



# **Warrumbungle Shire Council**

**Council meeting**

**Tuesday, 14 August 2007**

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

**commencing at 9.00 am**

***MAYOR***

Councillor Peter Shinton

***DEPUTY MAYOR***

Councillor Garry Connelly

***COUNCILLORS***

Councillor Murray Coe

Councillor Carol Dawson

Councillor Col Egan

Councillor Wendy Hill

Councillor Ray Lewis

Councillor Ron Sullivan

Councillor Denis Todd

***MANAGEMENT TEAM***

Robert Geraghty (General Manager)

Vacant (Director Corporate Services)

Kevin Tighe (Director Technical Services)

Ron VanKatwyk (Director Environmental Services)

Rebecca Ryan (Director Community Services)

**ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE  
FIRE CONTROL CENTRE, COONABARABRAN ON TUESDAY, 14 AUGUST 2007  
COMMENCING AT 9.00AM**

---

Date: 9 August 2007

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 August meeting. I further attach relevant reports from the Directors to me for the consideration of Council.

**CONFIRMATION OF MINUTES** of the ordinary meeting of Warrumbungle Shire Council held on 19 July 2007

**ADOPTION OF THE RECOMMENDATIONS** of the Traffic Advisory Committee meeting held on 26 July 2007

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Economic Development Advisory Committee meeting held on 1 August 2007

**ADOPTION OF THE RECOMMENDATIONS** of the Warrumbungle Shire Tourism Advisory Committee meeting held on 1 August 2007

<b>GENERAL MANAGER'S REPORT</b>	<b>ANNEXURE 1</b>	<b>PAGE 1</b>
<b>CORPORATE SERVICES</b>	<b>ANNEXURE 2</b>	<b>PAGE 9</b>
<b>TECHNICAL SERVICES</b>	<b>ANNEXURE 3</b>	<b>PAGE 17</b>
<b>ENVIRONMENTAL SERVICES</b>	<b>ANNEXURE 4</b>	<b>PAGE 29</b>
<b>COMMUNITY SERVICES</b>	<b>ANNEXURE 5</b>	<b>PAGE 47</b>

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

**ORDINARY MEETING OF THE WARRUMBUNGLA SHIRE COUNCIL TO BE HELD AT THE  
FIRE CONTROL CENTRE, COONABARABRAN ON TUESDAY, 14 AUGUST 2007  
COMMENCING AT 9.00AM**

---

**10.30am (approximately)**

Deputation to Council by Josephine Kirchner of Telstra

Matter to be dealt with “in committee”

- Tenders

**RECOMMENDED** that the meeting be closed to the public pursuant to Section 10A (1) and Section 10A (2) (c) concerning information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

---

## **GENERAL MANAGER'S REPORT**

## **ANNEXURE 1**

### **1.1 COOLAH COUNCIL CHAMBERS**

#### **A) Furniture**

As part of Council's budget deliberations an amount of \$2000 was allocated towards the refurbishment of the 'old' meeting room furniture.

While the funds have been provided there has been no definitive decision to finalise the project. This matter has been discussed generally at several Council meetings with a proposal to inspect the furniture not being undertaken due to time constraints. The following report offers a background to the matter.

The previous Coolah Shire Council at its meeting on 19 August 2004 determined as part of its end of June 2004 budget review to provide funds to make changes to the furniture and fittings to prepare the chambers for a "more flexible future role as an employment centre for Warrumbungle Shire". This in part includes the replacement of the then meeting room furniture and seating. The basic belief being that the Coolah Council meeting room could be developed as a training centre for the southern part of the Shire and possibly on many occasions the whole Shire.

The furniture acquired consequently was:

- 9 Training tables of varying shapes to generally fit a U-shape – indeed the furniture acquired could replicate the configuration that was previously there.
- 14 upholstered chairs for meetings and
- 20 training chairs

The previous furniture was modular but difficult to separate and move to a different configuration when required. The new furniture was lighter and able to be easily moved.

A subsequent proposal raised is that the previous tables be refurbished and brought back in with the current furniture to be disposed of. Councillor Connelly has advised Council that the local furniture restorer has suggested an amount of less than \$2000 to fully restore the 'old' furniture – it was on that basis that the 2007/2008 budget provision was made.

In proceeding with a determination on the furniture refurbishment and return to the Council Chamber, the following issues will need to be considered:

- i) The returned furniture will be difficult to rearrange and the training concept would be difficult to accommodate. Previously Coolah Shire had used the Rural Fire Services premises for training.
- ii) The chairs and gallery seating would need to be retained as much of the previous seats have been disposed of and the remainder in need of some rehabilitation.
- iii) What is Council's desire in disposing of the existing tables – sell, donate or give away. It should be noted that each module in the 'new' furniture can be acquired for \$277 plus GST.

Council now needs to determine this matter.

**B) Coolah Council Chambers – Community Usage**

Previously due to a lack of a substantial and a designated meeting room in the Coolah township the Council Chambers has been used by many different community groups. While this has offered a service to the community it has raised major security issues.

The meeting room cannot be isolated from the rest of the office and the question of confidential information being compromised is a potential concern. While some adjustments to the building may be able to isolate some of the building the issue of toilet access will remain unrestricted due to the particular layout of the building.

The same questions have in the past been made about the Coonabarabran Chambers meeting room. The building works in 1990 to a great extent secured the staff offices again except for the toilet area. Even with these changes the Council determination was that the building only be used for Council associated public meetings and then only when a designated staff member attended and accepted responsibility for security.

The second issue with the use of the meeting room for community meetings is that of the alarmed security. To date Council's senior staff in their own time have opened up and locked up after each community meeting – this generosity also extends to being called out after hours when the alarms are activated. In future this arrangement will need to be reviewed to a more formalised arrangement.

In Coonabarabran any alarm activated call outs are responded to by an on-call arranged staff member. The limitations on usage and access by group meetings help to reduce the call out costs.

As the "Hive Development" project is nearly completed it is timely to review the usage arrangements for the Coolah Chambers meeting room. Further it would be appropriate that a constant usage policy be put in place for both Coonabarabran and Coolah. A possible policy could be:

**Council Chambers – Meeting Room Usage**

That the meeting rooms at both the Coonabarabran and Coolah Chambers be used only for directly related Council committee meetings, meeting of councillors and/or staff with community representations and that a designated staff member need attend the meeting at all times and be responsible for security and control of public access within the building.

**RECOMMENDATION**

That Council determine its position in relation to the refurbishment and replacement of the Coolah Chambers meeting room as well as a policy on usage of both the Coonabarabran and Coolah Chambers meeting rooms.

**1.2 STREET LIGHTING**

Council at its budget meeting for 2007/2008 determined that an amount of \$10,000 be provided towards the upgrade of street lights in its capital budget. There was no determination of where the street lights will be provided. This now needs to be done to progress the management plan.

**RECOMMENDATION**

That council determine a street lighting programme within the budget allocation of \$10,000.

### **1.3 DUBBO AIRPORT ADVERTISING**

Council at a previous meeting considered a request from GoWest to be part of a static advertising display at Dubbo Airport. The decision by Council was not to be part of the project. At that time the cost was \$1,000 per year for 10 years.

A request was received from Gowest for Council to reconsider its position of not participating.

The matter was referred back to the Economic Development Committee who again declined to support the request.

Since that meeting another proposal has been put to Council that we participate on the basis of a 2 year agreement for \$500 per year. The matter is now referred to Council for consideration.

### **RECOMMENDATION**

For Council's consideration and if agreed to, where the funds will be provided from.

### **1.4 WORK CHOICES**

Local Government across Australia has been caught up in the issues arising from the Work Choices legislation. In very general terms if a Council is deemed to be a Constitutional Corporation then their industrial coverage arises from Federal Legislation rather than in the past from NSW industrial regulation.

The whole matter of Work Choices are in flux due in part to the different ideological views of the major Federal parties. The final nature of future industrial relations will depend on who is in government later this year. Therefore there is a reasonable reluctance to await that outcome but which ever way it goes there will be change from the past industrial environment.

Notwithstanding the above uncertainty, the Work Choices legislation is in place and must be complied with. For Local Government this has meant an interim or transitional arrangement for its staff and the associated award. In March 2006 when the above legislation came into force the award for councils – the NSW Local Government State Award was in force. Most of the award was retained through documents called a NAPSA (Notional Agreement Preserving State Award). The notable change related to grievance management – this aspect is being managed through a referral agreement.

The NAPSA is the applicable award at the moment but will lapse in March 2009.

In the meantime the previous conditions of the award and particularly award increases honoured the then existing agreements. The last of that agreement concluded in November 2006 with a 3.0% increase. As the NAPSA continues and there is no provision

---

for further increases outside the Federal Fair Pay Commission awards all Councils in NSW are being approached by the Unions for an agreement to pay an increase on the annual anniversary of the 2006 increase (November 20).

It should be noted that all awards are covered by the Australia Fair Pay Commission decisions and if a "local award" is less than the Commission decision, that decision needs to be met.

The issues that arise are:

1. Is Council a Constitutional Corporation – all advise and guidelines undoubtedly make Warrumbungle Shire Council a Constitutional Corporation and thus subject to Work Choices.
2. Does Council believe that it should agree to an award increase outside the Fair Pay Commission decisions?
3. What level of increase should Council determine if it wishes?

From discussions with General Managers in the region most seem to be considering some level of increase by agreement. The Union has offered the outcome of two Councils that are agreeing to a 4% increase – other Council's are suggesting they are considering between 3 to 4% increase to cover the cost of inflation.

It might be appropriate for the Mayor and General Manager to continue negotiations and have delegation to agree to an increase in line with other regional Councils.

## **RECOMMENDATION**

For Council's consideration.

### **1.5 LEGAL ASSISTANCE**

Council at its July meeting considered a request from the Shires Association to contribute towards the legal costs of Bankstown Council. The General Manager was directed to canvass the approach taken by adjoining councils.

The results do not give a clear indication of a common approach – one council paid the request in full another declined to pay anything, several others have paid a proportion (half approximately) and most others are seeking to find out what other councils were doing.

The general result would seem that most will pay half or a figure close to that.

