



Warrumbungle Shire Council

Council meeting

Thursday, 18 December 2008

to be held at the Council Chambers, Coolah

commencing at 1.00 pm

MAYOR

Councillor Peter Shinton

DEPUTY MAYOR

Councillor Murray Coe

COUNCILLORS

Councillor Kerry Campbell

Councillor Tilak Dissanayake

Councillor Ray Lewis

Councillor Mark Powell

Councillor Victor Schmidt

Councillor Ron Sullivan

Councillor Denis Todd

MANAGEMENT TEAM

Robert Geraghty (General Manager)

Carolyn Upston (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Ron VanKatwyk (Director Environmental Services)

Rebecca Ryan (Director Community Services)

WARRUMBUNGLE SHIRE COUNCIL

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD
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Date: 12 December 2008

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 December 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 13 November 2008

ADOPTION OF THE RECOMMENDATIONS of the Traffic Advisory Committee meeting held on 5 December 2008

ADOPTION OF THE RECOMMENDATIONS of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 8 May 2008

ADOPTION OF THE RECOMMENDATIONS of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 7 August 2008

ADOPTION OF THE RECOMMENDATIONS of the Warrumbungle Shire Council Occupational Health & Safety Committee meeting held on 6 November 2008

MINUTES of the Consultative Advisory Committee special meeting held on 11 September 2008 **for notation**

MINUTES of the Consultative Advisory Committee meeting held on 6 November 2008 **for notation**

1.30PM

Presentation by John Irving and Vic James regarding Fluoridation

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KEVIN TIGHE
ACTING GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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GENERAL MANAGER'S REPORT

ANNEXURE 1

1.1 AUSTRALIA DAY AWARDS

Nominations were sought for Australia Awards 2009 under nine categories. The award categories are listed below with the names of persons nominated and their nominators. A copy of each nomination has been provided to Councillors under separate cover.

Council will be aware that at the October 2008 meeting it was determined not to accept late nominations, that is, nominations received after the close date of 21st November 2008.

Australia Day Nominations 2009	
Citizen of the Year Award	Nominators
Aileen Bell	Merryn Spencer of Orana Arts
Maxwell Fairall	Jennifer Fairall
Doris Murrall	Jean Jacobs – Girl Guides
Kevin Carberry	Warrumbungle Community Care
Helen Naef	Anonymous (3)
Les McDonald	Anonymous
Wallace Monk	Russel and Fay Jones
Tracey Robertson	Sue Stoddart
John Yeo	Mendooran Lions Club Inc
John Eastburn	Baradine Multi Purpose Health Council Dr Badami John Davies Peter Munns Baradine Aged Care Association
Marion Anderson	Binnaway Progress Association
John Sawyer	Wendy Baldock – Purlewaugh CWA Kevin and Wendy Baldock Coonabarabran Rotary Hospital Auxiliary
Martin Parisio	Dunedoo Lions Club
Bob Sutherland	Merryn Spencer
Sue Soddart	Anonymous
Fil Ratatagia	Chris McMaster

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Young Citizen of the Year	Nominators
Dannielle Macbeth	Coolah District Development Group
Zoe Stephenson	Coonabarabran High School
Nicholas Adam	Diane Suthons, Coonabarabran High School

Senior Citizen of the Year	Nominators
Maxwell Fairall	Jennifer Fairall
Doris Murrall	Jean Jacobs – Girl Guides (Coolah)
Kevin Carberry	Warrumbungle Community Care (Coolah)
Lachlan Campbell	Michael White -Coolah Men's Shed
John Yeo	Mendooran Lions Club Inc
Joy Jeffery	Sallyanne McDonald
Barbara Swan	Kerrie-Ann King
Shirley Zabynech	Sallyanne McDonald
Maureen Sulter	Anonymous
Patricia Taylor	Baradine Progress Association
John Eastburn	Baradine Aged Care Association
Bell Birks	Robert Madden - Baradine MPH Council
Rita England	Merryn Spencer
Sue Stoddart	Anonymous
Cleon Pearson	Anonymous
James Atkinson	Anna Atkinson

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Sports Person of the Year	Nominators
Phillip Ayoub	Coonabarabran Jockey Club Evelyn Hampton Michael Kennedy – Chairman of Western Racing Association Roy Matthews – Treasurer Wester Racing Association Norman Baker - Secretary Baradine Jockey Club Binnaway Jockey Club Greg Doolan Carinda and District Race Club Robert Buckley

Young Sports Person of the Year	Nominators
Joseph Duggan	Coolah District Development Group
Kyle Turner	Coonabarabran High School Anonymous
Angela Trengove	Dunedoo Lions Club
Ellie Capewell	Anonymous
Samuel Abbott	Dannielle MacBeth

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Certificates of Recognition	Nominators
Coolah MPS Committee	Coolah District Development Group
Doris Mural (Coolah)	Jean Jacobs – Girl Guides
Ross Southwell (Mendooran)	Anonymous
Kevin Carberry (Coolah)	Warrumbungle Community Care (Coolah)
Phillipa Archer (Mendooran)	Mendooran PA & H Association and Mendooran Central School
Ernie Fetch (Coolah)	Coolah Youth and Community Centre Committee
Helen Naef (Mendooran)	Anonymous (3)
Les McDonald (Mendooran)	Anonymous
Tracey Robertson (Dunedoo)	Sue Stoddart
Hazel Bennett (Mendooran)	Mendooran CWA
Martin Parisio (Dunedoo)	Dunedoo Lions Club
John Eastburn (Baradine)	Baradine Multi Purpose Health Council Dr Badami John Davies Peter Munns Baradine Aged Care Association
Patricia Taylor (Baradine)	Baradine Multi Purpose Health Council
Baradine Hospital Auxiliary	Baradine Multi Purpose Health Council
John Fraser (Binnaway)	Binnaway Pre School and Binnaway Junior Sports Club
Barbara Swan (Binnaway)	Anonymous
Irene Worrell (Baradine)	Baradine Progress Association
Nicholas Adam	Diane Suthons, Coonabarabran High School
Alexander Lee	Diane Suthons, Coonabarabran High School
Annie McKinnon	Diane Suthons, Coonabarabran High School
Alice Riley	Diane Suthons, Coonabarabran High School
David Sherlock	Coolah District Development Group

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Group Community Service Award	Nominators
Coolah MPS Committee	Coolah District Development Group
Doris Murrall	Jean Jacobs – Girl Guides (Coolah)
Mendooran Development Group	Anonymous
Binnaway Progress Association	Anonymous
Hazel Bennett (Mendooran)	Mendooran CWA
Baradine Hospital Auxiliary	Baradine Multi Purpose Health Council Peter Munns
Coolah Spring Garden Festival Committee	Christine White (Chats)
Cooinda Entertainers	Baradine Progress Association
Dunedoo Lions Club	Ron Gallagher

Sports Team Of the Year	Nominators
Coolah Junior Sports Under 8's	Ele Cook
Coolah Central Open Rugby League	Coolah District Development Group
Coonabarabran High School Open Girls Netball Team	Coonabarabran High School
Coonabarabran Ladies Bowling Pennants Team	Coonabarabran Bowling Club

Community Award – Villages (Less than 100 People)	Nominators
Bugaldie Village	Baradine Progress Association

RECOMMENDATION

For Council's consideration and determination.

1.2 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

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Under Section 239 and 241 of the Local Government Act the Local Government Remuneration Tribunal is charged with determining categories of Councils and a range of remuneration for each level. The minimum levels of remuneration for Councillors and Mayors must be paid by the relevant Council. Above that minimum there is a discretion to endorse a fee up to the maximum.

The Warrumbungle Shire Council is a Category 4 Council for the purposes of the Tribunal's recommendations.

The fees paid by Council in 2007/2008 were the maximum fees being-

Councillors	\$ 8,715	and an additional
Mayoral payment	\$19 035	

Council has been advised that the Remuneration Tribunal has now determined a 4% increase in the fees and charges allowed and the minimum and maximum amounts are listed below. They are effective from 1st July 2008:

Councillors' Annual fee	\$6,870 to \$ 9,060
Additional Mayor fee	\$7,300 to \$19,790

Council now needs to determine if it wishes to increase its fees for Councillors and to what extent, also does Council wish to back date the fees to 1st July 2008.

RECOMMENDATION

For Council's consideration.

1.3 COUNCIL COMMITTEES

Council will be aware that there are a number of Advisory Committees that require community membership. Nominations were invited by public advertisement for the following committees; nominations closed 21 November 2008.

1. Coonabarabran Town Beautification Advisory Committee – 5 positions.
2. Medical Services Advisory Committee – 4 positions
3. Shire Halls Advisory Committee – one (1) community representative from Coonabarabran.
4. Warrumbungle Aerodromes Advisory Committee – one (1) representative from each of the following towns; Baradine, Coolah and Coonabarabran.

There were no nominations for each of the first three committees.

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The following nominations were received for the Aerodromes Advisory Committee

- Mr Roy Matthews (Baradine)
- Mr Garry Connelly (Coolah)
- Mr Colin Tink (Coonabarabran)
- Mr Kevin Barrington (Coonabarabran) – this nomination was received after the closing date.

In relation to the Shire Halls Advisory Committee, invitations were extended to the following Hall Committees to nominate a representative; Baradine, Binnaway, Purlewaugh, Goolhi and Youth Club. However, to date no responses have been received.

Warrumbungle Shire Tourism and Economic Development Advisory Committee

Invitations were also extended to the following organisations to nominate a representative on the Warrumbungle Shire Tourism and Economic Development Advisory Committee

1. Coonabarabran Chamber of Commerce
2. Baradine Progress Association
3. Binnaway Progress Association
4. Warrumbungle Tourism Association
5. Coonabarabran Arts Council Inc
6. Coolah & District Development Group
7. Dunedoo & District Development Group
8. Mendooran & District Development Group.

To date the following nominations have been received;

Liz Cutts (alternate Gaye Farrell) (representing Baradine Progress Association)

Carol Richard and Roy Cameron (representing Coolah District Development Group)

Maria Rickert (alternate Wolfgang Brederick) (representing Warrumbungle Tourism Inc)

Council will need to resolve to accept or reject nominations received to date. Also, Council will need to determine whether or not to pursue vacancies on the committees.

RECOMMENDATION

That Council accept and thank the following nominees;

Warrumbungle Aerodromes Advisory Committee

- Mr Roy Matthews
- Mr Garry Connelly
- Mr Colin Tink
- Mr Kevin Barrington

Warrumbungle Shire Tourism and Economic Development Advisory Committee

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- Mrs Liz Cutts (representing Baradine Progress Association)
 - Mrs Gaye Farrell (alternate for Baradine Progress Association)
 - Mrs Carol Richard (representing Coolah District Development Group)
 - Mr Roy Cameron (alternate for Coolah District Development Group)
 - Mrs Maria Rikert (representing Warrumbungle Tourism Inc)
 - Mr Wolfgang Brederick (alternate for Warrumbungle Tourism Inc)

Further, the unfilled community positions on the following committees are readvertised;

- Coonabarabran Town Beautification Advisory Committee
- Medical Services Advisory Committee
- Shire Halls Advisory Committee
- Warrumbungle Shire Tourism and Economic Development Advisory Committee

1.4 C DIVISION CONFERENCE

Council considered this matter at the November meeting and referred the matter for further consideration at the December meeting.

The “C” Division Conference of the Shires Association is due to be held on 5th February 2009 at Lighting Ridge. A business paper is to be prepared and distributed in early January 2009. Motions must be submitted to the Division’s Secretary prior to Christmas.

Council now needs to determine any further items it wishes to be submitted for consideration at the divisional Conference which may then be forwarded to the State Conference in June 2009.

The number of Councillors attending the divisional conference will also need to be determined to assist in the organisation of catering.

Council has previously resolved to submit the following motion:

That the Shires Association make representation to the State Government to have legislative change made to its policy to allow removal of sand from waterways.

At the meeting on 16th October 2008, Council resolved to have the matter of conditional registration considered by C Division. A separate report on this matter has been prepared and forwarded to Councillors under separate cover. The report recommends the following motion:

That Council graders and wheeled loaders are made exempt from the mandatory registration condition that stipulates the vehicle must not travel more than five (5) kilometres between each site.

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At the meeting held on 13th November 2008, Council also discussed referral to C Division of a motion detailing concerns regarding major financial institutions not paying interest on investments. This matter now needs to be determined.

RECOMMENDATION

1. That the following two motions be forwarded to the C Division meeting of Councils:

That the Shires Association make representation to the State Government to have legislative change made to its policy to allow removal of sand from waterways.

That Council graders and wheeled loaders are made exempt from the mandatory registration condition that stipulates the vehicle must not travel more than five (5) kilometres between each site.

2. That Council determine any further motions for the “C” Division Conference and that Council also determine the number of representatives it will have attending the Conference.

1.5 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

As previously advised under separate cover to Councillors, on 18th November 2008 the Australian Government announced \$300 million in total funding in 2008-2009 budget for Local Government. The program will be administered via Australian Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG). The objectives of this funding is to stimulate growth and economic development activity and to support national productivity and community well being.

\$250 million component of this funding is the Regional and Local Community Infrastructure Program (RLCIP). It is a one off funding, with the allocation based on Grants Commission data (relative need, population and growth). Each Council is provided with a \$100,000 minimum payment plus a \$300,000 growth component for Councils with populations > 30,000. The remaining then distributed to Councils with populations > 5,000. Warrumbungle Shire Council has been allocated \$568,000.

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (eg art spaces, gardens);
- recreational facilities (eg swimming pools, sports stadiums);
- tourism infrastructure (eg walkways, tourism information centres);
- children, youth and seniors facilities (eg playgroup centres, senior citizens' centres);
- access facilities (eg boat ramps, footbridges); and
- environmental initiatives (eg drain and sewerage upgrades, recycling plants).

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The projects must be ready to proceed community infrastructure projects or additional stages to projects already underway and must be consistent with those noted on the Attached RLCIP guidelines list (Annexure A).

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

Program information is available at www.alcg.gov.au

Roads or related infrastructure covered by Roads to Recovery or Black Spots Program will not be funded. Requests for additional funding will not be approved. A Funding Agreement will be signed prior to receipt of 100% of funding payment.

Community input has been sought via advertisements and press releases in local publications and utilising the Development Coordinators network. Submissions close on Tuesday, 6 January 2009. In addition, each Director is preparing a list of projects within their respective Divisions for Council consideration.

It is anticipated that a Council meeting be held on Thursday, 15 January 2009 to determine the project list that needs to be compiled for the DITRDLG in order for a Funding Agreement to be prepared. Should Council resolve to hold a meeting on 15 January, Council may wish to reconsider the date of the February meeting.

Letters of Offer and instructions for completion of Council submissions are being processed by DITRDLG and it is anticipated that these are received prior to the New Year. Using these instructions and RLCIP guidelines as a base, a transparent Project Assessment worksheet is being developed so that Council is provided with as much comparable information as possible to fairly score the individual projects at the January meeting.

Timeframe

30 January 2009	A list of projects to be submitted to DITRDLG
28 February 2009	Funding Agreement signed and RLCIP payment received in full
30 May 2009	Progress Report to be submitted to DITRDLG

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30 September 2009	Projects completed and funds expended
30 November 2009	Progress Report and final acquittal to be submitted to DITRDLG Funds will be recovered where requirements have not been met

Council needs to establish some guidelines of its own to assist with the project assessment process:

- a) Will Council consider projects for assets not owned by Council?
- b) To what level of population or community to spread the funding?
- c) Is there a transparent model and process for predetermining a \$ allocation to each town/community?
- d) Would community contribution/volunteer labour increase a project worth?
- e) Would Council fund a project that may exceed the predetermined 'quota' if another was not expended to the full amount.
- f) Project Management cost.

