

Council may wish to include and nominate a Councillor position onto the Advisory Committee.

## **RECOMMENDATION**



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That Council accepts the following nominations for Yuluwirri Kids Advisory Committee; Community Representative - Ms Julie Brain; Coonabarabran Aboriginal Lands Council Representative - Karyn Sulter and Mr David Sulter (Alternate); Parent/Carer Representatives - Ms Samantha Bartlett, Ms Maree Robinson, Ms Meryl Downie, Ms Leanne McWhirter, Ms Linda Hardy, Ms Lisa Bonham, Ms Narelle Andrews and Ms Sarah Evans and **FURTHER** that the 6 x Parent/Carer positions be a minimum.

## **5.2 SHIRE TENNIS COURTS – LEASE/LICENCE AGREEMENTS**

In response to a report on the matter of Tennis Court Lands at the June 2007 meeting, Council resolved that *'the draft Lease Agreement as submitted to Council be adopted and that the General Manager finalise lease agreements for the Goolhi, Binnaway, Coolah, Merrygoen, Purlewaugh and Mendooran Tennis Courts.'* (Resolution No 383).

A copy of this Report and draft Lease Agreement as presented to Council in June 2007 is attached under separate cover for Council information.

Council owned or Council as Trustee Tennis Courts and land status includes:

1. Coolah – Bowen Oval (Crown Land)
2. Mendooran (Crown Land)
3. Goolhi (Crown Land)
4. Coonabarabran (Freehold)
5. Binnaway (Freehold)
6. Merrygoen (Crown Land)
7. Purlewaugh – (Crown Land - Tombildoon Reserve)

Maps are attached under separate cover for information.

Coonabarabran Tennis Club has a 20 year Lease Agreement with the former Coonabarabran Shire dated 19.01.93. The terms and conditions of this Lease state that the Tennis Club is responsible for the following:

- Electricity, water, telephone and other charges arising from the use of the premises
- All rates and Council charges levied to premises
- All repairs and maintenance for buildings and associated infrastructure
- Building Insurance
- Public Liability Insurance

This Agreement was based on a \$1 per annum peppercorn rental charge.

Coolah Tennis Club in a previous 12 month Licence Agreement with the former Coolah Shire, dated 31.12 2002 stated that the Tennis Club was responsible for the following:

- Public Liability Insurance

This Agreement was based on a \$10 per annum peppercorn rental charge

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Mendooran and Merrygoen Tennis Courts, whilst there is no formal agreement for either of these properties, at a meeting of July 1986 the former Coolah Shire Council were presented Minutes from the Mendooran Town Committee whereby a recommendation was made that:

- Council become Trustee of the premises
- The respective Clubs are appointed Local Management Committees
- The perimeter of the reserves be maintained from Shire funds

The Castlereagh Tennis Club and Binnaway Tennis Court Lease whilst signing the Lease Agreement have raised objections to the conditions of this Agreement and therefore the matter remains unresolved.

No other sporting organisations in the Shire fund from their own sources the building insurance, rates or user charges. Sporting facilities are provided to the community for sporting organisations to use free of charge for all local, training and weekly competition. Oval hire charges are incurred in the case of night time training at No 1 and No 2 Ovals in Coonabarabran or when the event is part of a regional program whereby there is a source of income such as a gate entry or canteen. In Coolah and Dunedoo, each respective sporting organisation pay electricity costs metered for lights and grandstands.

To implement some equity across the Shire for sporting organisations that utilise Council owned or managed (Trustee) facilities, it is proposed that Council adopt Licence Agreements as opposed to Lease Agreements for each Tennis Club. The Licence Agreement document is a simple contract that defines each party and their responsibility, giving the right of the organisation to occupy or use the land for the purpose of that particular activity. This would be an appropriate mechanism for Council to formalise the arrangements with the individual Tennis Clubs.

Council may wish to consider the infrastructure charges to be funded by Council including rates, water and sewerage charges, building insurance costs. Currently (08/09) these charges are:

	<u>Rates</u>	<u>Water</u>	<u>Insurance</u>	<u>Total</u>
Coolah	-	-	-	Nil
Mendooran	-	\$100	-	\$100
Goolhi	-	-	-	Nil
Coonabarabran	\$1,104	\$169	\$983	\$2,256
Binnaway	\$1,050	\$91	\$552	\$1,693
Merrygoen	\$460	\$18	-	\$478
Purlewaugh	-	-	-	Nil

*Note: Rates cost includes water connection fee. Insurance cost relates to the buildings allocated according to the asset value.*

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Since that night time tennis activities are regular, this may be a reasonable cost to each tennis club given the facility is provided free of charge. Any major repairs and maintenance of buildings and courts would require capital budget consideration on an annual basis. It would be reasonable for day to day cleaning, minor R&M related to those activities and sporting equipment to be the responsibility of the individual tennis club.

A draft Licence Agreement is attached for Council consideration based on these assumptions.

## **RECOMMENDATION**

For Council's determination and if it agrees to the following proposal

*That Council adopt the draft Licence Agreement as presented to take the place of all current Lease or Licence Agreements for those existing, and any future, Tennis Clubs for sporting activities conducted at Coolah, Mendooran, Goolhi, Coonabarabran, Binnaway, Merrygoen and Purlewaugh Tennis Courts and **FURTHER** allocating the cost of providing these facilities in Council's Management Plan.*

that Council determine where the funds will be provided from.

.....  
REBECCA RYAN  
DIRECTOR COMMUNITY SERVICES