The report to Council's July meeting is now resubmitted:

#### ***LEGAL ASSISTANCE***

*Council has been approached by the Shires Association to make a contribution of \$7,634.80 towards the legal costs of Bankstown City Council. This request is well outside any claim that has been made in the past. Council has a provision of \$1,500 for legal contributions.*

*The Shires Association makes the following comments in support of their request:*



*Bankstown City Council has sought the Association's assistance in relation to a court case in which it has been involved, and which culminated in action in the High Court.*

*The facts of the matter were:*

1. *Alamdo Holdings are the owners of land within the Bankstown City Council area.*
2. *Alamdo's property was flooded as a result of water overflowing from an unlined storm water channel belonging to the council.*
3. *The Supreme Court granted a prohibitory injunction that required the council not to continue nuisance and to abate the flooding.*
4. *The Supreme Court also granted a mandatory injunction ordering that remediation work commence on the stormwater channel.*
5. *The matter was appealed to the Court of Appeal which held that even though the council had acted in good faith, it could not rely on the protection of Section 733 of the Local Government Act 1993, "Exemption from liability- flood liable land and land in coastal zone" as an exemption to liability by Section 733 relates to "anything done or omitted to be done" and does not literally extend to something "intended to be done".*
6. *Bankstown Council sought leave to appeal to the High Court. The High Court asked the council to give an undertaking to agree to bear the costs of the appeal as council were attempting to obtain a proper interpretation of Section 733 of the Local Government Act and therefore set a precedent not only for Bankstown Council but all councils and that Alamdo should not be liable for such costs.*
7. *Bankstown Council agreed to this request from the High Court and leave to appeal was granted.*
8. *Bankstown City Council were successful in overturning the decision of the Court of Appeal and the protection afforded by Section 733 of the Local Government Act for "anything done or omitted to be done" has been affirmed by the High Court.*

*The Associations agreed that the matter was of great importance to all councils and should be appealed because if the decision was allowed to stand it would allow other land owners in similar circumstances to make claims against councils for alleged damage to property where the council in question would otherwise be protected by Section 733 of the Local Government Act.*

*The council incurred the sum of \$1,534,242 in pursuing the appeal. The Joint Executive of the two Associations has given approval for these costs to be sought. In accordance with the usual formula, your council's proportion of this amount is \$7,634.80 and we would appreciate receipt of this amount in due course. An invoice is attached.*

## **RECOMMENDATION**

For Council's consideration.

---

## 1.6 CRANE BUILDING

This report serves as an update on the completion of the revitalisation of the Crane Building site in Cassilis Street.

- A. Council will need to lodge a development application to demolish the premises. This will entail a Statement of Environmental Effects being done (approx \$4,000) – this will also assist in future construction decisions.

A company is currently being engaged to conclude this report.

- B. Once the development application is lodged it will need to be advertised for public comment – if comments are received the matter will need to be determined by Council. Council should note that it has received a submission.
- C. A draftsman is being engaged to prepare some concept plans – the issue of a rear lane needs to be definitively decided.
- D. An application for approval to borrow \$2m has been lodged with the Department of Local Government.
- E. Council when it proceeds to demolition – whether it retains the façade or not should consider what it wishes to recover from the existing structure. There are some components particularly the lead lighting that could be recovered and incorporated in any new building.

To allow consideration of options for the site Council should now determine whether it wishes to have a rear lane parallel to John Street. As well a decision on what building should go on the site.

## RECOMMENDATION

That Council not provide a rear lane access across the rear of the Crane Building site and that all concept plans be based on a two storey structure covering the whole site.

## 1.7 NSW RURAL FIRE SERVICE

The Warrumbungle Shire Council is part of the Castlereagh Zone of the NSW Rural Fire Service. Generally, Council is seen as two thirds of the zone and our zone costs are apportioned on that basis with a one third cost to Gilgandra Shire.

The arrangements for operating as a zone need to be occasionally reviewed and formalised in a three way agreement between:

- i) Warrumbungle Shire
- ii) Gilgandra Shire and
- iii) NSW Rural Fire Service

The new Zone Agreement will commence on 1<sup>st</sup> July 2007 and continue for 42 months.

Several issues within the previous zone agreement have been formalised and these are:

- 
- i) Each Council is responsible for the direct costs of their district and pay them accordingly.
  - ii) The zone costs will be paid by Warrumbungle Shire and regular accounts for one third of the costs will be levied to Gilgandra Shire.
  - iii) Each Council is responsible for the maintenance of its Rural Fire Service fleet and meet those costs under their agreed responsibility.
  - iv) Warrumbungle Shire Council is unable or has declined to repair its equipment through its workshops and allows the RFS to contract out the maintenance – Council still meets 12.3% of that cost through its contribution.
  - v) Gilgandra Shire Council has expressed a desire to be responsible for the maintenance of all zone RFS equipment. Warrumbungle Shire is being offered an opportunity to reconsider its position.
  - vi) There is a possibility to submit a zone funding bid rather than the new separate bids – this will need some considerable work to ensure equity between the two councils.
  - vii) The Zone Manager has a delegation to spend \$10,000 within voted funds towards any fire service emergency.

In overall terms the zoning agreement seems to be in order.

A second document the Castlereagh Rural Fire Zone Service Agreement is also due for review. This agreement goes from 1<sup>st</sup> January 2007 and continued for 3 years.

The essentials of the agreement are:

- i) The Commissioner undertakes the Council's function as required by the Act for \$1 per year.
- ii) Council gives the Commissioner access to its agreed RFS property and use of its RFS equipment. Council is responsible for maintenance of buildings.
- iii) Council pays the accounts for \$1 per year.
- iv) Council will put in an annual bid – if Council disagrees with the final offer it has 28 days to object.
- v) A liaison Committee is formed – there will be periodic meetings.
- vi) Council's insurance covers the operations unless the fault of the Commissioner.
- vii) Commissioner will give a report to Council annually within 6 weeks of the end of the financial year.
- viii) The Zone Manager is delegated to spend up to \$10,000 of funds which are budgeted for emergencies.

## **RECOMMENDATION**

That the Mayor and General Manager, if satisfied with the Zone Rural Fire Service Agreement and Castlereagh RFS Zoning Agreement, be authorised to sign and attach the Council seal to each document.

## **1.8 FINANCE COMMITTEE**

Council at its March 2007 meeting determined that it would establish a Finance Committee. At that time there was no indication of membership or delegations or responsibility of the Committee.

I now ask Council's guidance about the formation of the Finance Committee and the delegation of tasks to the Committee.

**RECOMMENDATION**

For Council's determination.

**1.9 STREET STALL POLICY**

Council at a previous meeting indicated that it desired to have a street stall and street raffle policy to apply across the Shire.

Attached is a suggested policy for Council's consideration.

***STREET STALLS AND STREET RAFFLES***

*All Street stalls conducted within the Shire are to comply with the Local Approvals Policy – Use of Public Footpaths for the Placement of Articles or Items and the appropriate application forms submitted to Council for approval.*

*Any street raffles conducted within the Shire that require the placement of articles or items on the footpath are to comply with the Local Approvals Policy – Use of Public Footpaths for the Placement of Articles or Items and if necessary the appropriate application forms must be submitted to Council for approval.*

*The number of street stalls or street raffles to be conducted by or on behalf of an individual organisation is restricted to six (6) per year.*

*Only one organisation will be given approval to hold a street raffle or street stall per day per township.*

*The applicant organisation must be incorporated and hold public liability coverage for a minimum amount of \$10million.*

**RECOMMENDATION**

For Council's deliberation.

---

**1.10 DIRECTOR CORPORATE SERVICES POSITION**

This report serves as an update on the progress of appointing a new Director and seeking guidance from Council about location of the position.

The Local Government and Shires Association's "Employment Solutions" have been engaged to undertake the recruitment. Advertisements should begin appearing shortly.

The delay has resulted from energies being directed to obtain the services of a temporary Director of Corporate Services along with a Finance Officer to guide the process of completing the 2006/2007 annual statements.

The package and benefits offered are those that applied to Mrs White when she was the Director.

The question that arises is where should the Director of Corporate Services be located. Certainly from a managerial efficiency point of view such a position would be best located at the administration centre – which is Coonabarabran. However with housing availability at Coolah this is a financially better option for the Director.

I anticipated advertising with either option being available however now seek Council's guidance in this.

**RECOMMENDATION**

For Council's determination.

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

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 31 JULY 2007**

<b>GENERAL FUND</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund Bank Balance	\$ 9,801,408.57	\$ 1,408,000.00	\$ 3,933,408.57
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		\$ 190,000.00	
<b>TOTALS</b>	<b>\$ 9,801,408.57</b>	<b>\$ 5,868,000.00</b>	<b>\$ 3,933,408.57</b>

<b>WATER FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Baradine Water Bank	\$ 201,955.30	\$ 89,000.00	\$ 112,955.30
Binnaway Water Bank	\$ 539,246.93	\$ -	\$ 539,246.93
Coonabarabran Water Bank	\$ 1,485,979.13	\$ 179,230.45	\$ 1,306,748.68
Coolah Water	\$ 947,423.94	\$ 836,697.00	\$ 110,726.94
<b>TOTALS</b>	<b>\$ 3,174,605.30</b>	<b>\$ 1,104,927.45</b>	<b>\$ 2,069,677.85</b>

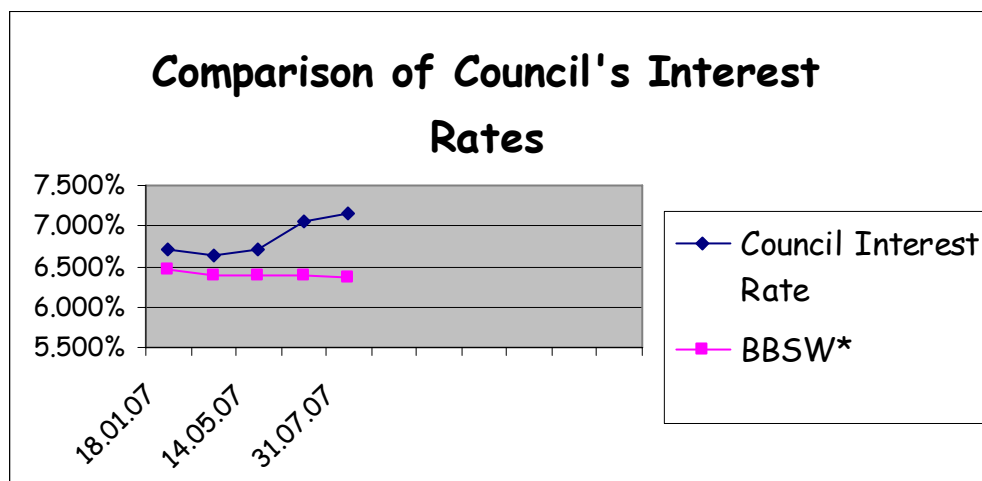
<b>SEWERAGE FUNDS</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
Coonabarabran Sewerage	\$ 2,117,089.77	\$ 836,510.08	\$ 1,280,579.69
Baradine Sewerage	\$ 260,121.96	\$ -	\$ 260,121.96
Coolah Sewerage	\$ 1,039,194.39	\$ 563,170.00	\$ 476,024.39
<b>TOTALS</b>	<b>\$ 3,416,406.12</b>	<b>\$ 1,399,680.08</b>	<b>\$ 2,016,726.04</b>