Given that the Project Management is the responsibility of Council, the staff resources to undertake many small projects or more complicated projects becomes a limiting factor. On the other hand small simple projects may provide greater impact to the smaller communities and project management required relatively simple. A flat 5% of total project has been estimated as a fair cost recovery rate to ensure that administration required for managing each project and completing acquittals is adequately resourced. It is also proposed that whilst the program in total may sit in one Division for Management Plan purposes, the individual Project Manager would be the responsible Director from which area the project was located.

Attached under separate cover (Annexure B) are some draft quotas for Council consideration. This has utilised ABS Population 2006 Census data based on varying sorting labels to extrapolate a % from which the RLCIP funding is distributed across the six (6) towns. In addition, as this does produce quite varying results, an average quota has been calculated. It is expected that each town may either exceed or not fully expend its quota depending on the projects submitted. Council's objective however is to ensure the full \$568,000 is allocated one way or another and that the RLCIP guidelines are met.

RECOMMENDATION

That Council schedule a meeting to be held on Thursday, 15 January 2009 to determine the list of Warrumbungle Shire Council Projects to be submitted to the Department of Infrastructure, Transport, Regional Development and Local Government by 30 January 2009. **FURTHERMORE** that Council applies the following principles to assist with the initial Project assessment process:

1. The project must comply with the RLCIP guidelines.

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2. The project must be a Council asset.
 3. The \$568,000 is distributed according to the average of the three (3) ABS Population data models to Coolah, Coonabarabran, Baradine, Binnaway, Dunedoo and Mendooran communities.
 4. Council accepts that support for a project(s) may result in the actual distribution amount for a town being greater than the predetermined quota
 5. The predetermined quota for each town may not be expended to the full amount.
 6. 5% of each project value will be charged to cover Project Management costs.
 7. Each Director will undertake Project Management responsibilities for project(s) located in their respective Divisions.

1.6 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM -STRATEGIC PROJECTS

As previously advised under separate cover to Councillors, on the 18 November 2008 the Australian Government announced \$300 million in total funding in 2008-2009 budget for Local Government. The program will be administered via Australian Department of Infrastructure, Transport, Regional Development and Local Government (DITRDLG). The objectives of this funding is to stimulate growth and economic development activity and to support national productivity and community well being.

\$50 million component of this funding is the Regional and Local Community Infrastructure Strategic Projects Program (RLCIP-SP). This funding is for larger scale community infrastructure to deliver additional injection community investment.

The RLCIP-SP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (eg art spaces, gardens);
- recreational facilities (eg swimming pools, sports stadiums);
- tourism infrastructure (eg walkways, tourism information centres);
- children, youth and seniors facilities (eg playgroup centres, senior citizens' centres);
- access facilities (eg boat ramps, footbridges); and
- environmental initiatives (eg drain and sewerage upgrades, recycling plants).

The projects must be ready to proceed community infrastructure projects or additional stages to projects already underway and must be consistent with those noted on the Attached RLCIP-SP guidelines list (Annexure A).

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Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

Program information is available at www.alcg.gov.au

Roads or related infrastructure covered by Roads to Recovery or Black Spots Program will not be funded. Requests for additional funding will not be approved. A Funding Agreement will be signed prior to receipt of 100% of funding payment.

In addition;

- The minimum Commonwealth contribution is \$2 million
- Projects are assessed and selected according to a nationally competitive application based process.
- All Councils or groups of Councils eligible to apply, limit of one (1) application per Council.
- Larger projects and projects which include partnership funding will be given preference.
- Projects must be ready to proceed or additional stages of projects already underway.
- Construction must commence within six (6) months of signing Funding Agreement

The Department will rank projects and seek comments from Australian Council of Local Government (ACLG), and the Minister will make final approval. Requests for additional funding will not be approved and as per the RLCIP program, Project Management is the responsibility of Council and a reporting schedule will be implemented with required milestones.

Options

For Warrumbungle Shire, Council may wish to consider the following projects:

1. Natural Gas Pipeline

This project is certainly an objective of Council and the investment required for this public infrastructure is aligned with the RLCIP SP guidelines. However it is not at a point of being ready to proceed nor would be in a position for construction to commence within 6 months.

2. Upgrade of the current 33m Coonabarabran Pool into a 50m Heated Competition Pool Facility

Plans and costings have been developed for this project which includes increasing the pool length, filling in the diving end so that the whole pool is 2.2m depth, installing a disabled access ramp, and relocating the toddler or teaching pool. Similar pool

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refurbishments have occurred recently in a number of regional NSW centres. A complete budget and concept plans will be available for the Council meeting.

3. Refurbishment of the Coonabarabran Town Hall into a Music/Drama Arts Centre
Plans have been completed for this project which includes refurbishment of all indoor areas and amenities, construction of new foyer and entrance, installation of flooring in courtyard and removal of fountain. Preliminary estimates were costed for this renovation in 2007 and totalled \$1.25 million. A copy of these costings and plans will be available for the Council meeting.

4. Coonabarabran Library

Since the new Council administration Centre as referred to the Crane building includes the new Coonabarabran Library then perhaps the funding would provide a means for this project. This project is not at a stage whereby construction could commence within 6 months and would require a major turnaround of the whole ground floor arrangement/purpose.

Summary

Council's 2008 Social Plan has identified each of these projects as important capital infrastructure items so developing the supporting evidence and need required for an application is attainable. Each project lends itself to apply for additional funds, through Sport and Recreation, Environmental or Arts/Cultural depending on which part of the project could meet funding criteria.

Applications close 23 December 2008.

Since this program is competitive it would be unrealistic to submit an application unless Council was willing to contribute some component. Whilst this program does not specify the co-funding required a contribution relative to the project value would be expected.

Council needs to determine:

- a) Whether an application to the RLCIP-SP is submitted from Warrumbungle Shire Council
- b) Will Council make a contribution for funding of project?

RECOMMENDATION

For Council consideration.

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1.7 CRANE BUILDING SITE – BUILDING DEVELOPMENT

Background

Council's discussions at the November 2008 meeting on this subject concluded that more information was required on the functional needs of the building, design options, timeframes and costings.

Commentary

For the purpose of discussion, two alternative concepts have been prepared as follows:

1. Discussion Plan No. 1 – Two storey new building to complement existing building. (Enclosure A)
2. Discussion Plan No. 2 – Single storey new building with lift to service 2nd storey of existing building. (Enclosure B)

Note: The ground floor layout of DP No. 2 has been prepared utilising the structural layout of the ground floor in DP No. 1. That is, DP No. 2 has been designed to facilitate a future expansion to two (2) storeys. Also DP No. 2 proposes a flat concrete roof for this expansion.

Both concepts include three commercial shop tenancies on the ground floor with frontage to John Street.

Design considerations

- i) Floor areas: DP No. 1 achieves approx 2800m² of total floor area with approximately 1400m² in each floor.

DP No. 2 achieves approximately 1400m² of ground floor area with only the top of the lift well on the first floor.

- ii) Sprinkler system: not required as the building will be less than 25m in height.

- iii) Smoke control: similarly the building will not require any smoke hazard management.

- iv) Fire exits: Distances to exists to be no more than 20m or 20m to a point where a choice of exits is available and the closest exit is not more than a further 20m away ie. Maximum of 40m to an exit. Exit is the door or the top of the stairs. Need to make sure egress options for the public sections allow travel without needing a key.

- v) Lift: The installation of a lift will require a space of about 2200mm by 2400mm and will include a pit 1150mm deep below ground level. It is doubtful that the lift would fit between the existing stair and the front doors. It would be easier to construct the lift as part of the new building.

- vi) Shop needs: Item considered in the planning of the three shops include: sufficient

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storage space for garbage bins and a small sink within each tenancy. Grease arrestors (could be needed due to food businesses), space for storage within the shop and separate air conditioning control have not been accommodated.

vii) Special Service needs:

Both designs do not provide for space to house an electricity transformer and provision for possible hydrant booster valves. This could be achieved at the rear lane access but this will depend on the supply authorities.

viii) Egress and efficient movement within the building: Maximum inter connectivity between the different staff areas has been allowed.

ix) Sanitary facilities and egress doors: An accurate total number of staff to be accommodated in the building is necessary in order to size egress doors and determine the number of sanitary facilities to be provided.

x) Special Security needs: Certain areas such as the library and shops may require total separation from general areas.

xi) Indicative costings: A reputable quantity surveying firm's website was accessed which provided a square metre building rate (two storey commercial building) for a medium quality finish in a metropolitan area. As a guide 15% was added to this figure for a regional locality.

Applying these calculations to the discussion plans the following estimates are achieved:

A) DP No. 1 – new section only	\$3.46m	
– Lift, A.C. and existing building modifications	<u>\$.3 m</u>	Total
estimate excluding fit out	\$3.76m	
B) DP No. 2 – new section only	\$1.82m	
– Lift, A.C. and existing building modifications	<u>\$.3 m</u>	
Total estimate excluding fit out	\$2.12m	

xii) Third floor consideration: To add a third floor or provide for a third floor or accessible roof will significantly add to that cost as an additional concrete floor will need to be provided and then water proofed. In addition, footing/foundation costs would also increase significantly.

xiii) Project Management and Timeframes

A project of this magnitude and complexity requires intense supervision and quick/responsive decision making in order to be concluded efficiently and successfully. A suggested mechanism to achieve this outcome would be a supervising steering committee and independent project manager.

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As a guide, this team would then be faced with at least the following prioritized tasks. An estimate of time allocation required to achieve each step is listed beside each step with a view to determining a total project timeframe from commencement to completion.

Step		Time allocation
1.	Form a Steering Committee and determine project budget needs spread over a number of financial years. Determine the contract of employment for the Project Manager.	2 months
2.	Advertise for and select a suitably qualified and experienced person or firm to independently administer the total project.	2 months
3.	Determine a desired design and complete documentation to a standard suitable for use in a development application	2 months
	Major components	
	- Aesthetics and heritage considerations	
	- floor layout and energy conservation features	
	- prepare supporting statement of environmental effects (supply of essential services, power, water, telephone, sewer, parking, waste handling, heritage, A.C. noise etc.)	
	- negotiate with Country Energy	
	- lodge DA	
4.	D A processing time including public consultation	2 months
5.	Finalise design and complete documentation to a standard suitable for the tender process and application for a construction certificate.	3 months
	Major components:	
	- construction plans and specifications (standard of finish)	
	- structural engineering	
	- lift details	
	- electrical design	
	- telecommunications design	
	- hydraulic design (water, waste water and storm water)	
	- building security	
	- Air handling design	
	- land title consolidation	

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	- compliance with BCA	
6.	Lodge application for Construction Certificate and seek construction tenders	2 months
7.	Select successful tender. Determine alternative office accommodation strategy where necessary.	2 months
8.	Supervise Construction. Determine furniture and fixture necessities – arrange installation. Supervise alternative office accommodation activities. Attend to leasing of shops.	6 months
9.	Commission the building after handover. Arrange for moving Council sponsored tenants ie. Library, MOW. Organise official opening	1 month
TOTAL project timeframe from commencement		22 months

RECOMMENDATION

That a Steering Committee be established by Council with membership of two Councillors, General Manager and four Directors and this committee report to council on a monthly basis.

.....
KEVIN TIGHE
ACTING GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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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 30 NOVEMBER 2008

GENERAL FUND	BANK	RESTRICTED	BALANCE
General Fund Bank Balance	\$ 13,437,783.28	\$ 1,408,000.00	\$ 7,549,783.28
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	
TOTALS	\$ 13,437,783.28	\$ 5,888,000.00	\$ 7,549,783.28
WATER FUNDS	BANK	RESTRICTED	BALANCE
Baradine Water Bank	\$ 50,866.56		\$ 50,866.56
Binnaway Water Bank	\$ 462,495.77	\$ -	\$ 462,495.77
Coonabarabran Water Bank	\$ 1,416,060.77	\$ 179,230.45	\$ 1,236,830.32
Coolah Water	\$ 715,946.58	\$ 714,212.00	\$ 1,734.58
TOTALS	\$ 2,645,369.68	\$ 893,442.45	\$ 1,751,927.23
SEWERAGE FUNDS	BANK	RESTRICTED	BALANCE
Coonabarabran Sewerage	\$ 2,162,152.58	\$ 836,510.08	\$ 1,325,642.50
Baradine Sewerage	\$ 363,222.06	\$ -	\$ 363,222.06
Coolah Sewerage	\$ 1,137,857.96	\$ 563,170.00	\$ 574,687.96
TOTALS	\$ 3,663,232.60	\$ 1,399,680.08	\$ 2,263,552.52
SUMMARY	BANK	RESTRICTED	BALANCE
General Fund	\$ 13,437,783.28	\$ 5,888,000.00	\$ 7,549,783.28
Water Fund	\$ 2,645,369.68	\$ 893,442.45	\$ 1,751,927.23
Sewerage Fund	\$ 3,663,232.60	\$ 1,399,680.08	\$ 2,263,552.52
TOTALS	\$ 19,746,385.56	\$ 8,181,122.53	\$ 11,565,263.03

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TERM DEPOSITS		Interest Rate
BOND 1 TRUST AAA FRN	\$ 2,000,000.00	BBSW+.80%
C B A CALLABLE RANGE	\$ 2,000,000.00	7.50%
SGE-CREDIT UNION	\$ 500,000.00	8.29%
DRESDNER BANK OCTAGON	\$ 1,500,000.00	7.00%
ANZ 3 PILLARS	\$ 500,000.00	
ANZ SAIL	\$ 500,000.00	
ANZ ASPRIT 1	\$ 500,000.00	
ANZ ASPRIT 11	\$ 800,000.00	
CBA BANK-AT CALL	\$ 756,035.54	4.95%
WESTPAC CALLABLE	\$ 302,560.12	4.95%
BENDIGO BANK	\$ 500,000.00	BBSW+1.20%
TRIDENT	\$ 500,000.00	BBSW +.65%
AVERON BOND-SEALINK	\$ 700,000.00	
DEUTSCHE BANK - DAISY	\$ 1,500,000.00	7.8043%
PIMCO PRINCIPAL		
PROTECTED	\$ 500,000.00	BBSW +.81%
DANDELION-WESTPAC	\$ 1,000,000.00	
ROYAL BANK OF CANADA	\$ 1,000,000.00	7.70%
ALL SEASONS-KEOLIS AAA	\$ 1,500,000.00	
TOTAL	\$ 16,558,595.66	

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.

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2.2 RECONCILIATION OF GENERAL FUND BANK ACCOUNT – 30 NOVEMBER 2008

Reconciliation of General Fund Bank Account

Date 30 November 2008

CASHBOOK

Balance as at 01.11.08	18,172,010.51
Income	
- Total Receipts	4,447,464.74
- Total Investments	
	<u>22,619,475.25</u>
Expenditure	
- Total Cheques Drawn	2,873,089.69
Balance as at 30.11.08	<u>19,746,385.56</u>

BANK STATEMENT

Bank Statement as at 30.11.08	19,873,281.14
Amount Not Receipted This Month	
	<u>19,873,281.14</u>
Outstanding Deposits	336,675.51
	<u>20,209,956.65</u>
Total Investments	
Unpresented Cheques	463,571.09
Balance as at 30.11.08	<u>19,746,385.56</u>

RECOMMENDATION

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2.3 STATEMENT OF INVESTMENTS AS AT 30 NOVEMBER 2008 - 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		
SGE CREDIT UNION					500,000.00	100
90 Days	7.93	09.09.08	08.12.08	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					302,560.12	100
WESTPAC AT CALL						
	4.95%			302,560.12		
AT CALL –CBA 4.95%					756,035.64	100
ROYAL BANK OF 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		
			TOTAL		16,558,595.66	

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.