<b>SUMMARY</b>	<b>BANK</b>	<b>RESTRICTED</b>	<b>BALANCE</b>
General Fund	\$ 9,801,408.57	\$ 5,868,000.00	\$ 3,933,408.57
Water Fund	\$ 3,174,605.30	\$ 1,104,927.45	\$ 2,069,677.85
Sewerage Fund	\$ 3,416,406.12	\$ 1,399,680.08	\$ 2,016,726.04
	\$		
<b>TOTALS</b>	<b>16,392,419.99</b>	<b>\$ 8,372,607.53</b>	<b>\$ 8,019,812.46</b>

<b>TERM DEPOSITS</b>		<b>Interest Rate</b>
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	6.70%
DRESDNER BANK OCTAGON	\$ 1,500,000.00	7.00%
ANZ 3 PILLARS	\$ 500,000.00	BBSW +1.2%
ANZ SAIL	\$ 500,000.00	BBSW +1.5%
ANZ ASPRINT	\$ 500,000.00	BBSW +1.75%
ANZ ASPRINT 2	\$ 800,000.00	BBSW +1.75%
ADELAIDE MANAGED FUNDS	\$ 2,392,419.99	6.40%
TRIDENT	\$ 500,000.00	BBSW +.65%
AVERON BOND-SEALINK	\$ 700,000.00	BBSW +1.5%
DEUTSCHE BANK - DAISY	\$ 1,500,000.00	6.8043%
PIMCO PRINCIPAL PROTECTED	\$ 500,000.00	BBSW +.81%
ROYAL BANK OF CANADA	\$ 1,000,000.00	7.70%
ALL SEASONS-KEOLIS AAA	\$ 1,500,000.00	8.00%
	\$	
<b>TOTAL</b>	<b>16,392,419.99</b>	

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

**CAROLYN UPSTON**  
**ACTING DIRECTOR CORPORATE SERVICE**



**\*Bank Bill Swap Rate**

This is the industry standard benchmark for investment return.

---

**2.2 WARRUMBUNGL E SHIRE COUNCIL GENERAL FUND BANK  
ACCOUNT - For the Month Ending 30th July, 2007**

Bank Statement as at 01.07.2007	415,496.26	
Plus Total Investments	16,392,419.99	
Total Receipts	<u>2,678,975.23</u>	
		19,486,891.48
Outstanding Deposits		<u>-</u>
		19,486,891.48
Less Cheques Drawn		1,731,448.13
Unpresented Cheques		416,563.82
		<u>17,338,879.53</u>
<b>TOTAL BANK BALANCE AS AT 30TH JULY, 2007</b>		<b>17,338,879.53</b>



**2.3 STATEMENT OF INVESTMENTS AS AT 31 JULY 2007**  
**INVESTMENT REGISTER**

Days	Rate	Purchase Date	Maturing Date	Amount	Balance
ANZ 3 PILLARS					500,000.00
5years	BBSW+1.2%	24.03.05	06.04.10	500,000.00	
BOND ST CUSTODIAN-TITANIUM AAA					2,000,000.00
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
5years	7.5	14-12-05	14-12-10	1,000,000.00	
AVERON BOND-SEALINK P/L					700,000.00
7years	Bbsw+1.5	25.10.05	30.10.15	700,000.00	
DEUTSCHE BANK AG LONDON BRANCH-DAISY					1,500,000.00
5years	5-6%+cg	21-03-06	20-03-13	1,500,000.00	
ALL SEASONS-KEOLIS AAA					1,500,000.00
7years	8.00	16-06-06	16-06-13	1,500,000.00	
ANZ ASPIRIT 1					500,000.00
6years		15-11-06	08-11-12	500,000.00	
PIMCO PRINCIPAL PROTECTED					500,000.00
4years	50% of PP	22-02-07	28-02-11	500,000.00	
SGE CREDIT UNION					500,000.00
91 Days	6.7%	13-02-07	14-05-07	500,000.00	
ASPRIT NO 2					800,000.00
6 years		30-03-07	30-03.13	800,000.00	
TRIDENT-CREDIT SUISSE SYDNEY BRANCH					500,000.00
4 years	50% of PP	30.05.07	30.05.11	500,000.00	
AT CALL					2,392,419.99
ADELAIDE MANAGED FUND					
	6.40%			2,392,419.99	
ROYAL BANK CANADA					1,000,000.00
1year	7.7%	16.03.06	16.03.11	1,000,000.00	
CBA CALLABLE RANGE					1,000,000.00
5years	7.5%	16-12-05	16-12-10	1,000,000.00	
				<b>TOTAL</b>	<b>16,392,419.99</b>

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

ACTING DIRECTOR CORPORATE SERVICE

**2.4 RATES AND CHARGES COLLECTION – UP TO and INCLUDING END JULY 2007**

GENERAL		RATE ARREARS	2006/2007 LEVY	PENSIONE R WRITE OFF	ABAND ONED	RATE ARREARS AND NET LEVY	TOTAL PAYME NTS TO DATE	TOTAL OUTSTAN DING 2007/2008	COLLEC TION % 2007/2008	TOTAL OUTSTA NDING 2006/2007	COLLECT ION % 2006/2007
	CBN RES/RURAL RES	112,123	901,926	66,838	3	947,208	19,885	927,323	2.10%	968,909	1.23%
	BARADINE	33,655	120,312	17,219	0	136,748	2,455	134,293	1.80%	169,799	0.79%
	BINNAWAY	21,406	58,955	9,935	1	70,425	1,667	68,758	2.37%	93,149	3.01%
	VILLAGES	7,088	21,986	2,125	2	26,947	1,348	25,600	5.00%	16,457	0.18%
	FARMLAND	217,512	2,084,515	19,957	18,339	2,263,730	73,480	2,190,250	3.25%	3,651,730	0.80%
	COOLAH	18,024	176,230	15,067	0	179,188	4,431	174,757	2.47%	171,618	2.67%
	DUNEDOO	12,341	192,865	16,369	0	188,837	4,093	184,744	2.17%	176,577	0.94%
	MENDOORAN	10,786	60,320	6,305	2	64,799	1,151	63,648	1.78%	62,429	0.70%
	LEADVILLE	2,733	9,127	1,353	0	10,506	120	10,386	1.14%	10,231	1.20%
	MERRYGOEN	357	3,696	631	0	3,421	2	3,419	0.07%	2,991	0.56%
	NEILREX	337	2,218	226	0	2,329	58	2,270	2.51%	1,794	0.00%
	UARBRY	0	3,277	73	0	3,203	125	3,079	3.89%	2,837	0.00%
	COOLABAH ESTATE	2,367	14,142	1,490	0	15,020	555	14,465	0.00%	0.00	0.00%

GENERAL		RATE ARREARS	2006/2007 LEVY	PENSIONE R WRITE OFF	ABAND ONED	RATE ARREARS AND NET LEVY	TOTAL PAYME NTS TO DATE	TOTAL OUTSTAN DING 2007/2008	COLLEC TION % 2007/2008	TOTAL OUTSTA NDING 2006/2007	COLLECT ION % 2006/2007
	RUR/RES COBBORA	1,081	3,272	289	0	4,064	0	4,064	0.00%	0.00	0.00%
	GENERAL RESD/BUS- CLH	9,326	127,287	8,324	3	128,286	2,559	125,726	2.00%	329,614	1.20%
	BUSINESS- CBN-RURAL	41,756	351,530	250	0	393,037	24,297	368,739	6.18%	374,932	0.50%
<b>WATER</b>						0		0			
	COONABARAB RAN	37,058	285,503	25,666	0	296,895	8,355	288,540	2.81%	316,674	1.70%
	BARADINE	35,938	77,813	10,281	0	103,470	1,765	101,705	1.71%	107,778	0.81%
	BINNAWAY	41,798	61,991	8,706	1	95,081	2,437	92,644	2.56%	101,583	3.69%
	VILLAGES	15,378	10,248	788	0	24,838	1,160	23,679	4.67%	10,664	0.53%
	FARMLAND - NTH & STH	0.00	693.75	0.00	0.00	694	0	694		0.00	0.00%
	COOLAH	17,052	132,041	10,238	0	138,856	2,866	135,990	2.06%	103,377	1.69%
	DUNEDOO	8,659	113,636	9,363	0	112,932	1,802	111,130	1.60%	94,048	0.57%
	MENDOORAN	10,777	51,750	4,200	2	58,325	830	57,495	1.42%	48,874	0.54%
	MERRYGOEN	2,017	10,248	788	0	11,477	-147	11,624	-1.28%	10,962	1.22%

GENERAL		RATE ARREARS	2006/2007 LEVY	PENSIONE R WRITE OFF	ABAND ONED	RATE ARREARS AND NET LEVY	TOTAL PAYME NTS TO DATE	TOTAL OUTSTAN DING 2007/2008	COLLEC TION % 2007/2008	TOTAL OUTSTA NDING 2006/2007	COLLECT ION % 2006/2007
SEWERAGE						0		0			
	COONABARAB RAN	51,150	609,605	25,619	0	635,136	17,632	617,504	2.78%	433,940	1.33%
	BARADINE	52,427	138,169	8,750	0	181,845	4,308	177,537	2.37%	191,111	0.84%
	COOLAH	17,636	146,127	9,188	0	154,576	3,417	151,159	2.21%	120,874	1.91%
	DUNEDOO	9,260	136,335	9,013	0	136,582	2,359	134,223	1.73%	110,282	0.61%
		<b>790,042</b>	<b>5,905,816</b>	<b>289,049</b>	<b>18,352</b>	<b>6,388,457</b>	<b>183,010</b>	<b>6,205,447</b>	2.86%	<b>7,683,234</b>	<b>1.08%</b>
GARBAGE- North		70,078	573,451	49,899	14	593,617	43,296	550,320	7.29%	618,760	1.46%
GARBAGE - South		35,416	344,669	34,332	9	345,743	7,184	338,560	2.08%	272,602	1.19%
FARMLAND - NTH - STH		822	20,549	329	0	21,042	0	21,042	0.00%		
LEGAL FEES		65,785	10,256	0	0	76,041	2,064	73,977	2.71%	34,114	2.59%
								0			
INTEREST		152,724	0	0	0	152,724	3,725	148,999	2.44%	166,976	0.17%
	<b>TOTALS</b>	<b>1,114,867</b>	<b>6,854,740</b>	<b>373,608</b>	<b>18,375</b>	<b>7,577,625</b>	<b>239,280</b>	<b>7,338,345</b>	3.16%	<b>8,775,686</b>	<b>1.09%</b>

GENERAL		RATE ARREARS	2006/2007 LEVY	PENSIONE R WRITE OFF	ABAND ONED	RATE ARREARS AND NET LEVY	TOTAL PAYME NTS TO DATE	TOTAL OUTSTAN DING 2007/2008	COLLEC TION % 2007/2008	TOTAL OUTSTA NDING 2006/2007	COLLECT ION % 2006/2007
Rates & Annual Charges Outstanding Percentage											
	COONABARA BRAN	200,330	1,797,034	118,123	3	1,879,239	45,872	1,833,367	2.44%	1,719,523	1.34%
	BARADINE	122,020	336,294	36,250	0	422,064	8,528	413,535	2.02%	468,688	0.81%
	BINNAWAY	63,204	120,945	18,641	2	165,506	4,104	161,402	2.48%	194,732	3.40%
	COOLAH	52,713	454,399	34,492	0	472,620	10,713	461,907	2.27%	395,869	2.18%
	DUNEDOO	30,260	442,835	34,744	0	438,351	8,254	430,097	1.88%	380,907	0.75%
	MENDOORAN	21,564	112,070	10,505	3	123,125	1,981	121,143	1.61%	111,303	0.63%
	VILLAGES	31,358	78,214	7,763	2	101,807	3,221	98,585	3.16%	55,936	0.64%
	FARMLAND	217,512	2,084,515	19,957	18,339	2,263,730	73,480	2,190,250	3.25%	3,651,730	0.80%
	RURAL	51,082	478,817	8,574	3	521,322	26,857	494,466	5.15%	704,546	0.83%
									0.00%		
	Overall	790,042	5,905,123	289,049	18,352	6,387,764	183,010	6,204,753	2.87%	7,683,234	1.08%

**RECOMMENDATION**

For Council's information.

.....  
CAROLYN UPSTON  
ACTING DIRECTOR CORPORATE SERVICES

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 SEWER LINE RECTIFICATION WORKS – CLAIM FOR REIMBURSEMENT - WOOLWORTHS**

#### **Background**

A condition of development of the site, now occupied by Woolworths supermarket, was the relocation of sewer line. Council funded the sewer relocation project and the work was undertaken in January/February 2006. Following rainfall in early July 2006, sections of the sewer trench subsided. The building Contractor undertook the repairs and has lodged a claim against the Developer who has passed it onto Council.

#### **Issues**

The length of sewer line involved is approximately 100 metres and the average depth is 4.5 metres. The clay soil excavated from the trench was used by Council to backfill and compact the trench. At the time the clay was considered as adequate backfill.

Trench subsidence following rainfall is a common occurrence and in such circumstances, Council will make repairs to the trench. On Wednesday 26 July 2006, the proprietor of Bartlett Constructions, contacted Council and requested that repairs to the sunken trench be undertaken as a matter of urgency. The reason for the urgency was that cranes would be on site on Monday 31 July 2006 to commence the job of lifting the wall slabs into place. Bartlett Constructions were advised that necessary repairs could not be made within the timeframe sought by them. The only resources available to Council were two contract truck operators. Bartlett Constructions indicated they could not wait for Council to make the repairs and proceeded with the work over the next three days.

The rectification works undertaken by Bartlett Constructions included the removal of most of the clay backfill material and the placement and compaction of rock and imported road base material. The works were extensive and Bartlett Constructions achieved in three days work that would have taken Council resources much longer to complete. However, Council did not have the opportunity to approve removal of the clay material or inspect and approve backfill operations undertaken by Bartlett Constructions.

#### **Options**

Council does have some responsibility for the rectification works as it was work undertaken by Council in January/February 2006 that failed. However, the extent of

---

Council's responsibility has been discussed with the Developer in terms of the details and items in Bartlett's Claim.

### **Financial Considerations**

The work undertaken by Council on the sewer line relocation project in 2006 cost \$70,304. The claim by Bartlett Constructions against the Developer is \$60,853.90. The claim has been itemised to some extent, however, explanations are still required on a number of items. A copy of the claim has been forwarded to Councillors under separate cover.

There is no budget allocation either in the 2006/2007 budget or 2007/2008 budget that will cover the claim either in full or in part. Council may wish to make a supplementary vote or modify funding for a current sewerage project in Coonabarabran.

### **RECOMMENDATION**

That Council accepts responsibility for funding a claim from the developer of the Woolworths supermarket site for work undertaken on a sewer line, subject to the following;

1. Agreement by the General Manager on the extent of the works and validity of itemised costs.
2. That the developer provides Council with a three year warranty on the work undertaken on the sewer line.

And further, budget adjustments be considered by Council during the next quarterly review.

## **3.2 TIMBER BRIDGE REPLACEMENT PROGRAM – TALBRAGAR RIVER BRIDGE AND CASTLEREAGH RIVER BRIDGE**

### **Background**

On the 15 February 2007, Council resolved to apply for funding to replace the four remaining bridges on regional roads within the Shire. The funding program is over three years, and it was Council's intention to replace bridges over the Talbragar River and the Castlereagh River in the first year of the program.

The State Government Funding program is known as the Timber Bridge Partnership program. The program provides 50 percent funding for replacement of a timber bridge with one that has the same physical dimensions. That is, if Council constructs a bridge that is longer or wider than the existing bridge, the extra dimensions are not eligible for the 50 percent funding.

The proposed bridges are on different horizontal and vertical alignment to the existing bridges and as a consequence, the proposed bridges are larger than the existing bridges. Council is now asked to consider road alignment options and whether or not to proceed with the proposals.

**Issues**

The horizontal and vertical alignments of the proposed bridges are shown in two separate plans attached to this report. Table 1.0 outlines the differences between existing and proposed bridges.

Table 1.0 – Characteristics of existing and proposed bridges.

<b>Bridge</b>	<b>Existing</b>	<b>Proposed</b>
Talbragar River Bridge <ul style="list-style-type: none"> <li>• Location</li> <li>• Length</li> <li>• Width</li> <li>• Total road approach works</li> <li>• Height</li> <li>• Curve radius</li> <li>• Deck crossfall</li> <li>• Flood free capacity</li> </ul>	n/a  28 5.5 n/a n/a Straight horiz align. 0 percent (flat) 1 in 20 year ARI	Approx. 55m downstream of existing bridge 50 m 8.5 m 670 m Same relative height as existing 750 4 percent 1 in 20 year ARI
Castlereagh River Bridge <ul style="list-style-type: none"> <li>• Location</li> <li>• Length</li> <li>• Width</li> <li>• Total road approach works</li> <li>• Height</li> <li>• Curve radius</li> <li>• Deck crossfall</li> <li>• Flood free capacity</li> </ul>	n/a  22 5.8 n/a n/a Straight horiz. Alignment 0 percent (flat) Less than 1 in 5 year ARI	Approx. 10m downstream of existing bridge. 36 8.5 584 m 1.5 metres higher than existing 460 6 percent 1 in 5 year ARI

It is proposed to use the Design and Construct contract method of acquiring the bridges. In this regard, Council is joining with Coonamble Shire Council in a proposed contract package to deliver seven (7) bridges. The Talbragar River Bridge and the Castlereagh River Bridge are included in this package, as is the proposed bridge over Bomera Creek. Tenders for the project were advertised on the 7 August 2007 and they close 27 September 2007. An on site compulsory pre tender meeting for tenders is scheduled for the 22 August 2007.

The alignment proposed in attachment 1.0, for the Castlereagh River bridge is considered to be the least cost alternative. The proposal does involve construction of another road crossing of the rail line and while 1.5 metres higher than the existing bridge, overtopping is still expected in minor flood events. Also, by constructing a new bridge downstream of the existing bridge any opportunity for straightening the road west of the rail line is lost.



A second proposal for the Castlereagh River is being developed and involves construction of the bridge upstream of the existing bridge. Such an alignment allows for future road realignments west of the rail line, however, it involves additional roadworks and hence is more expensive. This proposal will be tabled at the Council meeting.

The alignment proposed for Talbragar River Bridge is shown in attachment 2.0, while not least cost, it is considered the most desirable for the road speed environment. It is possible to reduce the cost of the Talbragar River proposal by constructing the new bridge on the same horizontal alignment as the existing bridge. However, such an alignment means that any opportunity to eliminate existing 'reverse curve' road approaches in the future is lost.

According to funding guidelines from the RTA both bridge proposals represent an increase in service level and hence the project is not eligible for full 50 percent funding.

### **Options**

The provision of 50 percent funding is considered to be a good opportunity for Council to replace its stock of timber bridges. However, replacement of bridges over the Talbragar River and Castlereagh River in the same configuration and location will not meet current road geometry guidelines and does not provide for future road realignments.

Consequently, bridge proposals over both rivers exceed RTA funding limits and Council will need to decide on preferred bridge configurations and how they are to be funded.

### **Financial Considerations**

The estimated cost of each bridge proposal along with Council's current budget position is outlined in table 2.0.

**Table 2.0 – Estimated Bridge Construction Cost and Budget.**

<b>Bridge</b>	<b>Estimated Cost of Construction – including road approaches</b>	<b>Approved funding from the RTA</b>	<b>Funding Difference</b>	<b>Existing 2007/08 Council Budget Allocation</b>	<b>Potential Supplementary Vote</b>
Talbragar River Bridge	\$1,024,000	\$350,000	\$674,000	\$415,021	\$258,979
Castlereagh River Bridge, at Ulamambri	\$855,000	\$253,000	\$602,000	\$0	\$602,000
Total	\$1,879,000	\$603,000	\$1,276,000	\$415,021	\$860,979

The cost of bridge construction will be known with more accuracy when tenders close on the 27 September 2007.

The current funding profile for the Talbragar River Bridge project is outlined in table 3.0

**Table 3.0 – Funding Profile – Talbragar River Bridge.**

<b>Funding Source</b>	<b>2007/08 Budget Allocation</b>
RTA	\$350,000
3 x 4 Council Determined	\$ 77,000
R2R Program	\$ 80,000
FAGS Program	\$ 65,021
Rate Revenue	\$193,000
Total	\$765,021

There is an expected funding shortfall overall of \$258,979 for the Talbragar River bridge project. It is possible to stage construction of the project over two years and hence Council may wish to consider using the same funding sources to complete the project in 2008/2009.

The funding sources for Council's contribution, which is \$602,000, to the Castlereagh River Bridge project have not yet been determined by Council. Care must be taken by Council in redirecting funds from other projects because of impacts on staff workload. However, it may be possible to redirect funds as shown in table 4.0.

**Table 4.0 – Potential Funding Sources – Castlereagh River Bridge**

<b>Potential Funding Source</b>	<b>Potential 2007/08 Allocation</b>	<b>Potential 2008/09 Allocation</b>	<b>Total</b>
Block Grant Program		\$150,000	\$150,000
3x4 Council Determined	\$92,000*	\$ 92,000	\$184,000
R2R		\$150,000	\$150,000
Rate Revenue/Loan	\$118,000**		\$118,000
Total	\$210,000	\$392,000	\$602,000

\* Currently allocated to project; 'Wieses Hill' on MR129.

\*\* Increase in Council deficit.