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2.4 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END NOVEMBER 2008

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	71,893	486,204	494,603	704,499	49.57%	25.25%
	BARADINE	38,915	126,476	17,525	52,426	95,438	92,162	35.46%	32.57%
	BINNAWAY	18,975	59,120	10,124	31,415	36,554	46,485	46.22%	33.76%
	VILLAGES	7,995	21,698	2,164	11,661	15,866	18,198	42.36%	32.90%
	FARMLAND	151,493	3,835,073	19,737	1,945,700	2,009,804	2,514	49.19%	35.26%
	COOLAH	13,702	181,643	14,373	96,670	84,301	104,211	53.42%	42.02%
	DUNEDOO	12,688	200,118	16,338	106,568	89,900	110,880	54.24%	41.31%
	MENDOORAN	9,744	62,484	6,979	31,507	33,741	40,030	48.29%	38.39%
	LEADVILLE	2,511	9,430	1,487	5,039	5,414	6,709	48.21%	36.15%
	MERRYGOEN	539	3,817	688	1,628	2,039	2,097	44.39%	39.50%
	NEILREX	107	2,296	200	1,098	1,105	1,045	49.83%	55.12%
	UARBRY	830	3,386	76	3,707	433	1,560	89.54%	51.30%
	COOLABAH ESTATE	2,259	14,347	1,537	7,207	7,860	9881	47.83%	33.75%
	RUR/RES COBBORA	599	3,387	299	1,954	1,732	2733	53.01%	32.75%
	GENERAL RESD/BUS-STH	10,724	129,606	9,232	76,888	54,202	64,288	58.65%	49.71%
	BUSINESS-CBN- RURAL	31,534	361,148	250	223,138	169,195	77,204	56.87%	80.36%

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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
WATER						0			
	COONABARABRA N	31,344	309,001	27,562	157,504	155,253	174,445	50.36%	40.25%
	BARADINE	36,144	85,278	10,314	45,582	65,524	72,532	41.03%	29.87%
	BINNAWAY	33,560	65,706	8,750	39,797	50,716	62,857	43.97%	33.62%
	VILLAGES	16,526	11,040	875	4,495	22,195	21,318	16.84%	14.45%
	FARMLAND - NTH & STH	88.00	1,026.00	0.00	407	707	363	36.52%	47.72%
	COOLAH	13,073	141,783	9,715	82,162	62,979	83,984	56.61%	39.63%
	DUNEDOO	8,348	123,105	9,387	65,070	56,996	67,840	53.31%	39.95%
	MENDOORAN	9,926	96,480	4,662	46,157	55,586	37,113	45.37%	36.47%
	MERRYGOEN	2,439	10,580	831	4,590	7,598	8,710	37.66%	24.52%
SEWERAGE						0			
	COONABARABRA N	44,440	635,885	27,367	341,575	311,322	373,907	52.32%	40.96%
	BARADINE	52,659	145,365	8,824	88,555	100,641	120,892	46.81%	33.94%
	COOLAH	13,463	152,896	8,756	83,074	74,529	90,074	52.71%	41.85%
	DUNEDOO	8,975	144,059	9,212	78,328	65,494	80,526	54.46%	41.04%
		686,181	7,876,389	299,160	4,120,107	4,131,732	4,990,700	49.93%	37.60%
GARBAGE- North		70,635	600,814	52,228	325,886	293,288	354,600	52.63%	40.57%
GARBAGE - South		32,202	368,051	36,127	186,464	177,648	210,556	51.21%	39.48%
FARMLAN D - NTH - STH		722	29,890	471	14,930	15,211	21,039	49.53%	0.00%

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LEGAL FEES		165,300	75,935	0	75,935	165,234	66,897	31.49%	13.56%
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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
						0			
INTEREST		153,612	0	0	47,474	106,137	124,973	30.91%	18.17%
	TOTALS	1,108,653	8,951,080	387,986	4,770,796	4,889,250	5,768,765	49.39%	37.26%

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

RECOMMENDATION

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2.5 REPORT ON SOUTHERN WATER

The Southern Water supplies have been showing a deficit due to the transfers from the restricted assets that were allocated for the Mendooran Water Augmentation not occurring as the funds have been spent. It has been the practise in the past to only do these movements at year end. This is why these funds showed a deficit from June onwards.

For Councils information there has been a marked change in the results for Southern Water over the last three years. In 2006 a surplus was recorded of \$68,934, in 2007 a surplus of \$9,872 while in 2008 there was a deficit of \$116,582.

The result of this situation is that the Southern Water Bank account has funded this deficit. Council should note that this result is not all as a result of Mendooran water as Coolah Water had a deficit of \$23,846 and Dunedoo a deficit of \$14,875. Contributing factors to this deficit was Council's decision not to increase "user pay" levies in past budget decisions.

The following table shows the activity for each supply over the last three years

Southern Water

	Income	Expenditure	Result	
2006				
Coolah	273,642	235,135		38,507
Dunedoo	264,993	216,981		48,012
Mendooran	157,447	175,032	-	17,585
2007				
Coolah	338,485	241,990		96,495
Dunedoo	278,498	246,207		32,291
Mendooran	132,789	251,703	-	118,914
2008				
Coolah	286,982	310,828	-	23,846
Dunedoo	263,738	278,613	-	14,875
Mendooran	195,792	273,653	-	77,861

These figures do not take into account transfers from restricted assets for Coolah of \$61,967 also Dunedoo of \$30,092 and Mendooran \$35,758 for Capital works completed to show the impact on the bank account.

During the budget process for the 2008-09 year when fees and charges were being reviewed it was recommended that with the projected works program for each town, in order for each fund to break even Council needed to increase water consumption fees to Dunedoo \$1.235kl and Coolah \$1.325kl with Mendooran being \$1.10kl. Council opted

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for \$1.10kl across the board in the Southern end. I flag this as it will further impact on the Southern Water bank account as the year progresses and projects are completed.

RECOMMENDATION

That a report on water consumption fees be prepared and presented for discussing during preparation of the 2009/2010 budget.

2.6 INVESTMENT BRIEFING

The investment packages in which Council may place its funds are dictated by the Guidelines issued by the Minister of the Department of Local Government. Prior to the issuing of the Michael Cole Report which was commissioned by the State Government late in 2007 and released early this year the guidelines were less restrictive and Councils existing Investment Policy was a reflection of earlier guidelines. Councils Investment Policy is no longer valid due to the changes in Ministerial guidelines and needs rewriting. All investments in this Councils portfolio met these guidelines at the time the investments were made and cover several of the options outlined in these guidelines.

Council's investments include coverage of several different investment vehicles in an endeavour to maximise returns and minimise risk. The main types of investment Council currently has are:-

At Call

Term Deposits – with both Credit Unions & Banks

Range Accruals – with Banks

Floating Rate notes

The way each of these investments work is:-

At Call - we are paid a fixed percentage rate which is normally slightly lower than the term deposit rates. Currently with Suncorp – Metway we are achieving 1.5% above the term deposit rates. With this type of investment Council has access to its funds overnight.

Term Deposits – Council invests a fixed amount of money for a fixed period of time and is paid a fixed amount. These are normally 30/60/90/120/180 and 360 days. If you need to break into this type of investment you have penalties imposed and the interest applied is minimal.

Range Accrual – This form of investment works by paying a fixed rate of interest while the BBSW (bank bill swap rate) remains within a predetermined maximum and minimum range. This is based on BBSW every three months. With Councils two investments of this type the minimum level is 4.5 and 4.7% while the maximum is 6.5 and 6.7%. This form of investment is usually over a 5 to 10 year period.

Floating Rate Notes (FRN) – These work on a varying leveraged exposure to a basket of bonded funds and their performance. FRN's pay on a basis of the BBSW rate plus a

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margin of percentage points while ever the leveraged portfolio value is above 100. These are reset every 3 months, thus this form of investment provides a floating rate of return of the fixed bonus points above BBSW. These investments can structured over longer periods of up to 30years.

FRN's attract a credit rating the same as any other investment vehicle and Council is also restricted in this also by the Minister's guidelines that they must have a rating of A or above. FRN's also may pay at the completion of the investment a factor of the capital gain as a bonus.

When global financial problems occur, as has happened this year, and the leveraged return drops to a set rate, the FRN goes into principal protection mode and at that stage pays no coupon (interest). When the market turns around and recovery is made it is possible the Note will commence paying coupons again.

All of Council's investments are monitored on a monthly basis and we are provided with information of how each investment is performing in the marketplace.

On the Investment Listing this month I have added an additional column which indicates an indicative price if Council wished to cash out an investment. In a normal market situation this can be done with no loss or in some cases some capital gain. Council in the past has done this in switching investments around.

Council's investments are **all** capital protected which means at maturity we are guaranteed of our principal. If Council breaks into these investments early then you are at the markets exposure at that time and you can be penalised.

The investment period for all of Council's investments was determined after an analysis was made of the past, current and projected funds that would be required to operate, also taking into account all forms of income received on a annual basis.

Council should be aware that this market situation has had far reaching implications beyond financial investments made by entities for the purpose of supplementing their income with additional interest income and that includes all superannuation funds where actual principal has been lost. The loss of principal by a number of Councils who have invested less prudently than Warrumbungle has been well publicised.

To date this Council has not lost any money except projected income from interest and should not lose any money unless we precipitately try to cash in current investments in the hope of a better returns.

Those wanting further information should access the Departments website and type into the search "investment guidelines" where they can access various circulars to Council on investments and the Michael Cole report which is called "Review of NSW Local Government Investments". Another useful resource is the WA Department of Local

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Government and Regional Development's (www.dlgrd.wa.gov.au/) Guidelines which are referred to as a useful resource in the Cole Report.

Another very good resource is the Investment Best Practice Guide prepared by the Local Government Financial Professionals which can be sourced at <http://lgfp.lgmansw.com.au>

RECOMMENDATION

That a new Investment Policy be drafted and referred to Council's Finance Committee for review.

2.7 PETTY THEFT REQUIRING WRITE OFF

On 12 November 2008, two jerry cans of fuel were left by the storeman (who was travelling to Coolah for Manual Handling Training) behind the garbage bin at Dunedoo depot for two staff members who had been at a prior session of the training and were going to collect them on their return.

Both jerry cans were clearly identified with the appropriate plant numbers for the equipment; an air compressor and a generator.

The storeman left the depot at 1.15 pm and at the time several staff were present in the Depot. When the staff arrived to collect them a short time later they had disappeared.

The theft was reported to the Director Corporate Services on 13 November.

The jerry cans are valued at \$44.57 each (total \$89.15) and they contained 40 litres of unleaded fuel valued at \$56.40 (\$1.41/litre).

The procedures have been revised to prevent a reoccurrence of this incident.

RECOMMENDATION

That Council approve the write off of two jerry cans valued at \$89.15 and 40 litres of unleaded fuel valued at \$56.40 – Total \$145.55.

.....
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 COOLAH CYCLEWAY PLANS

Background

A subgroup of the Coolah District Development Group called the Coolah Cycleway Committee has written to Council about their plans for a cycleway in the town. The Committee is requesting Council assistance with preparation of a Bike Plan for the town and assistance with development and construction of a particular cycleway route.

Issues

The State Government through the RTA encourages development of cycleways and funding assistance is available. Generally though, assistance is only available once a Bike Plan has been developed. The development of a plan involves consultation with the community and usually involves engagement of a consultant to prepare the document. The RTA offers funding assistance for development of a Bike Plan on a 50/50 basis.

As a separate initiative the Cycleway Group wants Council's support for construction of an off road cycleway facility in Coolah. The proposed route commences at the intersection of Binnia Street and Cunningham Street, then along Cassilis Road to the bridge, under the bridge and then along the river bank to Queensborough Street. Approval for the route will allow the Group to apply for funding from other sources. A map showing the location of the proposed route is provided in attachment 1.0.

The length of the proposed off road facility is approximately 1950 metres. The Group has prepared a preliminary cost for the project based on two stages. The first stage involves preparing the base over the full length and the second stage involves placing reinforced concrete on the base. Throughout both stages, the Group has indicated that a substantial amount of the labouring work would be undertaken with volunteers.

The construction of the off road cycleway facility will require the preparation of drawings which will then more clearly define constraints such as drainage, location trees and property boundaries.

Options

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Council has discretion in this matter and consideration of this project should be considered alongside the many other community projects and infrastructure requirements in Coolah.

Financial Considerations

Funding is available from the RTA on a 50/50 basis for both preparation of the Bike Plan and construction of the off road facility. Applications for funding of projects in 2009/2010 were invited by the RTA and they closed on the 10 November 2008. An application was lodged for construction of the first stage of the project.

The preliminary cost of the project between Cunningham Street and Queensborough Street is shown below together with a proposed funding profile:

Activity	Council Contribution	RTA Contribution	Volunteer Contribution	Total Project Cost
Stage 1 – site excavation and placement of road base over a length of 1950m	\$21,612	\$38,112	\$16,500	\$76,224
Stage 2 – Placement of reinforced concrete 2.5 m wide over 1950m		\$146,250	\$195,000	\$341,250
Totals	\$21,612	\$184,362	\$211,500	\$417,474

Clearly, the project is reliant upon RTA funding, however the outcome of Council's application will not be known until after the State budget is delivered in May 2009.

From the proposed funding profile it is clear that the primary objective of the Group is to develop the 1950m cycleway with road base and then seek funding for sealing the surface with concrete. It is expected that the maintenance requirements of an unsealed cycleway will be considerable and these have not been addressed by the Group.

The cost of the survey investigation and design of the project has not been included in the above funding profile, however, it is expected that such works could be funded from Councils budget allocation for design works.

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RECOMMENDATION

1. That in principle support be given to the Coolah District Development Group for construction of an off road cycleway facility from the intersection of Binnia Street and Cunningham Street to Queensborough Street, via the bridge and riverbank.
2. That survey investigation and design of the proposed off road facility between the intersection of Binnia Street and Cunningham Street and Queensborough Street be undertaken by Council.
3. That the action of the Director Technical Services in submitting an application to the RTA for funding of the project in 2009/10 be endorsed.
4. That an application be made to the RTA for funding of a Bike Plan in 2009/2010.
5. That the proposed funding of the cycleway project by Council be considered during preparation of the 2009/200 budget.

Attachment 1.0



3.2 FLOOD STUDY FOR TERIDGERIE CREEK BARADINE

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Background

Council will be aware of the history of flooding in the urban area of Baradine. Following a flood event on the 22 December 2007 and a Council resolution, a funding application was made on the 13 February 2008 to the State Government, under the State Floodplain Management Program, to undertake a flood study. On the 13 November 2008, Council was offered a grant by the Minister for Climate Change and the Environment for development and implementation of a floodplain risk management plan.