### **RECOMMENDATION**

1. That Council adopt the horizontal and vertical alignment as proposed in attachment 2.0 for the Talbragar River bridge and proceed with the process of receiving tenders for the project.
2. That Council proceeds with the process of receiving tenders for the Castlereagh River project.

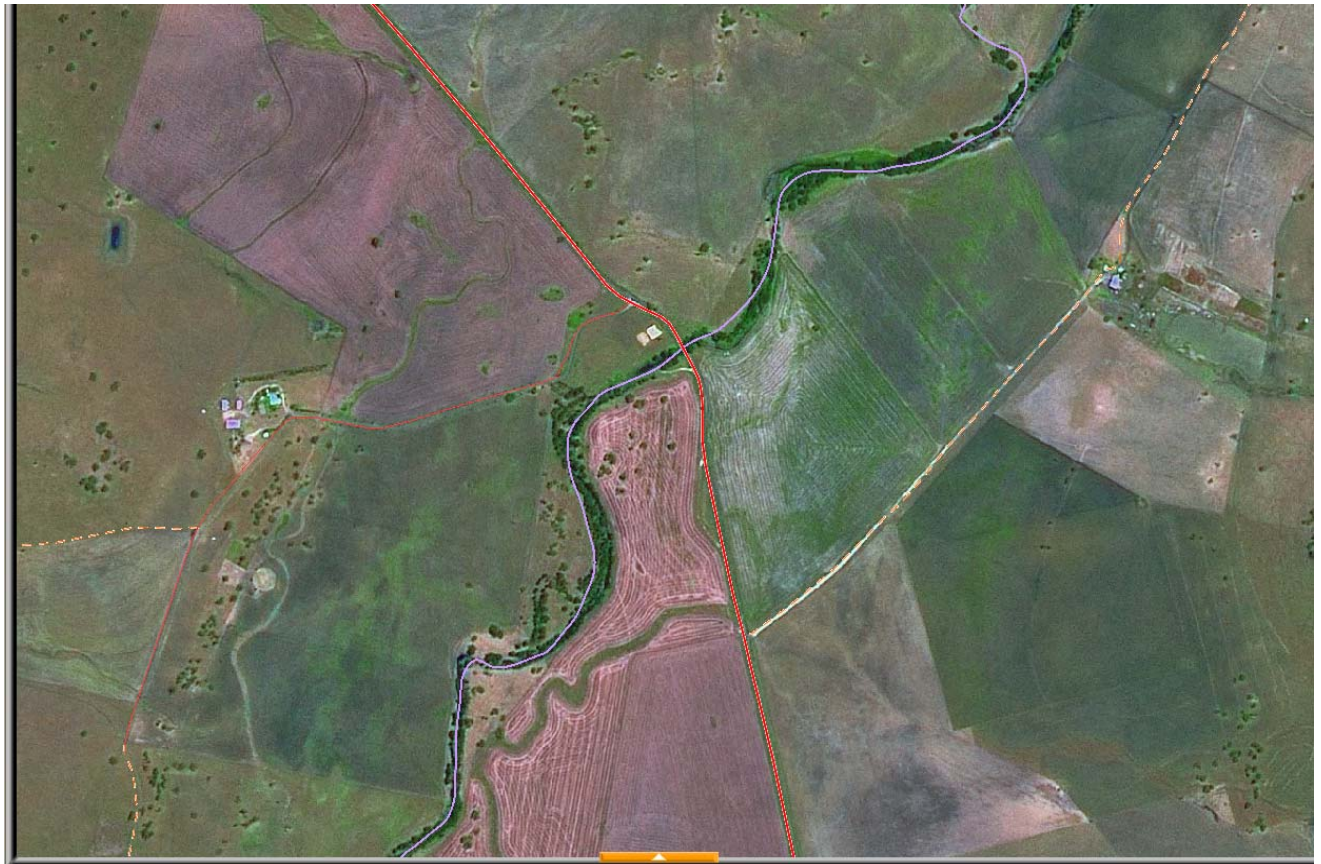
Attachment 1.0 – A3 plan

Attachment 2.0 – A3 plan

Attachment 3.0 – Aerial Photo Images



MR 129 – Castlereagh River Bridge Site



MR618 – Talbragar River Bridge Site.

### **3.3 MENDOORAN WATER SUPPLY AUGMENTATION**

The Department of Commerce has now finalised all documentation for the calling of tenders for the Mendooran Water Supply Augmentation works, and they have advised that tenders will be called during the week commencing 13 August 2007.

There still remains one Council administrative matter to be completed, and that is formal notification to the Department of Commerce that funding is available for the work, and adoption of a number of recommendations contained in the Statement of Environmental Effects.

Those recommendations are:

- All riverbed works are to undertaken when the riverbed is devoid of water and ceases to flow. This Statement does not account for the impact caused to the riverbed in the event that water is present. Re-assessment of development works would be required in this event.
- It is considered necessary with regard to the outcomes of this Statement of Environmental Effects and correspondence received from the relevant authorities, that an Environmental Management Plan (EMP) be prepared for sensitive riparian habitat within 200 metres of the Castlereagh riverbed. This will ensure habitat disturbance (both upstream and downstream, and within the river bank) is restricted to an acceptable level and rehabilitation works are conducted in accordance with relevant guidelines and policies. The EMP will further address requirements as indicated from correspondence received from NSW Fisheries, NSW Department of Environment and Conservation (formerly NSW EPA) and DIPNR. The EMP will provide strategies to minimise any direct or indirect impacts associated with the construction of the water supply system. Such strategies could include the retention of all snags and replacement of surface riverbed material once construction works have ceased. In addition, the EMP should address potential impacts of the proposed development on groundwater quality and quantity through regular monitoring of groundwater.
- It is recommended that Erosion and Sediment Control Plans be prepared and implemented for land within the proposed water treatment plant and following the remaining proposed water main route incorporating the riverbed of the Castlereagh River. The implementation of the Erosion and Sediment Control Plans are also considered necessary due to the sensitive habitat of the riparian zone and listing of the Lowland Catchment of the Darling River as an endangered ecological community under the NSW Fisheries Act 1994. The Erosion and Sediment Control Plans are to be implemented prior to the commencement of construction works and all structures and/or measures are to be maintained during and post construction of the water supply works to ensure maximum protection against erosion and sedimentation from the proposed development.
- It is recommended that remedial works be performed on the small section of land identified as containing total petroleum hydrocarbons in the fraction C10-C40 in Lot 11 Section 23 in order to reduce any risks posed to humans and/or the environment. Where remedial works are performed, these should be followed by appropriate site validation, All works should be performed in accordance with

---

guidelines made and approved under the Contaminated Land Management Act (1997)

- It is recommended that all clay lining material for the sludge lagoons and evaporation pond be tested to ensure maximum coefficient of permeability is 10 to the power -9 metres per second as recommended under NSW EPA guidelines. This will ensure adequate protection against potential leakage associated with the sludge lagoons and evaporation pond.
- It is recommended that all storage and handling of chemicals associated with the dosing of raw water and cleaning of filtration systems be undertaken in an enclosed bunded area (ie proposed colourbond shed).
- It is recommended that a dredging and reclamation permit be obtained under the Fisheries Management Act 1994 prior to works commencing on the Castlereagh River bed.
- It is necessary that a permit for the obstruction of fish passage under NSW Fisheries Management Act 1994 be obtained from NSW Fisheries. Refer to section 5.1 for further details regarding this permit.
- Providing adequate erosion and sediment control strategies are implemented at the site as recommended in this Statement of Environmental Effects, a 3A permit under the Water Act is not required. Refer to section 5.3 for verification of the permit requirements and Appendix C for correspondence received from DIPNR.
- It is recommended that rehabilitation measures be employed at the site. The area to be disturbed by the proposed WTP is to be managed via selective clearing such that boundary vegetation is retained and various landscaping is undertaken at the proposed WTP. Rehabilitation measures undertaken for the proposed water main path connecting the WTP to the intake system, are to be included in the proposed Erosion and Sediment Control Plan.
- It is recommended that all waste generated by the proposed construction and operation of the water supply works be legally disposed of in accordance with relevant regulations and guidelines. This includes any offcut building materials and excess sludge material.
- It is recommended that all works within the natural riverbed be undertaken in a manner to maintain access to fish passage such that minimal impact is incurred to the aquatic habitat by the following:
  - all large woody debris (snags) is retained;
  - the natural invert level of the river bed is preserved;
  - the existing cross-sectional area of the river is maintained;
  - minimal turbulence is generated by the proposed intake system to reduce excess turbidity and sedimentation compromising fish habitat and reducing water quality.

The Statement of Environmental Effects forms part of the tender documentation, and tenderers will be made aware of their obligations under the conditions pertaining thereto.

## **RECOMMENDATION**



---

That Council adopt the recommendations contained in this Statement, and that the Department of Commerce be advised accordingly. **FURTHER** that the Department of Commerce also be advised that funds are available to enable the calling of tenders for the project.

.....  
KEVIN TIGHE  
DIRECTOR TECHNICAL SERVICES

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**

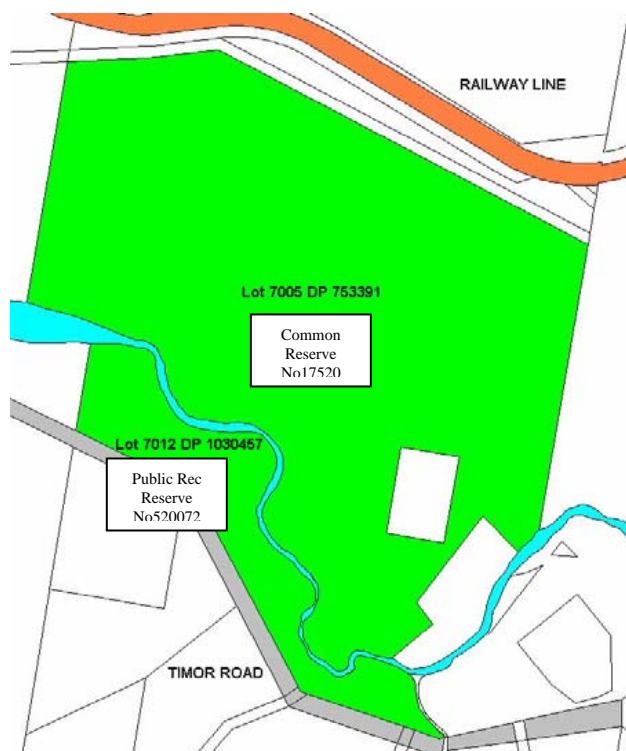
**4.1      PUBLIC RECREATION RESERVE (NANDI) REHABILITATION  
PROJECT**

**Proposal**

The NSW Department of Primary Industries (DPI) (Aquatic Habitat Rehabilitation Team – Fisheries Division) have been funded by Central West Catchment Management Authority to undertake rehabilitation works on the Castlereagh River as part of the Upper Castlereagh Demonstration Reach Project and seek Council's approval to undertake works on land currently under Council care and control.

The project work being proposed will provide environmental benefit to the area. Essentially the work will decrease bank erosion and sedimentation, increase ground cover, restore hydraulic conditions and improve fish habitats. Details of the rehabilitation projects are outlined in the project brief which has been forwarded to Council under separate cover and marked "Enclosure 1"

### *Location*



Lot 7012 DP 1030457 – Public Recreation Reserve Number 520072 is owned by Department of Lands and is administered by Warrumbungle Shire Council.

Lot 7005 DP 753391 – Common Trust Reserve Number 17520 is owned by Department of Lands and is administered by a Common Trust.

### **Background**

Approximately thirty years ago Council funded and constructed a new fence running parallel to Timor Road and abandoned the dilapidated fence in existence on the northern side of the Castlereagh River. In effect this action joined the land from the Common Trust Reserve 17520 into Public Recreation Reserve 520072 allowing the Common Trust to have the use of the Public Reserve land.

The Common Trust does not hold any formal lease agreement with Council to graze the Public Recreation Reserve.

### **Progress to Date**

#### ***Public Recreation Reserve 520072***

The NSW Department of Primary Industries has requested that Council support the rehabilitation project along the Castlereagh River by granting permission for the site works. A copy of the formal request has been forwarded to Council under separate cover and is marked “Enclosure 2.”

To ensure that the project is successful the brief has recommended that Council confirm to the Common Trust that all stock must be prevented from entering onto the Public Recreation Reserve from the Common Reserve via the Castlereagh River.

Council's option in this matter include:-

***Option 1***

To agree to stock being excluded on a permanent basis to allow the regeneration of both riverbanks to take place. This would require a new fence on the Common and an alternative watering facility for stock remaining on the Common. Fisheries Division are proposing to fund these works and obtain the approval of both the Dept of Lands and the Common Trust.

***Option 2***

To agree to stock being excluded from the public recreation area for a period for two to three weeks whilst the work is being undertaken, and a formal lease agreement being entered into between Council and the Common Trust to allow use the public recreation area on a permanent basis after the restoration work is complete and stabilised (up to two years). Fisheries Division is not in favour of this option.

***Option 3***

To agree to stock being excluded on a permanent basis to allow the regeneration of the riverbanks to take place and an agreement being entered into between Council and the Trust to allow the Trust to have grazing rights for a certain period throughout the year for a specified duration in dry conditions. This agreement would require the Common Trust to make application to Council.

***Option 4***

Not to support the Fisheries project and continue to allow the grazing of the Public Recreation Reserve by the Common Trust and enter into a formal lease agreement for this purpose. In effect leaving current arrangements in place with formal approval.

***Common Reserve 17520***

In addition the overall rehabilitation work proposed by the Fisheries Division has indicated that DPI will work with the Common Trust to re-construct a fence line along the north side of the river (on common land) and negotiate a designated watering point along the River or investigate off stream watering options eg installation of a bore. This work will be negotiation and resourced through the Fisheries Division, Dept of Lands and the Common Trust.

**Budget Implications**

There is no budget implication for Council as the CMA and Fisheries Division is funding the total project.

**Dept of Lands & DECC Approvals**

NSW DPI has advised that these approvals will be forthcoming.

---

## RECOMMENDATION

1. That Council supports The NSW Department of Primary Industries (Aquatic Habitat Rehabilitation Team – Fisheries Division) project to rehabilitate the Castlereagh River adjacent to the Public Recreation Reserve Number 520072.
2. That Council supports Option 3 and work with the Common Trust by excluding stock from the Public Recreation Reserve and encouraging the Trust to make an application to Council for grazing rights over the reserve during dry period and after stabilisation of the project has been achieved.

### 4.2 DEVELOPMENT APPLICATION FOR DETERMINATION - DA 15/0607 - JUNKYARD

<b>Applicant</b>	Mr P G Flint
<b>Owner</b>	Applicant
<b>Site</b>	22-24 Martin Street, Coolah
<b>Land Description</b>	Lot 1 DP 264185
<b>Current Approved Use</b>	Auto Electrician
<b>Current LEP Zoning</b>	Industrial 4(a)
<b>Assessment</b>	11835

#### Description of Proposed Development

The applicant proposes a change of use from an auto electrician workshop to a metal recycling and fabrication business, including resale of reusable items as available.

No construction work, other than fencing, is proposed. The land is zoned 4(a) Industrial under the provisions of the Coolah Local Environmental Plan 2000 and the activity is defined as a Junkyard under that Plan by way of Clause 4 of the Environmental Planning and Assessment Model Provisions 1980.

#### Results of Public Exhibition

The application was advertised as required and no submissions were received, either objecting to or in support of the proposal.

#### 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 include:

(a) *The provisions of:*

- *any environmental planning instrument (Coolah LEP 2000), and*
- *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- *the regulations*

that apply to the land to which the development application relates,

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

- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with the Act or Regulations,*
- (e) *The public interest.*

#### **Compliance with Coolah LEP 2000**

The land is zoned 4(a) Industrial under the LEP. The development as proposed is defined as a junkyard, which is a use that is permissible in the zone with Council's consent. The objectives of the zone are:

- (a) *to facilitate and promote development ranging from light industry to general industry, and to related wholesale, storage, distribution, servicing, research and administration land uses; and*
- (b) *to encourage the establishment of industry on land which has good road or railway access and can economically be serviced; and*
- (c) *to accommodate a broad range of industrial uses in appropriate locations by excluding offensive or hazardous industries, or industries that will adversely affect residential amenity, from such industrial localities as are in the vicinity of urban areas; and*
- (d) *to enable development that is associated with, ancillary to, or supportive of, industry; and*
- (e) *to provide for appropriate forms of industrial development which will contribute to the economic and social growth of the area and increase employment opportunities in the area.*

#### **Compliance with the Regulations, REPS and SEPPS**

All relevant State Environmental Planning Policies have been reviewed, and none have been identified as containing potential restrictions on the proposal.

#### **Analysis – Likely Impact of the Development and Suitability of the Site**

Whilst no formal submissions have been received objecting to the proposed development, there have been concerns expressed at Coolah town meetings in relation to the appearance of the development. The appearance of the development will change in time as the applicant is proposing screening by way of trees and fencing to limit unsightliness from adjoining lands and public roads. The land on 3 sides of the site is currently zoned 4(a) Industrial with some occupied and some vacant. The remaining adjoining site is zoned 2(v) Village or Urban but is located in the commercial section of town.

Conditions of development consent can be drafted to require the applicant to comply with his submission and minimise the environmental effects of the proposal by:

1. Construction of suitable contour banks and holding ponds to retain any contaminants that may be picked up in runoff water during heavy rain,
2. Preventing the storage of chemical drums, waste oil or fuels and the like as part of the proposed development,
3. Requiring the storage of batteries to be in accordance with Department of Environment and Conservation requirements so as to prevent escape of acids into the environment, and

4. Requiring the proposed site to be adequately and appropriately fenced to limit the amount of land available to store scrap metal. This should encourage a quicker turnover of stored materials.

The proposal generally satisfies the objectives of the zone in that it facilitates development within the industrial zone, with minimal adverse effect on residential amenity, and contributes to the economic and social growth of the area.

### **Conclusion**

The proposed development will facilitate an organised collection and deposit point for scrap metal and vehicles from properties throughout the area which may otherwise be disposed of improperly. The site will be screened from public view where possible, thus minimising unsightliness while the applicant is waiting for sufficient volume to build up to allow efficient removal and further processing.

Appropriate environmental safeguards are typically written into Council approvals to prevent damage to the environment and these are monitored where necessary by Council's Compliance Officers (Rangers).

The proposal is permissible within the zone and is generally consistent with the objectives of the zone.

Council has 3 options available under Section 80 of the Environmental Planning and Assessment Act 1979:

#### *Option A*

Refuse the development. *Note:* The applicant would have a right of appeal to the Land and Environment Court.

#### *Option B*

Approve the development unconditionally. This option would not be appropriate given the identified 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 should be applied in the event Council wishes to exercise this option.

### **RECOMMENDATION**

That Council approve Development Application No. 157/0607 for a change of use to a metal recycling and fabrication business at Lot 1 DP 264185, 22-24 Martin Street, Coolah subject to the following conditions of consent:

#### **1. General**

Development taking place generally in accordance with the outlined proposal indicated in the development application, except as modified by these conditions, Council's

Development Control Plans, engineering and subdivision requirements and the requirements of the Environmental Planning and Assessment Act 1979.

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

## **2. Building Code of Australia Compliance**

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

*Reason:* To ensure the building complies with accepted construction standards and safety of occupant provisions.

## **3. Stormwater**

All roofwater is to be transported away from the building to the street gutter via sealed adequately sized stormwater pipes.

*Reason:* To control the flow of excess roofwater so as to restrict the likelihood of stormwater nuisance to adjoining neighbours and damage to the footings of the existing building.

*Note* (1) In the event that connection to a street gutter is impractical Council will, as a minimum standard, require pipe disposal at least 6 metres clear of any footings.  
(2) Stored rainwater tanks are encouraged.

## **4. Noise Control**

Site works creating noise likely to interfere with the neighbourhood amenity, are to be restricted to:

- Monday to Friday: 7.00 am to 6.00 pm
- Saturday: 8.00 am to 12 noon
- Sunday: nil

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

*Note:* Not more than one truck pick-up per week is permitted outside these hours and on the understanding that only drive-in drive-out noises occur at that time.

## **5. Fencing**

The proposed scrap steel storage area shown in the Statement of Environmental Effects is to be completely fenced with a solid and durable fence and the stacking of car bodies is not to exceed 3.5m in this identified area. The fence shall be constructed prior to placing any material at the site.

*Reason:* To clearly define and control the area to be used to store recyclable material.

## **6. Soil Conservation**

The proposed storage site is to be provided with suitable contour banks and retention ponds to contain any liquid material from the site in the event of heavy rain. All contours and ponds shall be constructed prior to the placing of material on the proposed site.

*Reason:* To prevent runoff of potentially contaminated waters leaving the site.

## **7. Storage Control**

The site shall only be used for the storage of scrap metal, vehicles, farm machinery, batteries and vehicle tyres (associated with those vehicles currently on site and up to a



maximum of five tyres per vehicle. No chemical containers or toxic materials shall be deposited on-site at any time.

*Reason:* To ensure only appropriate and approved materials are stored on-site.

#### **8. Batteries**

All batteries are to be stored in accordance with Department of Environment and Conservation guidelines so as to be clear of the ground and protected from the weather to prevent escape of toxic materials.

*Reason:* To prevent the likelihood of contaminated runoff.

#### **9. Planting**

Additional native trees shall be planted and maintained around the proposed site as proposed in the submitted Statement of Environmental Effects to enhance the screening of the site from adjoining property and roadways.