Should Council wish to accept the grant a resolution is required, including a resolution to use the Common Seal of Council to accept the grant. Further, Council is required to establish a Floodplain Management Committee and the type of committee needs to be determined.

Issues

The process of developing and implementing a floodplain risk management plan is outlined in attachment 1.0. It is expected that the plan will take several years to complete. The flood study itself is expected to take at least 12 months to complete and involves the following steps:

- Appointing a floodplain management committee
- Preparation of a brief for engagement of a Consultant. The brief must be approved by the Department of Environment and Climate Change.
- Advertising for and appointment of a Consultant

Options

Council has discretion in this matter; however a floodplain risk management plan will guide future development in the town through the LEP. Further, a plan will guide construction of any mitigation works and makes Council eligible to seek funding for mitigation works.

Financial Considerations

As previously advised the cost of preparing a flood study alone is estimated to be \$60,000. The cost of developing a plan, once the flood study is complete, is estimated to be another \$60,000. The cost of implementing on ground works cannot be estimated until a plan is developed.

The Minister has offered Council a grant of \$20,000 for Teridgerie Creek Baradine Flood Study for 2008/2009. The offer is based on \$2 State : \$1 Council agreement. There are no funds allocated in the current budget for the project, however there is \$20,000 held in restricted asset for Baradine Flood Study. The flood study is not expected to be completed in 2008/2009 and it is expected that if the grant is accepted another funding application will be made in February 2009 for the 2009/2010 year.

RECOMMENDATION

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Council accepts the grant offer for the Baradine flood study from the Minister under the State Floodplain Management Program and Council's Common Seal be attached to the agreement.

1. That a floodplain management advisory committee be established by Council with membership as follows: Two (2) Councillors, Director Technical Services, Director Environmental Services and three members of the Baradine community.
2. Council follows recommended processes and procedures in the NSW Government's 2005 Floodplain Risk Management Manual in order to find management solutions for the flooding issue at Baradine and will eventually incorporate solutions in the Local Environmental Plan.

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Attachment 1.0

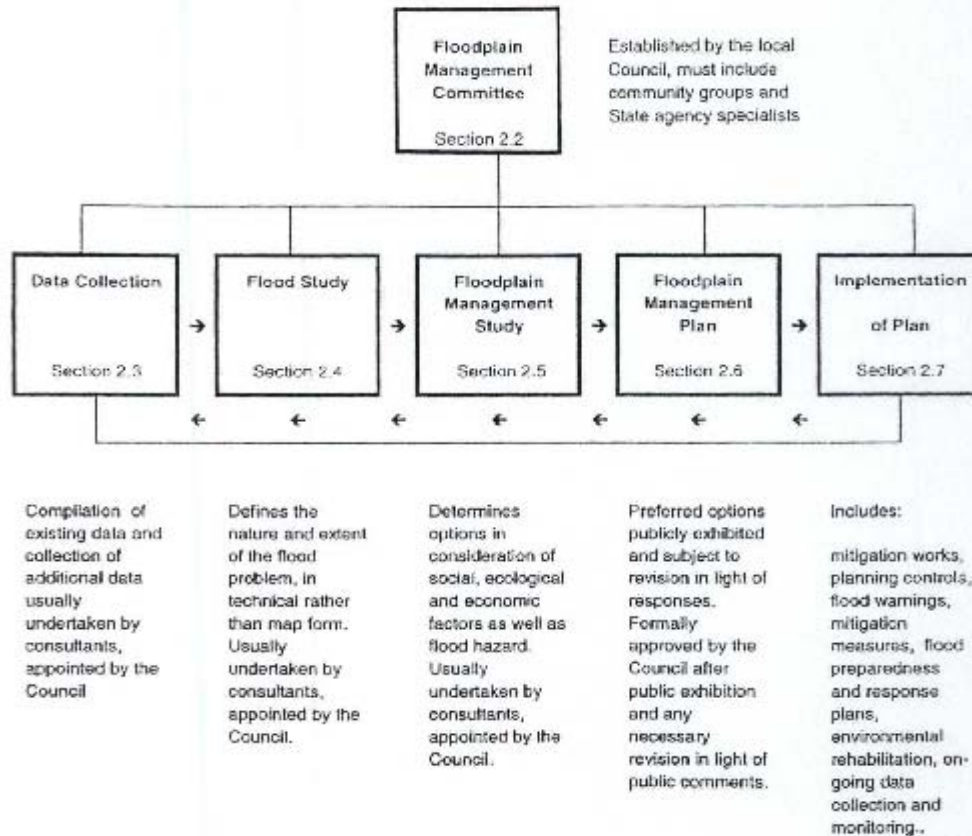


FIGURE 2.1 The Floodplain Management Process

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3.3 LEGAL AND PRACTICAL ACCESS TO 'GLEN ALVIN' NEAR ELONG ELONG

Background

On the 16 March 2006 Council considered a request from the owner of 'Glen Alvin' for assistance with creation of a legal and practical access to their property. At the time Council resolved to consult with the various landowners, including the ARTC to negotiate an agreement.

For at least 40 years 'Glen Alvin' relied on use of a private road through 'Claredale', which is to the east of the property to access Boomley Road. The access included use of a private crossing of the Merrygoen Dubbo rail line. The owners of Claredale will not allow the creation of a right of carriageway over their property. A map in attachment 1.0 shows the relative location of the properties and Boomley Road.

In the time since Council's resolution, all surrounding property owners, including the ARTC have been consulted. Legal access to the north of Glen Alvin exists through a network of crown roads that connect to Tonniges Road. Sections of the Crown road are trafficable, however, the route is made impractical by a creek and a rocky ridge. The owner of the property to the north has indicated a willingness to consider a road that bypasses the ridge, however the overall cost of developing a road to the north would be prohibitive.

To the south of Glen Alvin, the owner's preferred route, there is a network of Crown Roads that eventually leads to the Talbragar River, which is the boundary of the Shire. Again this route is cost prohibitive due to the river crossing and the terrain over which the Crown roads exist.

To the west of Glen Alvin is the Goonoo Conservation area, and a crown road access exists in this direction. However, the crown road is heavily timbered and follows rough terrain. Further, there is much uncertainty about the future of Crown Roads within the Conservation Area.

A potential legal and practical option exists, however to facilitate this option Council is being asked to enter into a licence agreement with Australian Rail Track Corporation regarding the level crossing. Council will be exposed to low level risk which cannot be insured and this exposure will need to be considered against the benefits of allowing Glen Alvin to have the access they want.

Issues

On the eastern side of Glen Alvin and immediately south of Claredale is a property 'Pine Park'. The owner Pine Park has indicated a willingness to create a right of carriageway within his property, subject to a more formal agreement regarding use of the private railway crossing. Also, the owner of Claredale has indicated a preparedness to change the status of the level crossing from private to public. To date, though no formal arrangements are in place for any proposal.

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The proposed agreements are dependent upon the status of the rail level crossing being converted from a private crossing to a public level crossing. The ARTC will not approve the change of status unless Council enters into a licence agreement regarding the crossing. A licence agreement formalises responsibility for signs at the crossing and responsibility for accidents at the site. Formal advice from Council's insurers indicates that Council may be exposed should an accident occur at the site, through no fault of Council. A copy of the response from Statewide Mutual has been forwarded to Councillors under separate cover.

Under the proposed arrangements, the road either side of the level crossing will become a right of carriageway. That is, Council will not be responsible for maintenance or upgrading of the road. Hence, traffic movements over the level crossing are likely to be less than 10 vehicles per day and may include the occasional stock truck. The frequency of train movements along the Dubbo Merrygoen rail line is not known.

Options

Council has discretion in this matter and will need assess the risk of a no fault accident occurring at the rail level crossing. It should also be kept in mind that acceptance of a licence agreement with ARTC may establish a precedent for further applications from land owners or even ARTC. Before entering into a licence agreement with ARTC, formal agreements should be established with Glen Alvin and the owners of surrounding properties regarding the right of carriageway.

Financial Considerations

There is an application fee of \$220 and an annual fee of \$10 associated with maintaining the licence agreement. The cost of creating the right of carriageway should be met by Glen Alvin in conjunction with Pine Park.

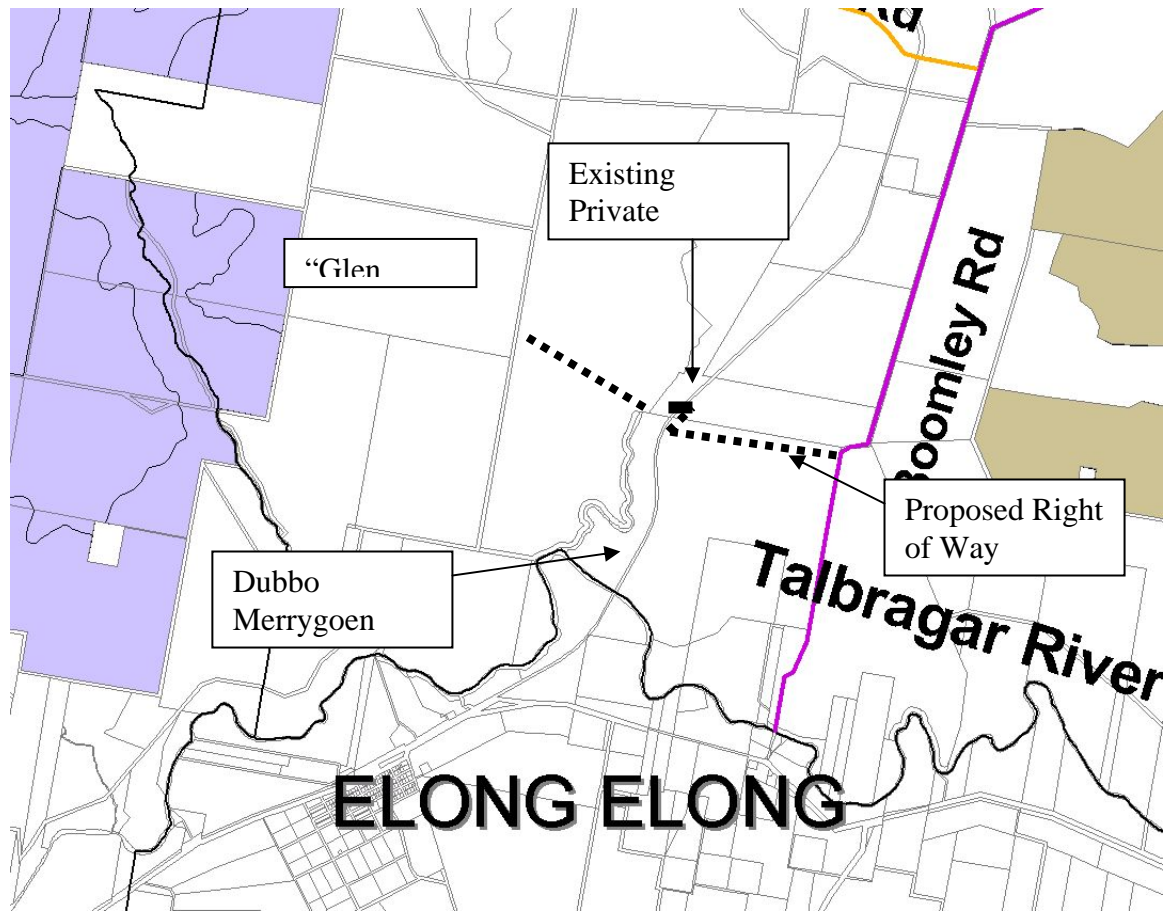
RECOMMENDATION

For Council's consideration.

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3.4 PROPOSAL TO ERECT STEEL STRUCTURE IN THE SHAPE OF A BEE IN ROAD RESERVE

Background

A proposal to install a steel structure somewhere in the Crane Street road reserve has been received. The structure is referred to by the proponent as 'iconic artwork' in the shape of a bee. The proponent would like to see the Bee artwork erected near the intersection of Crane Street and Gardener Street.

Council approval is required to erect structures within the road reserve. A copy of the letter from the proponent has been forwarded to Councillors under separate cover.

Issues

The size of the Bee artwork appears to be around 1.5 metres long with a wingspan also around 1.5 metres. The proponent does not provide details of how it will be fixed on site.

The proposed location of the artwork may be seen as advertising for a honey produce warehouse located adjacent the proposed site.

The proposal should be considered by the RTA as the location is within the highway road reserve.

The proponent does not provide a reason why the bee artwork should be installed at the proposed location other than it being a 'symbol and landmark'. Council will need to determine if Coonabarabran should be known as the town with the large steel bee.

There will be ongoing maintenance costs associated with the structure and there is no indication from the proponent on who will undertake the maintenance.

Options

Council has discretion to some extent on this matter, however, approval from the RTA will be required and Council may wish to advertise the proposal. Further, Council may receive applications for erection of other steel artwork structures on road reserves should this proposal receive approval.

Financial Consideration

The proponent does not provide details on the cost of erection and who should pay. There are no funds in Council's current budget for erection or maintenance of the proposed artwork structure.

RECOMMENDATION

That the proposal to erect a steel structure in the shape of a bee on the road reserve near Crane Street be refused on the basis that it is not in a suitable location nor is it a suitable symbol or landmark for Coonabarabran.

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3.5 INSTALLATION OF SCULPTURES MADE FROM WASTE AT COOLAH WASTE DEPOT

Background

Approval is being sought to install a range of sculptures within the Coolah Waste Depot. The approval is sought by the 'CoolART sub committee' of the Coolah District Development Group. The aim of the project is to promote recycling and develop a sense of pride in the waste depot facility. Further, the sculptures that are fabricated will be entered in a waste art competition, which is being judged in March 2009.

The sculptures will be on land under the control of Council and hence Council approval is required.

Issues

The group proposes to engage local community groups including the schools in Coolah in the fabrication of the sculptures. The sculptures will be made from recyclable materials collected from the town and surrounding districts. That is, the material for the structure will not be sourced from the waste depot.

The sub committee has prepared concept drawings of the sculptures and they have also prepared a layout plan of the waste depot showing proposed location of each sculpture. A copy of the concept plan is shown in attachment 1.0.

Options

Council has discretion in relation to approving the use of the waste depot to erect waste art sculpture. Any approval should be conditioned to ensure no scavenging for materials occurs at the waste depot and that erection of the sculptures within the depot is supervised by council staff.

Financial Considerations

In relation to the offsite fabrication of waste art sculptures, there is not expected to be any impact on Council's budget. There is expected to be costs associated with erection of the sculptures within the Coolah waste depot, however these costs can be accommodated within existing budget allocations.

RECOMMENDATION

That the request by the Coolah District Development Group to install sculptures made from recycled materials in the Coolah waste depot be approved subject to the following conditions:

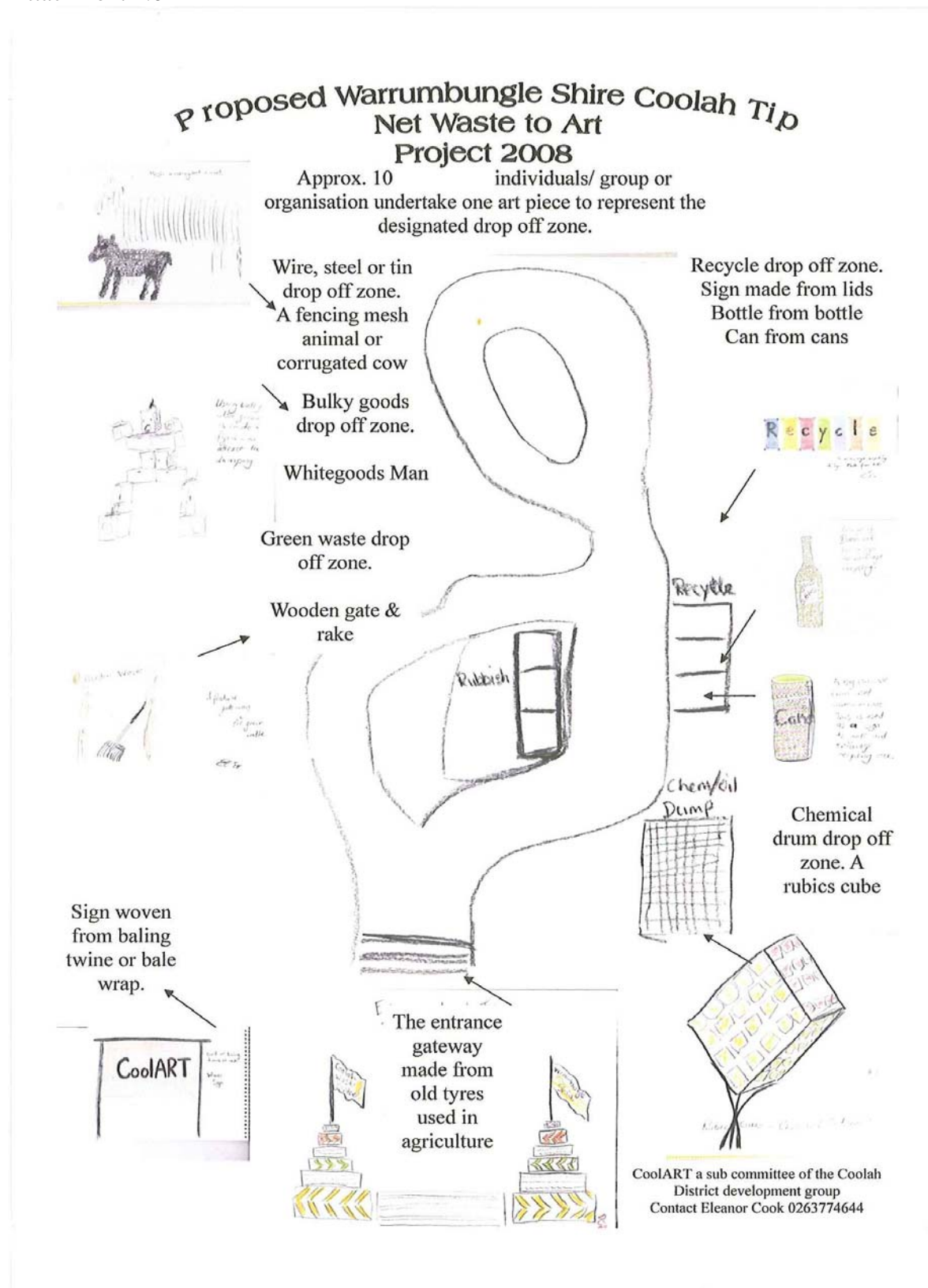
1. The materials for the sculptures are not scavenged from any of Council's waste depots
2. The erection of the structures within the Coolah waste depot is supervised by Council staff.

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3.6 CONDITIONAL REGISTRATION OF PLANT

Background

The following report has been prepared as information for Council's consideration prior to representations being made to the next meeting of 'C' division.

At present Warrumbungle Shire Council has only one item of plant subject to conditional registration. Council's Dunedoo based excavator is subject to restrictions relating to operating hours and plant movement. It would appear that the RTA is not enforcing conditional registration on other plant operated by Warrumbungle Shire Council. There is evidence from other Shires (ie, Inverell and Moree) that conditional registration has been imposed on all of their earthmoving plant including graders and bucket loaders.

Issues

The imposition of conditional registration on Council's road plant would not adversely affect Council's operations other than those conditions imposed on graders and bucket loaders. The conditions for these two plant items appear to allow for night use (enclosed for Councillors information under separate cover), provided adequate headlights are fitted to plant. The mandatory condition which would have the potential to increase costs and job duration is the condition that reads "*must not travel more than five kilometers between each site*". Council regularly travels or 'walks' these two plant items between workshops. Graders in particular can travel up to 100 kilometres on shifts between jobs and Council does not float them to jobs within the Shire. The cost implications are obvious when considering movement of eight graders by low-loader with up to 15 moves per week. Costs however, are not the only implication for Council as its ability to react in emergency situations such as bushfire, hail storms and wind storms becomes severely compromised if all plant needs to wait on low-loaders to ferry them to what is often a wide-spread emergency site. In the 2006 bush fires Council had up to six graders and two loaders working in eight different locations and travelling up to 50 kilometres a day between five fronts along public roads. This coverage could not have been maintained if plant were stood down while waiting for low-loaders to shift them.

Options

Council at this stage has had no problem registering its graders and loaders with full 24 hour unconditional registration. Representations may draw attention to this fact and conditional registrations may be imposed under the current regulations.

Evidence from surrounding Shires suggests conditional registration is being imposed more regularly on Council plant. Inverell and Moree in particular, have not been able to register any road plant without conditional registration being imposed. Council may wish to refer a motion to 'C' division so that the matter is dealt with prior to Council being subjected to these regulations.

Financial

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Imposition of conditional registration upon Council plant would have cost implications that could vary greatly depending on work site location and scheduling. There is no doubt there would be a negative financial impact although this figure would be difficult to quantify without operating under the new system.

RECOMMENDATION

That Council refer the following motion to the next meeting of 'C' division:

That Council graders and bucket loaders be exempt from the conditional registration mandatory condition that stipulates the vehicle must not travel more than five kilometres between each site.

.....
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 PUBLIC LAND REGISTER AND CLASSIFICATION OF PUBLIC LAND

Part A

Background

This report is the third in a series of reports to establish the Warrumbungle Shire Land Register and identify any lands under Council's control which will require re-classification. This report focuses on the town of Mendooran.

Part B

Specific Land Classifications and Commentary – Mendooran

A land register index page which lists the public lands identified in Council's records in Mendooran, has been provided separately to this report and includes numbered maps which allow for identification of the actual site of the land (marked Enclosure A).

Each parcel of land has a brief commentary and a recommendation as to whether land reclassification should be considered and, if so, the reason why. Land that is currently classified as operational land will not need further assessment.

1. Mechanics Institute Hall, 53 Bandulla Street Mendooran

The land is the site of the Mendooran Mechanics Institute hall which is used as a public hall for the town of Mendooran and is currently classified as "Operational".

2. Works Depot, Dalglish Street, Mendooran

The land is currently used as Council's works depot for Mendooran and is currently classified as "Operational".

3. Health Centre, 57 Bandulla Street Mendooran

The land is currently used as a medical centre and is currently classified as "Operational".

4. Water Reservoir, Cobra Street Mendooran

The land is currently used as a water storage site and is currently classified as "Operational".

5. Swimming Pool, Pampoo Street Mendooran

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The land is currently used as Council's Mendooran Swimming Pool and is currently classified as "Operational Land".

6. Pump House, River Street Mendooran

The land is currently classified as "Community" land in Council's Land Register and is part of the public road reserve of River Street. The land does not fit the definition of "Public Land" for the purposes of the Act being part of a road reserve and therefore should not be listed on Council's Public Land Register.

7. Water Treatment Plant Site, Dalglish Street Mendooran – Lot 1 DP1076077

The land is currently classified as "Community Land" and is the site of the mendooran water treatment plant. The classification of the site has defaulted to Community land due to it not being classified by resolution when compulsory acquired from the Government in 2005. A more appropriate classification for the site is as "Operational" as the site is not for public access.

8. Park and Tennis Courts, Bandulla Street Mendooran

The land is the site of the tennis courts and a park. The land is classified as "Community" and its use suggests there is no reason to seek reclassification.

9. Reserve 73370 Yalcogrin Street Mendooran

The land is currently classified as "Community Land" and is Crown land for which Council is the trustee and is used as a public recreation reserve. The land is correctly classified and does not require reclassification.

10 Reserve 1592 Brambil Street Mendooran

The land is currently classified as "Community Land" and is Crown land for which Council is the trustee and is used as a public recreation reserve. The land is correctly classified and does not require reclassification.

RECOMMENDATION

That Council resolve to add the following parcel of land to its list of "Community Land" required to be reclassified as "Operational Land" in a future amending Local Environmental Plan:

- Mendooran Water Supply Treatment Plant identified as Lot 1 DP1076077

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4.2 EROSION CONTROL PROJECT AT THE COONABARABRAN OLD CEMETERY

Background

This project is currently 50% complete with approximately \$10,000 being spent as capital works each year for the last two years. It was proposed to complete the project over two more years. As requested by Council at its November 2008 ordinary meeting, investigations have been made into the completion of the erosion control project at the Coonabarabran Old Cemetery without further delay.

Commentary

Instead of attempting to change the course of the stormwater runoff, this project aims to contain the runoff to its current paths without causing further damage. This involves the construction of sealed dish drains in six remaining areas. The project requires some attention to detail because of the need to work between graves and is therefore fairly time consuming. A contractor is involved in the construction of the dish drains, and Council's Department of Technical Services does the sealing.

Financial Implications

The remaining cost of this project was going to be spread over the 2009/2010 and 2010/2011 financial years. The amount required to complete the project this financial year as quoted by Technical Services is \$20,000. There is \$5000 remaining of the current vote after completion of the last section of the project, however this is required to cover any unforeseen emergencies and for any detailed finishing off. The project may be eligible as an environmental initiative under the Federal Government's Economic Stimulation Funding Package (RLCIP).

RECOMMENDATION

For Council's consideration

4.3 CONSTRUCTION OF A NEW ROW AT NATIVE GROVE CEMETERY

Background

Council considered at the November 2008 ordinary meeting a report on the growing pressure to move forward the construction of a new row at Native Grove Cemetery. Discussions have since taken place with the Director of Technical Services in relation to funding this project.

Commentary

Included in the Technical Services Department 2008/2009 budget was a Cowper Street, Coonabarabran drainage project scheduled to take place in the second half of the year at a total cost of \$60,000. The Director Technical Services has been advised of the need to commence construction of the new row at Native Grove and, as the same crew would be involved in the construction of both projects, has agreed, subject to Council's approval, to a reallocation of funds from the Cowper Street drainage project to the new row at Native Grove. The Technical Services Department project would then need to be reconsidered by Council as part of the 2009/2010 budget process.

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Financial Implications

Foregoing one project with an allocation of \$60,000 to commence a new project of the same funding would have a nil impact on Council's 2008/2009 budget. The 2009/2010 budgetary process would have seen a request for funding of the new row at Native Grove, but by this stage would have been a matter of extreme urgency. While there are still plots available at Native Grove, it would be prudent to move this project forward in place of the Cowper Street drainage project.

RECOMMENDATION

That Council defer the Cowper Street drainage project in favour of completing the new row at Native Grove Cemetery, the required budgetary adjustment be made accordingly and the work commence at the first available opportunity.

4.4 FORFEIT OF ENCLOSURE PERMIT

Background

A small parcel of land was dedicated as crown land as part of a past subdivision approval adjacent to the Castlereagh River and off Meryula Road. A site plan is attached and marked "Annexure B". Enquiries have indicated that the parcel was created as a possible town water supply draw-off point for the Coonabarabran town water supply.

Commentary

Development of the site for water supply purposes was abandoned at some point in the past. Enclosure Permit rentals have risen steeply and now standard at \$350 per annum for this parcel of land.

RECOMMENDATION

That the Enclosure Permit for this parcel of land be forfeited to the Crown as being no longer required by Council and Council's General Manager be authorised to complete the requisite Statutory Declaration to this effect.

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4.5 DEVELOPMENT APPLICATION SUBMITTED FOR COUNCIL'S DETERMINATION – DA 135/0708 – PROPOSED RECREATIONAL PARK - BUGALDIE

INTRODUCTION

The following application is submitted for determination:

Applicant:	Mitchell Hanlon Consulting P/L (T McLean)
Owner:	GT & TG Cromb
Site:	‘Kurrajong’, Bugaldie
Land Description:	Lot 112 DP 1065650 County Baradine, Parish Bugaldie
Current Approved landuse:	General Agriculture
Assessment No:	993-60000-6
Management Plan Reference:	Management Plan – Town Planning – Development Assessment, page 124
Previous Report Reference:	Director Environmental Services Report – Item 4.4, 17 April 2008

BACKGROUND

This development, being of significant scale and effect, necessitated the involvement of both members of the community and government departments during the consultation process. The development is of significance to Council in terms of land use, tourism potential and environmental outcomes. Appropriate Council resources have been directed towards the assessment of this development application for those reasons. The key components of the development assessment are outlined below, and the application is presented to Council for merit determination.

DESCRIPTION OF PROPOSED DEVELOPMENT

The application seeks approval for a motocross and off-road vehicle recreational park development situated approximately 20km north of Coonabarabran. It is proposed to include “short-stay” accommodation, an amenities block and workshop facilities. The construction of a series of motocross “freestyle” tracks suitable for the use of riders operating a range of all-terrain vehicles and motorcycles will be the primary land use. The stated aim of this development is to provide Coonabarabran with a “state of the art” motocross facility. The development is promoted as “iconic” as only one other park of this scale exists between Sydney and Brisbane. The proposed park is to be constructed in a single stage.

The site is currently used for general agriculture and is zoned Rural 1(b) under the provisions of the Coonabarabran Local Environmental Plan (LEP) 1990. The activity is

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defined as an activity that requires consent under that plan. The property is approximately 290ha in area and fronts Kurrajong Road. The application is “integrated development” in that it requires referral to the Rural Fire Service under section 100b(6)(d) of the Rural Fire Act, 1997.

Note: Had the proponent required groundwater for this proposal a second external approval under the integrated development requirements would have been necessary.

Site location and layout are shown in Annexures A & B.

RESULTS OF PUBLIC EXHIBITION

The application was advertised as required and no submissions concerning the proposal were received. The advertising did result in some general enquiries but no formal submissions were made.

Initial enquiries by residents and neighbours indicated the potential for a large number of submissions when the application was formally lodged. The application was advertised for 21 days. The absence of submissions infers that those initial concerns were dealt with predominantly before lodgement as a result of pre-lodgement meetings held with the applicant and neighbouring residents.

RESULTS OF CONSULTATION

Following the lodgement of the development application and the accompanying statement of environmental effects, the documents were referred to various government agencies and other interested stakeholders for comment. Responses have been received from:

- Department of Water and Energy
- Department of Planning
- Rural Fire Service
- National Parks and Wildlife Service
- Department of Environmental and Climate Change
- Police Service
- Namoi Catchment Management Authority
- Roads and Traffic Authority
- Coonabarabran Local Aboriginal Lands Council
- Council’s Technical Services Department

The submissions received contained arguments both in support and against the proposal. Conditions and comments arising from consultation have been assessed and included as part of the draft approval conditions in Schedule 1. They appear in summary in the table below.

Note: During the processing period “stop the clock” provisions were utilised to source additional information on bushfire assessment, flora and fauna assessment and bulk water supply needs.