*Reason:* To protect the visual amenity of the area.

#### **10. Sale of Second-hand Goods**

Prior to commencement of any site activities the applicant shall provide documentary evidence to Council establishing that all necessary approvals from Government Agencies such as NSW Police, NSW Department of Fair Trading and NSW Workcover Authority have been obtained and any site modifications required have been achieved.

*Reason:* To ensure that Council's approval is not in contravention of the requirements of these authorities.

#### **11. Internal Roads**

Prior to the commencement of any site activities the applicant shall enhance all internal roads with an 'all weather' finish. This finish shall be maintained for the duration of the land-use activity.

*Reason:* To ensure that repetitive site vehicle movements do not create nuisance by way of dust or mud hazards.

#### **Advisory Notes**

1. The applicant is advised that maintenance of the existing driveway, that is, potholes or drop off behind the concrete, must be repaired by the applicant. In addition Council can order the applicant to repair the driveway as the need arises and in the interest of public safety.
2. The applicant is advised that the allocated street number for this site is ... and this number is to be prominently displayed.

---

### 4.3 DEVELOPMENT APPLICATION FOR DETERMINATION - DA 161/0607 – CATTLE FEEDLOT

<b>Applicant</b>	M F Welsh and Co
<b>Owner</b>	M F and B L Welsh
<b>Site</b>	‘Mount Hope’, Mount Hope Road, Coolah
<b>Current Approved Use</b>	General Agriculture
<b>Land Description</b>	Lots 3, 4, 10, 11 and 12 DP 754975 County Napier Parish Mumbedah  Lot 63 DP 754966 County Napier Parish Coolah
<b>Current LEP Zoning</b>	1(a) General Rural
<b>Assessment</b>	11118.1

#### **Description of Proposed Development**

Construction and operation of a 1,000 head cattle feedlot, including sedimentation system and holding pond, construction of solids stockpile area, defined carcass disposal pit location, alterations to existing pen layout and construction of a hospital pen.

The site is currently used for livestock grazing and some crop cultivation, and is situated approximately 15 km to the west of Coolah on the Mount Hope Road.

The land is zoned 1(a) General Rural under the provisions of the Coolah Local Environmental Plan 2000 and the activity is defined as an ‘intensive livestock keeping establishment’ under that Plan. The application is integrated development due to the Water Act 1912 licensing provisions.

#### **Results of Public Exhibition**

The application was advertised as required and no submissions were received, either objecting to or in support of the proposal.

#### **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 for comment, these being:

- Central West Catchment Management Authority (CWCMA)
- Rural Lands Protection Board (RLPB)
- NSW Department of Primary Industries (DPI)
- Department of Water and Energy (DWE)
- Department of Environment and Climate Change (DECC)

The CWCMA and the RLPB had no comments in relation to the proposed development.

In summary, the NSW Department of Primary Industries made the following comments:

- 
- *Water Supply* - the applicant should provide a sustainable bore yield pumping test as well as test the quality of the water derived from the bores for stock water purposes.
  - *Solids Stockpile* - the manure stockpile site needs to be compacted as part of the construction requirements of the feedlot.
  - *Carcass Disposal* - the applicant needs to identify a site for an emergency mass slaughter. Advice was also given as to inclusion of contingency plans to be developed as part of the Environmental Management Plan for the facility.
  - *Environmental Monitoring* - the applicant is to include salt in the monitoring of the irrigation area, as well as phosphorus and nitrate tests.
  - *Heat Stress* - recent developments in dealing with this matter for cattle feedlots has necessitated the conditions listed in the recommendations be included.

In summary, the Department of Water and Energy require a condition of consent which requires the developer to make application to the Department Water and Energy for any relevant water licence requirements. Conditions of consent have also been recommended by the Department of Water and Energy in relation to the proposed water supply with regard to quantity and sustainability issues and ground water protection.

In summary, the Department of Environment and Climate Change advises that the applicant would need to apply for a DECC licence should the capacity of the feedlot exceed 1,000 head of cattle, and the applicant is to be made fully aware of this. The applicant is also to adequately address the issues of Threatened Species and Aboriginal Cultural Heritage.

### **Commentary**

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

(a) *The provisions of:*

- *Any environmental planning instrument (Coolah LEP 2000), and*
- *Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- *The regulations*

that apply to the land to which the development application relates,

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

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

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

(e) *The public interest.*

### **Compliance with Coolah LEP 2000**

The land is zoned 1(a) General Rural under the LEP. The development as proposed is defined as an 'intensive livestock keeping establishment' under the LEP, which is a use that is permissible in the zone with Council's consent.

---

The objective of this zone is to promote the proper management and utilisation of resources by:

- (a) *protecting, enhancing and conserving:*
    - (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential; and*
    - (ii) *soil stability by controlling and locating development in accordance with soil capability; and*
    - (iii) *forests of existing and potential commercial value for timber production; and*
    - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits; and*
    - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation; and*
    - (vi) *water resources for use in the public interest; and*
    - (vii) *areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat; and*
    - (viii) *places and buildings of archaeological or heritage significance, including protecting Aboriginal relics and places; and*
  - (b) *preventing the unjustified development of prime crop and pasture land for purposes other than of agriculture;*
  - (c) *facilitating farm boundary adjustments; and*
  - (d) *minimising the cost to the community of:*
    - (i) *fragmented and isolated development of rural land; and*
    - (ii) *providing, extending and maintaining public amenities and services; and*
  - (e) *providing opportunities for the establishment of intensive agricultural enterprises.*
- 
- *State Environmental Planning Policy 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.*
  - *State Environmental Planning Policy No. 30 – Intensive Agriculture*  
*This policy requires development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle or piggeries having a capacity of 200 or more pigs. Matters for attention by Council as required by this SEPP have been included in the overall analysis.*
  - *State Environmental Planning Policy 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.

- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*  
This SEPP applies to the property but it is not proposed to remove any trees in order to facilitate the development.
- *State Environmental Planning Policy 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 previously been used for cropping and grazing there is no evidence of any likely major contamination of the land.

### **Analysis - Likely Impact of the Development and Suitability of the Site**

#### **Odour**

The consultants engaged by the applicant have carried out a level 1 odour impact assessment based on guidelines published by the Department of Environment and Conservation (now the Department of Environment and Climate Change). This assessment shows that the proposed feedlot is well undersize to have any significant impact on odour in the subject location, and this is reflected by the fact that no concerns were raised in relation to odour by any of the Government Departments consulted.

#### **Groundwater and Run-off Water Quality**

While the Statement of Environmental Effects claims that *‘Given the lack of bores in the vicinity, the depth to useful aquifers and separation distances to down gradient bores, and proposed feedlot operation and management, the feedlot operation presents an extremely low risk to groundwater utilisation’*, the Department of Water and Energy raise concerns that there has been inadequate hydrogeological assessment to determine the level of impact on groundwater and the appropriate mitigating measures. Hence, the Department of Water and Energy has recommended a number of conditions of consent to be included in Council’s determination.

#### **Soil Resource**

As part of the soil monitoring procedure, the NSW Department of Primary Industries wants the applicant to also include monitoring of salt, phosphorus and nitrate as important indicators of the impact of the feedlot on the soils in the area.

#### **Amenity**

No comments were received in relation to amenity of the feedlot, including odour, noise, dust or traffic. This indicates that buffer distances are adequate, and the Statement of Environmental Effects states that this situation would be maintained via contact between the feedlot operators and their neighbours.

#### **Traffic**

---

The Director of Technical Services has addressed the impacts in relation to traffic and has made recommendations to be included as conditions if consent is granted.

### **Biodiversity and Heritage**

The Department of Environment and Climate Change requires the applicant to further address the issues of Threatened Species and Aboriginal Cultural Heritage as required by the EPA Act 1979, the National Parks and Wildlife Act 1974 and the Threatened Species Conservation Act 1995.

### **Options**

Council has 3 options available under Section 80 of the Environmental Planning and Assessment Act 1979:

#### *Option A*

Refuse the development. *Note:* The applicant would have a right of appeal to the Land and Environment Court.

#### *Option B*

Approve the development unconditionally. This option would not be appropriate given the identified 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 in Schedule 1 should be applied in the event Council wishes to exercise this option.

## **SCHEDULE 1**

### *Environmental Services Terms of Approval*

- Development taking place generally in accordance with the outlined proposal indicated in the development application, except as modified by these conditions, engineering and subdivision requirements and the requirements of the Environmental Planning and Assessment Act 1979.

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

- **Environmental Monitoring**

- The applicant shall furnish to Council an Annual Environmental Audit Report, in consultation with relevant government authorities, addressing, but not limited to, the following matters:
  - *Air Quality* - fugitive odour transmission (if any) and methods of control and management;
  - *Noise Impact* - methods employed to ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority - Noise Control Manual 1994 (as amended);

- *Dust Nuisance* - if any; and
- *Waste Disposal* - methods and management.

Such reporting shall be carried out by a qualified environmental consultant/authority, acceptable to Council's Director of Environmental Services each 12 month anniversary of commencement of the approved development. The first Annual Environmental Audit Report shall be lodged within thirteen months from commencement of operations to Council. Any recommendation made in the Report to ameliorate adverse environmental impacts associated with the development shall be implemented to the satisfaction of Council.

*Reason:* To protect the amenity of the neighbourhood.

- **Amenity of the Neighbourhood**

- The implementation of this development shall not adversely affect the amenity of the neighbourhood by reason of the emission or discharge of noise, vibration, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products during both construction and the subsequent operation of the development.
- The use of the premises shall not give rise to an 'Offensive Noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.
- Trucks carrying waste off the property are to cover their loads at all times.

*Reason:* To protect the amenity of the area.

- **Exotic Disease Outbreak**

Prior to the placement of stock the applicant shall provide to Council documentary evidence outlining management practices designed to control any potential impact of an exotic disease outbreak and confirming that these practices will be undertaken as part of this development.

*Reason:* To demonstrate adequate safeguards are in place in this regard.

*Technical Services Terms of Approval*

- The applicant shall provide documentation showing provisions to prevent any overland drainage flowing on to the Mount Hope Road reserve to the satisfaction of Council's Director Technical Services.

*Reason:* To protect the integrity of the adjacent road.

- The applicant shall construct proposed accesses between Pen 1 and Pen 2 and between Pen 2 and Pen 3 in accordance with RTA guideline figure 4.9.7 and improve the existing access to the same standard. Road drainage along the table drain must not be interrupted by the proposed accesses.

*Reason:* To ensure the safety of motorists using Mount Hope Road.

- The applicant shall provide details on truck turning movements expected at the proposed yards/feed complex for Council's approval. In addition a statement that existing road conditions are adequate to accommodate any proposed turning movements is required and these truck turning activities must be achieved to the satisfaction of Council's Director Technical Services.