Stakeholder	Comments	Resulting Action
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Consulted		
Namoi Catchment Management Authority (NCMA)	1. DA Shortcomings <ul style="list-style-type: none"> • Flora and Fauna Study • Aboriginal Land Council consultation • Erosion and Sedimentation Control Plan 2. Recommendations from three documents to be incorporated into the conditions	The incorporation of the recommendations re the Flora and Fauna Study and the Aboriginal Land Council Report into the Development Approval Conditions.
Department of Environment and Climate Change (DECC)	8 Part Test established the land is of no significance for endangered or vulnerable species. <ol style="list-style-type: none"> 1. Provide a wash down bay with settling ponds 2. Vehicles to wash down both entering and leaving the property, using the wash down bay provided. 	Covered by conditions
Department of Planning (DoP)	That Council should assess the development with consideration to both the existing land use under the existing LEP, and the projected land use under the new LEP .	No Conflict
Roads and Traffic Authority (RTA)	Road occupancy license required <ol style="list-style-type: none"> 1. Turning vehicle standards at intersection. 2. Adequate turning circle provided for largest vehicles 3. Parking to be provided onsite. 4. Loading and unloading to take place onsite 5. Landscaping, signage and fencing not to obstruct the entrance of the development 6. No costs to be borne by the RTA 	Covered by conditions
National Parks and Wildlife Service (NPWS)	1. Areas referred to as State Forest in the DA are actually National Park	Covered by conditions

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	<ol style="list-style-type: none"> 2. Wastewater treatment insufficient as described 3. For the activities to take place within the concept presented. 4. NPWS provides access on Paton Road for emergency only 	
New South Wales Police Service	<ol style="list-style-type: none"> 1. Insufficient information for Crime Prevention Analysis 2. Location viewed as minimal risk 3. Telephone communication points required 4. Should have a plan to address the following: personal security at the bunkhouse, alternate access points, emergency services, evacuation, CCTV and alarms 	Covered by conditions
Coonabarabran Local Aboriginal Lands Council (CLALC)	<ol style="list-style-type: none"> 1. Induction program for earthworks machine operation required 2. no works carried out on any box oaks without prior site inspection 3. Works near creeklines be limited 4. If any Aboriginal sites are discovered, DECC to be contacted. 	Covered by conditions
Council's Technical Services Department	<ol style="list-style-type: none"> 1. No traffic concerns created by the development 2. Paton Road emergency services only. 3. Access requires upgrading 	Covered by conditions
NSW Rural Fire Service (RFS)	<ol style="list-style-type: none"> 1. Asset Protection Zones 2. Water Supply 3. Access Design and Construction 4. Evacuation and Emergency Management 	Mandatory General Terms of Approval

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Regional Environmental Plan (REP) Working Group	1. Proposal within 18km radius of observatory	Covered by conditions
Public Health Unit – GWAHS	1. Wastewater treatment 2. Potable water needs and precautions	Covered by conditions
Department of Water and Energy (DWE)	1. Groundwater access issues (bore licensing) 2. Dam upgrades – maximum harvestable rights 3. Potable (drinking) water	Covered by conditions

COMMENTARY

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

- i) - any environmental planning instrument (draft or adopted), development control plan and
- the regulations made under the Act
- ii) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
- iii) The suitability of the site for the development
- iv) Any submissions made in accordance with the Act or Regulations
- v) The public interest

Compliance with Coonabarabran Local Environmental Plan (LEP) 1990 and Development Control Plan (DCP) No. 3

i) Local Environmental Plan (LEP)

The land is zoned 1(b) Rural General under the LEP. The development as proposed is a commercial use that is permissible in the zone with Council's consent.

Clause 24 of the LEP provides that Council must assess the effect that the carrying out of the development will have on tree clearing as part of the property is designated as 'Environmentally Sensitive Land'. This matter is covered in Schedule 1.

ii) Development Control Plan (DCP)

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Although the proposed development is not a stated use in the objectives of the Rural Land DCP (No. 3), the application is still able to be approved as an activity that is compatible with its adjacent rural land usage.

Any issues not adequately addressed in the Statement of Environmental Effects have been covered in the draft conditions of consent (Schedule1)

Compliance with the Regulations, SEPPs and REP

i) Regulations

The proposal is “integrated development” as the NSW RFS is required to provide general terms of approval for a tourism facility including accommodation. These General Terms of Approval appear in Schedule 1.

ii) State Environmental Planning Policies (SEPP's)

All SEPP's have been reviewed and no provisions were found that apply to the proposal.

The following SEPP's in particular were identified as possibly being relevant:-

- **SEPP No. 11 – Traffic Generating Development.** The general aims and objectives of SEPP No. 11 is to ensure that the Roads and Traffic Authority of NSW is made aware of, and is given an opportunity to make representations in respect of potential traffic generating developments. The SEPP targets certain developments and this proposal does not fall into any of the categories listed.
- **SEPP No. 21 – Caravan Parks.** The general aim of this SEPP is to control and regulate Caravan Parks. The proposal includes informal camping and as such a Primitive Camping Ground approval under the Local Government Act is necessary. As such this SEPP does not cover this proposal.
- **SEPP No. 33 – Hazardous and Offensive Development.** The general aims and objectives of SEPP No. 33 are to define hazardous and offensive developments and ensure measures are taken to reduce the potential for impact of such development on human health and any other aspect of the environment.

Evaluation against the appropriate checklist has confirmed that the development is not a hazardous or offensive development.

- **SEPP No. 44 – Koala Habitat Protection.** This SEPP applies to the property but it is not proposed to remove any listed tree species in order to facilitate the development.
- **SEPP No. 55 – Remediation of Land.** This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
Whilst the site has been previously used for cropping and grazing there is no evidence of any likely major contamination of the land.

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- **SEPP No. 60 – Exempt and Complying Development.** This policy aims to simplify development approval by categorising development types, some of which may be carried out without consent. This proposal does not fit any of these categories and as such the SEPP does not apply.

iii) Regional Environmental Plan (REP)

Orana Regional Environmental Plan No. 1 Lighting Code to Protect the Siding Springs Observatory. The appropriate conditions can be placed upon the development to ensure the protection of the observatory and compliance with the objectives of the REP.

ANALYSIS – LIKELY IMPACT OF THE DEVELOPMENT, SUITABILITY OF THE SITE

The advertising and consultation processes resulted in a number of inadequately addressed issues such as bushfire, flora and fauna considerations and water supply being identified and the applicant was invited to respond to these concerns.

The applicant provided these assessments and further processing of the application was able to proceed.

The nature of the proposal is such that it required consideration in terms of the following ancillary legislation:-

- Recreational Vehicles Act, 1983 and amendments
- Protection of the Environment and Operations Act, 1991
- Threatened Species Conservation Act, 1995
- Native Vegetation Conservation Act, 2003
- Environment Protection and Biodiversity Conservation Act, 1999

Summary of Major Impacts

The following identified impacts are highlighted for Council's consideration:

Bushfire Protection

Assessed by the NSW RFS and regulated by their 'General Terms of Approval'.

Water Supply

Water will be harvested from the roofs of the accommodation and shed buildings. As a back-up to the main roof water supply or in the event of a bushfire emergency additional water will be sourced from onsite farm dam storages. The rainwater tanks will be located in close proximity to the proposed short stay living quarters. It has been calculated that the property has a maximum harvestable right of 28.3 ML of rainwater. This rainwater may be stored within tanks and/or farm dam storages.

Erosion and Sediment Control

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Controls built into the design described in the Statement of Environmental Effects and enhanced by way of draft conditions.

Lighting

No night time vehicle related activities and all fixed lighting controlled by a standard condition.

Traffic, access and parking

Considered by the RTA and Council's Technical Services Department. No objection to the proposal but some conditions of consent recommended and included in Schedule 1.

Protection of Natural Environment

Assessed comprehensively by various departmental submissions. Mandatory controls are detailed in the application and reinforced by conditions. General waste disposal, washdown facilities, wastewater disposal and like pollution prevention initiatives have been determined within sustainability guidelines.

Compatibility with existing neighbouring landuses and amenity

Subject to strict compliance with the presented concept and any approval conditions imposed, the long term potential impact should not adversely impact on the landuse objectives for this area.

Noise mitigation is proposed, dust suppression is provided and visual impact is minimal.

Aboriginal Heritage

A site survey has been completed by site officers from the Coonabarabran Local Aboriginal Land Council and five recommendations from this report have been included in Schedule 1 as draft conditions.

Emergency Services

Fire evacuation alternatives, helicopter landing sites, ambulance signage and telephone facilities are provided for by either design or draft condition in Schedule 1.

Economic/social effect

From an economic perspective, the cost to construct the track etc on the farm has been estimated to be \$300,000. Other intangibles include local opportunities associated with employment, petroleum/food supply, transport and maintenance as the need arises.

Upon completion the proponent predicts five equivalent full time jobs comprising one full time manager and four equivalent full time employees.

Conservatively the economic and social impact of the proposal should be a net gain.

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Other Approvals

The activity requires approval from the NSW Department of Environment and Climate Change (DECC) in the form of a recreational park permit as well as a recreational vehicle permit system issued from the NSW Roads and Traffic Authority (RTA). The recreational park permit is to be issued by the DECC under the Recreational Vehicles Act 1983.

CONCLUSION

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

Option A

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

Option B

Approve the development unconditionally (with the exception of the Terms of Approval issued by the RFS). This option would not be appropriate given the likely impact of an unconditioned development.

Option C

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

SCHEDULE 1

SECTION A

Rural Fire Service General Terms of Approval

Asset Protection Zone

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

A1 At the commencement of building works the property around all proposed short stay accommodation shall be managed as follows:

- West for a distance of 85 meters as an asset protection zone

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- All other directions for a distance of 60 metres as an asset protection zone

As outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- A2** Water, electricity and gas are to comply with section 4.2.7 of Planning for Bush Fire Protection 2006.
- A3** In recognition that no reticulated water supply exists, a 20 000 litre dedicated water supply shall be provided.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

- A4** Internal Roads shall comply with section 4.2.7 of Planning for Bush Fire Protection 2006

Design and Construction

- A5** Construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for construction are to be incorporated into the development:
- a) All proposed construction surrounded by no more than 100 metres of maintained land, while adhering to the asset protection zone requirements of condition 1 of this letter, shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

- A6** An emergency/evacuation plan is to be prepared consistent with the NSW RFS Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

SECTION B

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Conditions of Consent

B1 General

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

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

B2 BCA Compliance

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

Reason: To ensure that the completed buildings comply with nationally adopted construction standards.

B3 Disabled Access

Disabled access and facilities are to be provided in accordance with the Building Code of Australia, AS1428.1 and the Disability Discrimination Act 1992

Reason: To ensure the building design facilitates suitable and legally compliant entry, movement and sanitary facilities for people with disabilities.

Note: Front entry doorways may require special attention with respect to footpath levels.

B4 Requirements of other Public Authorities

All relevant requirements of statutory authorities such as WorkCover, EPA, RTA and the like are to be complied with.

Reason: To ensure the health and safety of all users, workers and the built and natural environment.

B5 Construction Certificate

This approval does not give the applicant the right to start building work until such time as a valid Construction Certificate has been issued by Council or an Accredited Private Certifier.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act 1979.

B6 Occupation Certificate

The buildings (or parts of the buildings) or motorcycle track facilities shall not be occupied or used until the Council (or Principal Certifying Authority) has issued either an Occupation or Interim Occupation Certificate.

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Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants and to comply with the relevant provisions under the Environmental Planning and Assessment Regulation 2000.

To meet set standards for work practices and commercial uses such as paid accommodation.

Note: The owner must provide Council with an Annual Fire Safety Statement on the anniversary date of the Fire Safety Certificate.

B7 Demolition Works

Any demolition works are to be carried out in accordance with AS2601 – 1991 The Demolition of Structures, and comply with any Council policy on waste management.

Reason: To comply with the Protection of the Environment Operations Act 1991.

Note: All waste products resulting from the demolition of the existing building are to be disposed of in the appropriate manner at the Coonabarabran Waste Management Centre. Receipts are to be provided to Council prior to the formal request for an Occupation Certificate.

B8 Site Disturbance

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

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

B9 Soil Erosion Control

All site works involving cut and fill to strictly adhere to Landcom's guidelines as identified in 'Managing Urban Stormwater – Soils and Construction, 2004.

Reason: To minimise soil erosion

Note: Department of Water & Energy has advised that this is the most appropriate standard for this type of commercial construction.

B10 Noise Management – Operational

i) Operating hours are to be restricted to daylight hours only.

Reason: To ensure compliance with relevant legislation and that the public amenity of the area is not unduly affected by noise at unreasonable hours.

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B11 External Lighting

All external lighting is to comply with Warrumbungle Shire Council's adopted external lighting planning control as applicable at the time of installation.

Reason: To minimise upward light spill
To comply with the requirements of the Orana Regional Environmental Plan

Note: Currently all external lights are required to be full cut-off ie, shielded to prevent light being directed above the horizontal and high pressure sodium lamps.

B12 Advertising Signs

Advertising signs are to be confined to the property on which the development occurs and comply with the provisions of SEPP 60 Exempt and Complying Development and SEPP64 Advertising Structures.

Reason: To comply with the requirements of the relevant SEPP's

A13 Waste Materials

All waste materials are to be stored on site in a secure enclosure capable of resisting wind disturbance and disposed of in the most appropriate and lawful manner.

Reason: To ensure the protection of the environment

Note: Council operates a waste management facility in Coonabarabran that opens seven (7) days per week.

B14 Waste from Wash-down Bays

- i) The facility is to be provided with an appropriately sized, covered and drained washdown bay with settling pond for use by each and every vehicle leaving and entering the site
- ii) The wash-down bay is to be equipped with a grease arrestor and where necessary an absorption trench.
- iii) Waste collected from the grease trap and wash-down bay is to be removed regularly by licensed contractors.

Reason: To prevent pollutants contaminating the environment and to prevent the spread of weeds.

Note: To protect the environment and ensure the effective operation of the Onsite-Sewage Management System, waste from the wash-down bay cannot be connected to the septic system.

B15 Stormwater Drainage

The completed buildings are to have a drainage system so that:

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- a) ensures the land surrounding the building is graded to divert surface water away from the foundations of the building
 - b) if the water is collected it is drained and the overflow disposed of in a manner consistent with Council's Code of Practice, Erosion and Sedimentation Control.

Reason: To protect the structural integrity of all buildings and minimise soil erosion.

B16 Sewage Management

The proposed 'short stay' units are to be provided with an approved On-Site Sewage Management System and a drainage diagram is to be provided to Council at the time of carrying out the plumbing inspection. All plumbing work is only to be carried out by a suitable licensed tradesman.

Reason: To ensure an adequately sized system for the capacity of the premises.

- Note:**
- a) The single household use septic system specified in the Development Application is insufficient for the capacity of the development. A commercial grade septic system in compliance with NSW Public Health guidelines and regulations is required.
 - b) A separate application to operate and install an On-site Sewage Management System will need to be applied for prior to the issue of a Construction Certificate.(Section 68 of the Local Government Act 1919 approval must be obtained from Council prior to the commencement of this work).

B17 Contaminated Land

Prior to the release of the Construction Certificate the applicant shall provide Council with a statement confirming that an assessment of the site has been made with regard to Contaminated land as prescribed in SEPP No. 55

Reason: To appropriately identify and remediate any contaminated land.

Note: In the event contaminated sites are identified on the subject property the applicant must comply with all of the requirements of SEPP No. 55.

B18 Capacity Restriction

- i) A maximum number of 24 persons are permitted in the 'short stay' accommodation at any one time.
- ii) A maximum number of 24 persons are permitted in primitive camping areas at any one time.
- iii) A maximum number of 50 day visit spectators are permitted at any one time.

Reason: To ensure that congested tracks and facilities do not create environmental damage, evacuation of the premises is achievable, and facilities/amenities are adequate to cater for the patronage.

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Note: Future applications can extend these numbers subject to the provision of adequate amenities

B19 Car Parking

Prior to the issue of a Construction Certificate, Council requires a parking plan to demonstrate; compliance with RTA dimensions and evidence of provision for all weather parking to cater for estimated maximum patronage.

B20 Traffic Flow

- i) Swept paths of vehicles must be able to be met for the development entry without fouling opposing traffic. The internal roadway should be adequately developed to provide for the above manoeuvres and for the largest vehicle anticipated to use the site.
- ii) The loading and unloading of goods from delivery vehicles must be carried out on site.
- iii) Any proposed landscaping, signage and fencing must not impede sight lines of traffic and/or pedestrians within the development, or when entering and leaving the development. Safe intersection sight distance is to be achieved.
- iv) All (road) works associated with this development are to be at no cost to the RTA.

Reason: To ensure the safe movement of traffic and minimise the impact of the park on local traffic.

B21 Emergency use of Patons Road

- i) Patons Road Access. This is a trail used for NPWS management purposes, and must not be used as access for the proposed development with the exception of emergency purposes such as firefighting.
- ii) Any use of this road must be accompanied by a Right of Access agreement with NSW NP&WS and just compensation arranged for any damage caused.

Reason: The NPWS can make no guarantees as to the suitability, or continued access to this road, and may need to close it from time to time for operational reasons.

Note: Council will require documented evidence that this has been achieved prior to the issue of a Construction Certificate.

B22 Aboriginal Heritage Protection

Prior to the commencement of any site works:

- i) there must be an induction program for the earthmoving machine operators,
- ii) confirmation is required that no works are to be carried out on any box oaks on the land, (as there is a high possibility of scarred trees)
- iii) confirmation is required that works near creeklines will be limited as much as practical/possible, and

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- iv) An undertaking is given that if any sites are uncovered during earthworks then DECC will be contacted and an inspection carried out by an Aboriginal Site officer.

Reason: To preserve the natural environment and any potential sites of Aboriginal significance.

Note: Documentation will be required prior to the issue of a Construction Certificate

B23 Driveway Access

Prior to the release of the Occupation Certificate the applicant shall ensure that the nominated driveway access is improved to the satisfaction of Council's Director of Technical Services. Construction of this driveway shall be generally in accordance with RTA fig. 4.9.7 (enclosed)

Reason: To ensure the safety of the travelling public and protection of the constructed public road

Notes:

- i) Internal road needs to be lifted to match height of Kurrajong Road shoulder with minimal fall from Kurrajong Road.
- ii) Council's Technical Services department can be contacted on 6849 2000 (Mr Greg Kable, Roads Manager) for clarification on works required.

B24 Fire Safety of Building

- a) Prior to the release of the Occupation Certificate the owner must cause the Council to be given a Fire Safety Certificate in relation to the following essential services required to be installed in the buildings:-

- Smoke detectors (bunkhouse)
- Exit signs (bunkhouse)
- Portable fire extinguishers (kitchen and bunkhouse)
- Fire blanket (kitchen)

- b) The owner must then provide Council with an Annual Fire Safety Statement on the anniversary date of the Fire Safety Certificate.

Reason: To comply with the relevant provisions under the Environmental Planning and Assessment Regulation 2000 which are designed to protect the occupants of these buildings.

B25 Primitive Camping Ground Approval

Prior to the release of the occupation certificate the owner shall obtain from Council an approval under Section 68 of the Local Government Act 1993 to operate a primitive camping ground.

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Reason: To ensure minimum standards of public safety are achieved for this purpose

Notes:-

- i) Standards for this purpose are found in the Local Government (Manufactured Homes Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005
- ii) Council's Environmental Services department can be contacted on 6849 2000 (Mrs S Thompson, Manager of Environmental Health Services) for further information on obtaining this approval.

B26 Flora and Fauna Protection

Prior to the commencement of any site works the applicant shall provide to Council for approval a documented site management plan covering both the establishment and operations phases of the project that demonstrates compliance with the following guidelines:-

- Plan the proposal to avoid existing established trees and shrubs which provide natural food sources and habitat;
- Design tracks and clearing in such a way to enable ecological connectivity and corridors to allow the safe transport of fauna to habitat;
- The use of a vegetation species list to re-vegetate the cleared areas with suitable species relevant to the natural vegetation communities present;
- Control noxious and invasive environmental weeds due to ground baring activities; and also make provisions for a wash down bay with a soil and seed settling pond to reduce the spread of weeds by all terrain vehicles;
- Avoid vehicular and humans off designated access tracks to avoid disturbance;
- Plan the proposal to follow procedures regarding the clearing of native vegetation so as not to detrimentally affect the natural vegetation communities present; and
- That sediment and erosion management measures be undertaken to prevent the movement of sediment from the proposed tracks
- Proponents can voluntarily use Biobanking to minimise and offset their impact on biodiversity

Reason: To minimise negative impacts of site disturbance and encourage vegetation communities that will eventually be sustainable and increase the ecological diversity of the area.

B27 Water Supplies

a) Bulk Water Needs

The proposed bulk (non-potable) water system shall incorporate the initiatives outlined in the Department of Water and Energy's publication titled "Management of Private Recycled Water Schemes".

Reason: Given the absence of a ground water source all water conservation initiatives are needed to ensure that a sustainable supply is achieved.

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Note: This document can be found at
<http://www.waterforlife.nsw.gov.au/recycling/guidelines>

b) Potable (human consumption) needs

The proposed reticulated human consumption water supply shall be installed and operated in accordance with the Private Water Supply Guidelines published by NSW Health.

Reason: To ensure that a safe water supply is available for human consumption purposes

Note: This document can be obtained from the NSW Health website:
<http://www.health.nsw.gov.au/public-health/ehb/water/drinkwater.html>

SECTION C

Advisory Notes

C1 Roads & Traffic Authority

A Road Occupancy licence is required prior to any works commencing within three metres of the travel lanes of MR129. This can be obtained by contacting Paul Moloney on 6861 1686. Submission of a traffic control plan is required as part of this licence.

C2 NSW Police Service

The applicant should address crime prevention and community safety in further detail, such as but not limited to: telephone communication points and mobile phone coverage; ambulance and emergency service access; alternate access points to site including fencing, gates and access control; personal security at the bunkhouse and camp areas including lighting and signage; fire evacuation, prevention and control; and security systems such as CCTV and alarm systems.

C3 Rural Fire Service

Any further development application for class 1,2 & 3 buildings as identified by the Building Code of Australia must be subject to separate application under section 79BA of the EP&A Act and address the requirements of *Planning for Bush Fire Protection* 2006.

C4 Rural Numbering

Prior to the release of the Occupation Certificate the applicant is to contact Council to determine the correct Rural Number for the newly created development. For further information please contact Mrs Carol Naismith of Council's Environmental Services department on 6849 2000.

RECOMMENDATION

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That Council grants a conditional approval to the development application subject to the conditions as outlined in Schedule 1.

4.6 REQUEST TO REMOVE RESTRICTIVE COVENANT FOR PROPOSED MOTORCYCLE RECREATION PARK – LOT 112 KURRAJONG RAOD, BUGALDIE

Background

The owner of the above parcel of land approached Council (as the beneficiary of the restriction) in March 2008 for the removal of the following restriction from the title to the land:

‘No development other than general agriculture is permitted on the lots burdened’

The owner sought the removal of the covenant so that a development application could be lodged for a motor cycle recreation park. At that time Council resolved:

***310 RESOLVED** that Council advise the applicant (Mitchel Hanlon Consulting Pty Ltd) that in the event a development application for the subject motor cycle recreation park survives the merit based assessment processes, including all NSW Department of Environment and Climate Change and NSW Road and Traffic Authority requirements and the owner of the land meets all costs, Council will either remove a adjust the subject restrictive covenant accordingly.*

RECOMMENDATION

- i) That in the event that Council has granted approval to DA 135/0708 the existing restrictive covenant be varied at the landowners expense as follows:

“No development other than general agriculture, forestry and/or a recreation vehicle area as defined under the Recreation Vehicle Act 1983 is permitted on the lot burdened.”

- ii) That Council resolve to affix its Common Seal to the necessary legal documents involved in this process.

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4.7 WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF NOVEMBER 2008

Complying Development (set criteria) Development Application (Specialised Conditions)	APPLICANT'S NAME	LOCATION (of development)	(Town)	Development Type	Status (Approved or Pending)
CDC 67/0809	Denise Watts	28 Tanabah Street	Coonabarabran	Aboveground Pool	Approved
DA 68/089	Michael McCaw	42 Bullinda Street	Binnaway	Additions and Garage	Pending
CDC 69/0809	Picton Bros. - Robe	4 Gilmore Street	Coolah	Glass Enclosure	Approved
DA 70/0809	Michael White – Men's Shed	70 Binnia Street	Coolah	Establish Workshop	Approved
CDC 71/0809	Betty Harrison	46 Railway Road	Mendooran	Inground Pool	Pending
CDC 72/0809	RFS Coona – G Wilson	Cobra Street	Mendooran	Extension to Fire Shed	Pending
CDC 73/0809	RFS Coona – G Wilson	'Ercourt'	Kenebri	Erect Fire Brigade Shed	Pending
DA 74/0809	RFS Coona – G Wilson	Cnr Gardner and Hwy	Coonabarabran	Erect Fire Brigade Shed	Pending
DA 75/0809	RFS Coona – G Wilson	Cnr Cox and Plumb Streets	Leadville	Erect Fire Brigade Shed	Pending
DA 76/0809	RFS Coona – G Wilson	Whitely Street	Dunedoo	Subdivision and erection of Fire Centre	Pending
DA 77/0809	Camp Cypress	Baradine Showground	Baradine	Primitive Camping Area	Pending
CDC 78/0809	William Harvey	30 Lachlan Street	Baradine	Double Garage	Pending

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WARRUMBUNGLE SHIRE COUNCIL APPLICATIONS HELD PENDING AS AT THE MONTH OF NOVEMBER 2008					
CD or DA	Applicant	Location	Town	Type of development	Status
DA 50/0809	Department Commerce	Cnr John and Dalgarno	Coonabarabran	Erection of Fence	Processing, clock has stopped – waiting submission of further information.
DA 51/0809	PTL Investments	Lot 3 Borrambity Road	Coonabarabran	7 lot subdivision (rural)	Processing, clock has stopped – waiting submission of further information.
DA 56/0809	B England	1 Ulamambri Street	Ulamambri	Relocated Dwelling	Processing, clock has stopped – waiting submission of further information.
CDC 58/0809	M Capewell	29 Nelson Street	Coonabarabran	Additions to existing Dwelling	Processing, clock has stopped – waiting submission of further information.
CDC 60/0809	C Spiteri	Turill Road	Uarbry	Erection of Shed	Processing, clock has stopped – waiting submission of further information.
DA 61/0708	A Harris	Timor Street	Coonabarabran	Extension	Processing, clock has stopped – waiting submission of further information.
DA 135/0708	Mitchell Hanlon Associates	Kurrajong Road	Bugaldie	Establish a motorcycle complex	Processing – Clock stopped - waiting submission of further information from applicant

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DA 22/0809	C Hynds	Lot 20 Purlewaugh Road	Coonabarabran	2 lot subdivision (rural)	Processing clock has stopped - Waiting RFS response.
DA 24/0809	K W & K E Hull	Lot 555 Gunnedah Road	Coonabarabran	3 lot subdivision (rural)	Processing clock has stopped - Waiting RFS response.
DA 35/0809	P Robinson	Lot 11 Hawkins Road	Coonabarabran	2 lot subdivision (rural)	Processing clock has stopped - Waiting RFS response
DA 43/0809	C Baglee	Macs-Lee	Coonabarabran	2 lot subdivision (rural)	Processing clock has stopped - Waiting RFS response.

.....
RON VAN KATWYK
DIRECTOR ENVIRONMENTAL SERVICES

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

Dear Sir

Attached is my report for consideration by Council

DIRECTOR OF COMMUNITY SERVICES ANNEXURE 5

5.1 MACQUARIE REGIONAL LIBRARY 2009/2010 PER CAPITA ANNUAL CONTRIBUTIONS

As per clause 8.2 of the Macquarie Regional Library (MRL) Agreement the proposed member Councils 2009/2010 per capital annual contribution was tabled at the November Library Committee meeting. For the last two (2) financial years, the Committee has resolved that the increase in the per capita contributions in respect of the member Councils, be set at the annual rate pegging percentage increase as determined by the NSW Government which was 3.2% in 2008.

As a guide for the purpose of preparing the 2009/2010 MRL budget, a 3.2% increase has been calculated and the proposed 2009/2010 contribution based on this calculation would be \$8.95 per capita.

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

Annual Contribution	2008/2009	2009/2010
Warrumbungle	\$ 87,607	\$ 90,332
Dubbo	\$ 345,351	\$ 356,094
Wellington	\$ 71,610	\$ 73,838
Narromine	\$ 58,304	\$ 60,117

The Book Contribution is 10% of the Annual Contribution

Warrumbungle	\$ 9,033
Dubbo	\$ 35,609
Wellington	\$ 7,384
Narromine	\$ 6,012

The total 2009-2010 contribution for Warrumbungle Shire Council is therefore \$ 99,365.

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Formal comment on the proposed 2009/2010 annual per capita contribution from the member Councils is to be advised in writing to the General Manager, Dubbo City Council, no later than Friday, 6 February 2009.

RECOMMENDATION

That Council supports the proposed 3.2% increase for the purpose of estimating the 2009/2010 annual contribution to Macquarie Regional Library by Warrumbungle Shire Council; noting that any adjustment required to the actual contribution will be determined by the rate pegging increase as set by the NSW Government in 2009.

5.2 MENDOORAN MECHANICS INSTITUTE CONSERVATION MANAGEMENT PLAN

The Draft Mendooran Mechanics Institute Conservation Management Plan (CMP) has been on public exhibition for 28 days and Council invited members of the public to submit comments by 4pm Friday, 28 November 2008.

Councillors were provided with a copy of the CMP at the October Council meeting.

No comments have been received. This reflects the community consultation that was implemented by Rose Deco Planning and Design, the heritage consultant company appointed to undertake the study and research required to complete the CMP.

RECOMMENDATION

That Council accepts the Mendooran Mechanics Institute Conservation Management Plan (August 2008).

5.3 POLICIES OF COUNCIL AUSPICED PROGRAMS – CONNECT 5 CHILDCARE, CASTLEREAGH FAMILY DAY CARE AND WARRUMBUNGLE COMMUNITY CARE

In the case of a section of the Community Services division, Connect 5 Child Care, Castlereagh Family Day Care and Warrumbungle Community Care, it is a requirement of each Funding Agreement to have a service specific Policies and Procedures Manual. For example there may be clauses relating to caring for sick children, dealing with disabled clients or meeting the needs of volunteers. Each service is audited by the respective funding body and gains accreditation or licensing approval based on the quality and relevance of the Policy Manuals that guide the operation and provision of the service. Each policy has been developed with input by individual Advisory Committees.

It is necessary for Council as the auspicings organisation to endorse these Policies and Procedures. Since the documents are so large, they were provided to Councillors under separate cover to allow time for reading at the November meeting.

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RECOMMENDATION

That Council adopts the Policy Manuals for the following auspiced programs: Connect 5 Child Care, Castlereagh Family Day Care and Warrumbungle Community Care.

5.4 YOUTH HEALTH GALA DAY BARADINE

A request for Council support has been received from Mrs Bernadette Underwood who is planning a Youth Health Gala Day to be held in Baradine on Saturday, 7 March 2009. Former Australian Rugby League and Union representative Wendell Sailor will be the special guest, with school children from the region invited to attend a day's activities at the Baradine Oval. A number of funding submissions are being developed to source sponsorship for the program, which is being coordinated by the Baradine Health Council.

The District Cricket competition semi-finals are also scheduled for this weekend, however at this stage it is unknown if the oval would be required for this purpose. Organisers are working with the Baradine Cricket Association so that if the need arises arrangements can be made to share the Oval for an agreeable outcome. This is a day time event, so lights are not required.

The Baradine Oval hire charge is \$132. The Oval is available free of charge for all school activities and weekly local competition where a gate entry or canteen is not operating.

RECOMMENDATION

That Council supports the Youth Health Gala Day to be held on Saturday, 7 March 2009 by providing a donation of \$132, being the hire charge for the Baradine Oval and these funds come from Council's donations budget.

5.5 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE

At the August meeting, Council resolved *'that if requested, Council grant in principle support to the concept of a Council auspiced Multipurpose Childcare Centre as part of Community Services division. FURTHER that Council authorise the General Manager to accept the auspice of the Coonabarabran Multipurpose Childcare Centre and attach Council seal and sign any Funding/Auspice Agreement, provided that:*

- 1. Staff required for the new Multipurpose Childcare Centre are employed under the Local Government Award*
- 2. Staff appointments are made in line with Council's recruitment process*
- 3. The General Manager is satisfied with the transfer and contracting of Funding Agreements and Licensee documentation with DoCS and DEEWR, and any other funding body.*
- 4. The Coonabarabran Preschool Management Committee transfer ownership to Council all remaining assets once winding up operation has concluded*
- 5. A new Warrumbungle Shire Children's Service Advisory Committee is established.'*

(Resolution No 61)

GM Note: A briefing note with background information and copy of Council resolutions was provided to each Councillor under separate cover on Monday 13 October.

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The purpose of this report is to bring Councillors up to date on the progress of Resolution No 61. It is divided into sections that follow in the business paper relating to the:

- Advisory Committee
- Centre Name
- Staff Structure

This will enable individual recommendations as required being presented to Council for consideration.

Since the August meeting,

1. Coonabarabran Preschool Management Committee formally requested that Council auspice the operations of the new Coonabarabran Preschool and Long Day Care (LDC) Centre.
2. Contracts for the building and land purchase were exchanged on Thursday, 23 October 2008

This arrangement is for the new Preschool and Long Day Care Service at the new building. Should settlement not proceed as planned and is delayed, so too will the auspice arrangements.

Coonabarabran Preschool has their own process to implement in order to wind up operations and a Special Meeting of members has been called with a given 21 days notice to move the necessary recommendation from the Management Committee. This in essence states that Coonabarabran Preschool make application to the NSW Dept Fair Trading to cease operations as soon as practicable by 31 March 2009 and for and all surplus property/assets in accordance with relevant legislation is transferred to Warrumbungle Shire Council.

Council has recommended to the Preschool Management Committee that they do not implement any winding up of operations until settlement has been completed.

Contracts were exchanged with a sunset date clause of 60 days, whereby Council could withdraw the deposit paid. There have been issues relating to the termination of the lease which involve a third party, the guarantor, since gone into liquidation. All efforts have been made to expedite settlement which at the date of writing this report has been scheduled for Monday, 15 December 2008.

With the timing challenges that have faced this project, steps have been taken to facilitate the opening of the new Childcare Centre as planned for Monday 2 February 2009. This coincides with the beginning of the new Preschool term for 2009.

This childcare service will be a multipurpose childcare centre, licensed for 51 places per day. It is proposed that 24 places are LDC and 27 Preschool and a child can be enrolled in both Preschool and LDC since there is a funding limit of 2 days Preschool per child. Classrooms are divided into three (3) age range groups which affects staff:child ratios and programs.

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These classrooms will vary in size depending on the age demographic and need for an individual age range group enrolled each year.

Licencing and funding of new Coonabarabran Preschool and LDC

1. LDC places are funded from the Federal Department of Education, Employment and Workplace Relations (DEEWR) via the Child Care Benefit applicable for individual parents, the maximum of which is a 50% rebate. An application will be submitted for approval under the Family Assistance Law for a Centre Based Long Day Care service.
2. DEEWR has supported an Indigenous Education support program which provides a financial subsidy for Indigenous children to attend Preschool. Outcomes are expected with this funding in terms of numbers of Indigenous staff, representation on Advisory Committee and engagement of local Indigenous culture into the Preschool program. Funding beyond the end of this current round, end of December 2008 is to be confirmed. Council would be required to enter into a Funding Agreement with DEEWR for this program.
3. The Federal Government Sustainability Assistance program assists small regional and remote communities LDC services and is managed via DEEWR. Council will submit an application to DEEWR for Sustainability Assistance.
4. NSW Department of Community Services (DoCS) provides operational funding for the Preschool program and this amount is based on number of days and numbers of both lower socio economic and Indigenous families enrolled at the Preschool. Additional funding has been allocated to Preschools to ensure that children attend 2 days Preschool per week for the year prior to school. Council is required to formally advise DoCS that it is willing to accept the transfer of the Funding Agreement from Coonabarabran Preschool Inc. to Warrumbungle Shire Council.
5. An application will be made to DoCS for Warrumbungle Shire Council to be the Licensee and operator of a Childcare Service. The General Manager and Director Community Services are Licensee delegates.

Budget

A budget is attached for Councillor information under separate cover. At the presentation of the Quarterly review, Council will be requested to accept the supplementary votes for income and expenditure for the period from 1 January to 30 June 2009. The budget has some assumptions for income and the type of service being provided as included so far is continuation of the Indigenous Education Support Program and Sustainability Assistance and provision of food at the Centre.

The proposed daily fee includes Morning Tea, Lunch and Afternoon Tea. Fees were canvassed to staff and parents based on these assumptions and are proposed to be:

Long Day Care \$55 per day

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Fee the same fee for all age groups

Parents of babies responsible for nappies, wipes and bottled prepared formula/breastmilk

Preschool 6 Indigenous positions @ \$5 per day
 11 Subsidy positions @ \$12 per day
 10 Full Fee positions @ \$28 per day

Preschool has 27 places per day

Full Fee enrolment will be eligible for a second day (in year prior to School) at Subsidy Rate
Limit of 2 days Preschool per child

Hours of Operation

LDC 7.30 am to 5.30 pm
Preschool 9.00 am to 3.00 pm

Preschool has option for extended hours which is dependant on parent/carer need at no extra cost.

The Centre will be open for LDC 49 weeks per year and Preschool 40 weeks. It is proposed to be closed for a 3 week period over Christmas/New Year period each year.

RECOMMENDATION

That Council endorses the actions of the General Manager implementing licencing and registration of the new Coonabarabran Preschool and Long Day Care Centre .

FURTHERMORE authorise the General Manager to accept, sign and attach Council's seal if required to the relevant DEEWR and DoCS Funding Agreements for the Coonabarabran Preschool and Long Day Care Centre on behalf of Council.

5.6 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE – ADVISORY COMMITTEE

Part 5 of Council Resolution No 61 included the establishment of an Advisory Committee which apart from being a requirement of the Funding Agreements is an important opportunity for community and parent/user input into the operation of the Centre. This Advisory Committee will focus on the monitoring and review of services provided at the Coonabarabran Preschool and Long Day Care so the role does not extend to the children's services for the whole Warrumbungle Shire. The following Advisory Committee Draft Delegation Statement is submitted to Council for consideration.

The current Coonabarabran Preschool Management Committee and Coonabarabran Local Aboriginal Lands Council have supported this commitment for delegating representatives to be part of this inaugural Advisory Committee.

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

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Coonabarabran Preschool and Long Day Care Centre Advisory Committee Draft Delegation Statement;

(Name) Coonabarabran Preschool and Long Day Care Centre ADVISORY COMMITTEE

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:

Council's Director Community Services

Manager (Name) 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

RECOMMENDATION

That Council accepts the (Name) 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.

5.7 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE – NAME

The naming of the new childcare centre has been recognised as an important decision by the Coonabarabran Preschool Management Committee. Suggestions were sought from Preschool staff, parents and the wider community. Suggestions included:

- Warrumbungle Childcare Centre
- Shining Stars
- Cosmic Kids

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-
- Coonabarabran Preschool and Long Day Care Centre
 - Happy Valley
 - Mirii Dhuul
 - Mirii Kids
 - Yuluwirri Kids

(Mirii is the Gamilaraay word for Star, Dhuul is Little and Yuluwirri means Rainbow)

Of these a number were not able to be used because they are already registered by NSW Department of Community Services as Childcare Centre's or Preschool, so a shortlist of preferred names was compiled.

The name of the new childcare centre provides an opportunity to describing the activity and also brings together a connection to the past, present and future communities. A Gamilaraay name was selected as it gives recognition to the local history and fostering of the local Indigenous language and culture, which is an important component of the Preschool program.

The shortlist was given to Preschool families and staff for more feedback. A final list was presented to the Coonabarabran Local Aboriginal Lands Council for endorsement.

The preferred name is:

Yuluwirri Kids
Coonabarabran Preschool and Long Day Care Centre
'Nurturing the Stars of our Future'.

This name now provides an opportunity to engage the children's artistic talents to design a logo for signs and staff uniforms. And so that the past is not forgotten, the Astronomy theme of the Coonabarabran Preschool will remain by inclusion of the current slogan 'Nurturing the Stars of our Future'.

Registration of this name with NSW Department of Fair Trading is not required, since it is a non profit entity or service function of Council and as the Funding Agreements are between Council and the respective funding body.

RECOMMENDATION

That Council accepts the name of the new childcare centre as Yuluwirri Kids - Coonabarabran Preschool and Long Day Care Centre 'Nurturing the Stars of our Future'.

5.8 COONABARABRAN PRESCHOOL AND LONG DAY CARE CENTRE - STAFF

As outlined to the August 2008 Council meeting, the design and make up of the Childcare Centre staff requirements has been based on Council's existing organisational structure. The number and minimum qualifications of staff is dependent on NSW Childcare Regulations

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(2004) and best practice models adopted in terms of child:staff ratios. These are new positions within Council and have been placed in the Community Services division.

The staff model (as follows) has been ratified by Councils Consultative Committee and all positions assessed and graded according the Councils' salary structure and approved by the Quality Control Group (QCG) and General Manager.

Whilst Council does not currently have an Affirmative Action policy in terms of identifying positions as Indigenous it is an expectation of both DoCS and DEEWR, which provide Preschools operational funding, that at least 2 or 3 full time (FTE) staff have an Indigenous background. By recruiting according to Council's current Equal Employment Opportunity (EEO) policy it is believed a fair representation from this part the Shire's social demographic can be achieved.

As soon as the settlement date was advised and legal advice received confirmed this expectation, advertisements were placed in local papers and current childcare staff from both Coonabarabran Preschool and Connect 5 LDC, were provided copies of all position descriptions. Applications close on Monday, 5 January 2009. It is anticipated that interviews and appointments, albeit on a staggered start basis will be implemented in time for the Monday, 2 February opening.

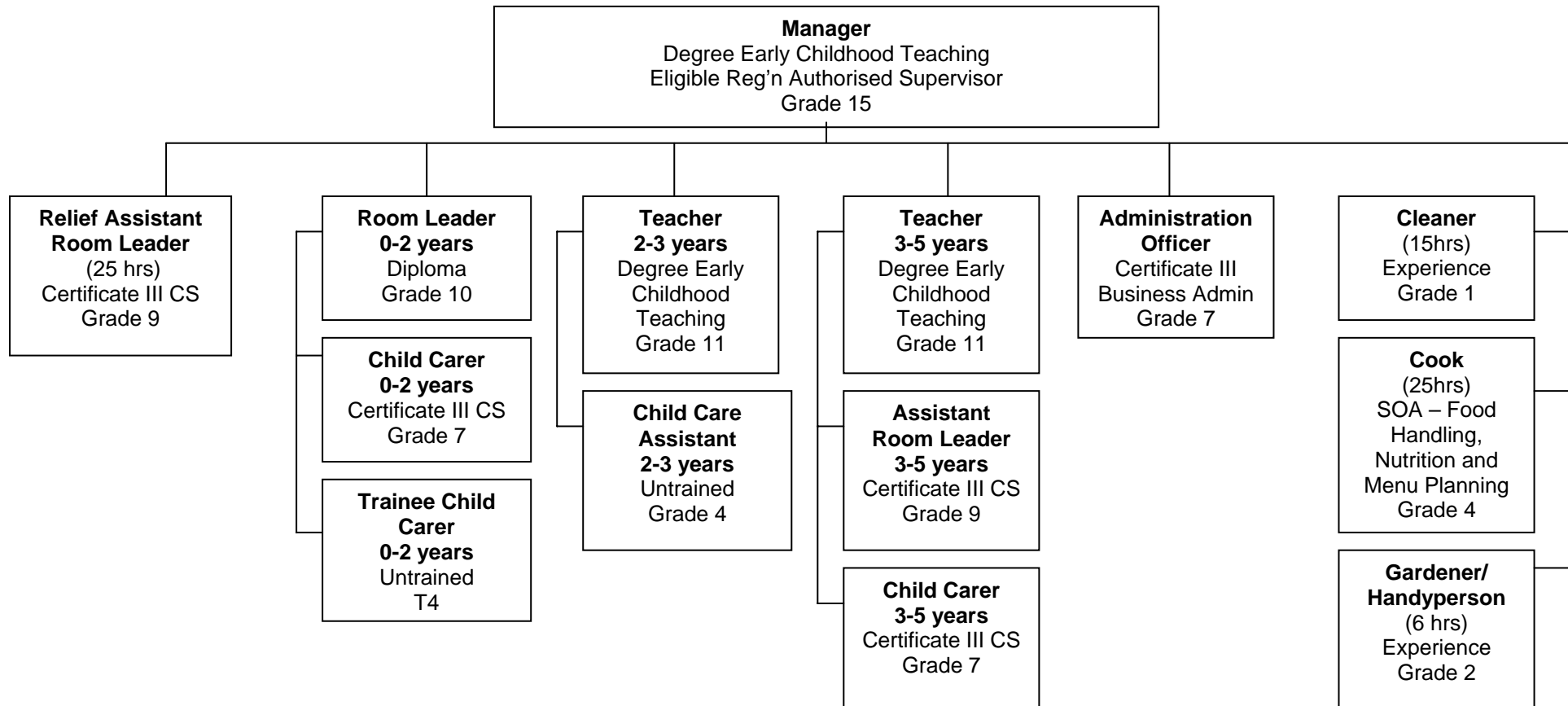
RECOMMENDATION

That Council endorses the General Manager's approval of the new Coonabarabran Preschool and Long Day Care Centre staff structure and the implementation of advertising and filling these positions according to Council's recruitment policy.

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Coonabarabran Preschool and Long Day Care Centre Staff Structure December 2008

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REBECCA RYAN
DIRECTOR COMMUNITY SERVICES