*Reason:* To ensure the safety of the travelling public and protect the road structure.

- The applicant must confirm in writing that existing road conditions (including location of trees) are adequate for expected feedlot operational traffic. Further, if tree removal is required to accommodate feedlot operation vehicles, then separate approval will be required from Council's Director Technical Services.

*Reason:* To ensure that Council is not requested at some later date to carry out additional and potentially costly roadworks.

### **Other Authorities Terms of Approval**

#### *NSW Department of Primary Industries*

- The applicant is to supply a sustainable bore yield pumping test, as well as results of testing the quality of the water derived from the bores for stock water purposes.
- The manure stockpile site shall be compacted as part of the construction requirements of the feedlot.
- A site for an emergency mass slaughter pit shall be identified and documented.
- Monitoring of soils in the irrigation area shall include salt, phosphorus and nitrate and these results shall be reported to Council as part of the environmental auditing condition of consent.
- Animal Heat Stress Precautions - the applicant shall provide an approved type of shade shelter for sick animals in hospital pen(s) and conduct a risk analysis using MLA/ALFA Risk Analysis Program for the feedlot site and applying the standard 'fat black steer' model.

*General Reason:* Adoption of best practice guidelines.

#### *Department of Water and Energy*

- The proponent shall line the holding pond with a material that is to achieve a permeability rating  $1 \times 10^{-9}$  m/s.
- The proponent shall line the carcass pit with a material that is to achieve a permeability rating of  $1 \times 10^{-9}$  m/s.
- Monitoring bores shall be installed in accordance with the requirements of the Department of Water and Energy.
- A monitoring plan for the monitoring bores shall be developed in consultation with the Department of Water and Energy and is to include appropriate parameters, monitoring frequency and reporting requirements.
- The proponent shall licence the water supply for the proposal in accordance with the requirements of the Department of Water and Energy.

*Reason:* Adoption of best practice guidelines.

#### *Department of Environment and Climate Change*

- The applicant shall address the issues of Threatened Species and Aboriginal Cultural Heritage in accordance with the requirements of the EPA Act 1979, the National Parks and Wildlife Act 1974 and the Threatened Species Conservation Act 1995.

*Reason:* Statutory requirement.

*Note:* Attachments A and B annexed to this approval must be observed when carrying out this assessment.



**Advisory Note**

- **The Department of Environment and Climate Change advises that the proposal would become a scheduled activity for the purposes of the Protection of the Environment Operations Act 1997 should the capacity of the feedlot exceed 1,000 head and the applicant would then need to apply to the Department of Environment and Climate Change for a licence.**

**RECOMMENDATION**

That Council approve DA 161/0607 for a cattle feedlot containing no more than 1,000 head of cattle at Lots 3, 4, 10 11 and 12 DP 754975 Parish Mumbedah and Lot 63 DP 754966 Parish Coolah subject to the conditions of consent contained in Schedule 1 listed above.

4.4 WARRUMBUNGL SHIRE COUNCIL APPLICATIONS RECEIVED FOR THE MONTH OF JULY 2007

Complying Development (set criteria) Development Application (Specialised Conditions)	Owner	Street	Town	Development Type	Status
<b>APPLICATIONS RECEIVED FOR THE MONTH OF JULY 2007</b>					
CD 01/0708	Mr K Martin	Baradine Road	Coonabarabran	Erect Shed	Pending
DA 02/0708	C and D Nash	"Willabee"	Coonabarabran	Establish Bus Run	Pending
CD 03/0708	Mr G Minton	Reservoir Road	Coonabarabran	Erect Shed	Approved
CD 04/0708	Coonabarabran Greyhound Club	Chappell Avenue	Coonabarabran	Erect Amenities Block	Approved
DA 05/0705	Mr C Young	Carrington Avenue	Coonabarabran	New Dwelling	Pending
DA 06/0708	Mr R Nott	Purlewaugh Road	Coonabarabran	Subivision	Pending
CD 07/0708	Mr B Wright	King Street	Coolah	Verandah Addition	Pending
DA 08/0708	Ms D Britton	Bingie Grumble Rd	Coonabarabran	Subdivision into 2 Lots	Pending
CD 09/0708	Mr A Batty	Bandulla Street	Dunedoo	Erect Double Garage	Approved
CD 10/0708	Mr D Baker	Major Mitchell Rd	Coonabarabran	Erect Machinery Shed	Pending
DA 11/0708	T and S Spackman	"Shepparton"	Coonabarabran	New Dwelling	Pending

APPLICATIONS PENDING AS AT THE MONTH OF JULY 2007

DA 172/0607	Ms A Manning	Bullinda Street	Dunedoo	Relocate Dwelling	Awaiting fees & HOWI
DA 63/0607	Mr P Rzerminski	Major Mitchell Road	Coonabarabran	New Dwelling	Awaiting further applicant information
CDC 65/0607	Mr Roberts	Timor Road	Coonabarabran	Relocate Dwelling	Awaiting further applicant information
DA 113/2004	Warrumbungle Shire Council	Jackson Street	Coonabarabran	45 Lot Industrial Subdivision	4 month extension granted by Council
DA 139/0506	P and D Redden	Merebene Street	Coonabarabran	3 Lot Subdivision	Awaiting RFS response
CDC 140/0506	F Border	"Ringwood"	Coonabarabran	Additions to Dwelling	Awaiting further applicant information
DA 137/0607	P Richmond / Spackman	Timor Road	Coonabarabran	Consolidation/Subdivision	CANCELLED
CDC 145/0607	Mr J Kubowicz	Whiteley Street	Dunedoo	Erect cover over Pool	Awaiting Applicant Engineer Details
DA 148/0607	J and J Pogson	Timor Road	Coonabarabran	68 Lot Subdivision	Awaiting further applicant information
CDC 154/0607	Mr N Baker	Bandulla Street	Dunedoo	Erect Storge Shed	Awaiting further applicant information
DA 162/0607	Ms J Drew	Dalgarno Street	Coonabarabran	2 Lot Subdivision	Approved

.....  
RON VAN KATWYK  
DIRECTOR ENVIRONMENTAL SERVICES

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 RELAY FOR LIFE 13 – 14 OCTOBER 2007**

A local committee of The NSW Cancer Council is organising a Relay for Life event in Coonabarabran to be held on the weekend of Saturday, 13 October to Sunday 14 October at the No 1 Oval Coonabarabran. Relay for Life is an 18 hour event, taking place from 4 pm on the Saturday to 10 am on the Sunday, where teams of 10 – 15 people take it in turns to walk or run around the oval.

Money raised from the event is for cancer support service, cancer research and education. There are candle lighting ceremonies, entertainment (to a curfew), sponsorship, food and refreshment tents.

Being an overnight event; campsites are set up on the oval so that team members can support their walkers throughout the whole event. As the event is an official 'Cancer Council' event, the Public Liability is provided through the NSW Cancer Council.

1. Permission is being sought from Council for the Relay Teams to camp in tents on No 1 Oval.
2. Furthermore a request has been made to Council to assist with the costs of the oval hire incurred so that as much of the fundraising dollars is passed onto the Cancer Council.

These costs include;

- Oval Hire @ \$96 per day
- Electricity for lighting, entertainment, food and refreshment tents
- Cleaning/maintenance of Toilets, toilet rolls etc, Showers and Kiosk before, during and after the event
- Witches hats and bunting
- A load of sand for candle lighting ceremonies

Total donation would be approximately \$300.00.

**RECOMMENDATION**

For Council's consideration

## **5.2 EMERGENCY MANAGEMENT AUSTRALIA – LOCAL GRANTS SCHEME**

Council has received notification of a successful submission for a grant under the 'Working Together to Manage Emergencies – Local Grant Scheme' from The Hon Philip Ruddock MP, through Emergency Management Australia. Another two submissions under the same program were unsuccessful.

This grant of \$30,350.80 will go towards the establishment of Emergency Operation Centre's (EOC) at both Coolah and Coonabarabran with the object of providing modern electronic mapping facilities (Laptops, Mapping software, mapping cabinets and laminators) together with electronic whiteboards. This equipment will be stored at Council office's and moved to the EOC's during a bushfire emergency. It will enable the immediate production of maps with plans for incident control.

The Scheme attracted a large number of well considered and very worthwhile initiatives and, in competition with other applications received, the State Selection Committee was impressed with the potential for the project to make a substantial contribution to enhancing the community's preparedness to deal with the effects of disasters and emergencies.

The Funding Agreement for this project has been received with milestones and anticipated completion date of 30 June 2008. It is a relatively simple project that will involve Council's Emergency Services Coordinator sourcing, purchasing and installing the new equipment and training of staff in operation of this equipment.

### **RECOMMENDATION**

That Council authorise the General Manager to sign the Funding Agreement with Emergency Management Australia for \$30,350.80 (inc GST) for the Coonabarabran and Coolah Emergency Operation Centre Project.

## **5.3 BARADINE DOCTORS RESIDENCE**

Formal advice has been received from the Hon Mark Vaile MP, Deputy Prime Minister and Minister for Transport and Regional Services, that funding has been approved under the Regional Partnerships, *Rural Medical Infrastructure* Fund program of up to \$79,200 (GST inc) to Warrumbungle Shire Council for the Baradine Doctors Residence Project. This project was announced by the Deputy Prime Minister himself and entourage during a well received flying visit to Baradine on Friday 20 July.

Funding has been approved subject to the confirmation of partnership funding which is currently being sought from NSW Government and other sources. This project will provide comfort to the community of Baradine that there is a house guaranteed for the sole purpose of a Doctors Residence. Council has supported this project in kind by auspicing the grant application have committed to be legal owner and custodian of this community asset (Resolution 151). A Memorandum of Understanding and long term

peppercorn rental lease agreement with the Baradine Aged Care Association will be drafted and presented to Council for approval prior to settlement.

The Aged Care Association and Council are pursuing partnership funding from NSW Government, via political avenues.

The draft Funding Agreement has been received from the Department of Transport and Regional Services (DOTARS) Regional Office with the anticipated project completion date of 31 January 2008. This program will allow the community time to exhaust all avenues for funding.

**RECOMMENDATION**

That Council authorise the General Manager to sign the Regional Partnerships Funding Agreement of \$79,200 (GST inc) to implement the Baradine Doctor's Residence Project.

**5.4 TELSTRA OPERATED PAYPHONES**

Notice has been received from Telstra advising that consideration is being made to the removal of four (4) Telstra Operated Payphones from within the Warrumbungle Shire Council area being located at;

1. 45 Binnia Street, Coolah (near Post Office)
2. 71 John Street, Coonabarabran (outside Post Office)
3. Newell Highway. Coonabarabran (outside No 1 Oval, Tennis Courts)
4. Biamble Street, Merrygoen (near Neilrex Road)

Telstra acknowledge their *'responsibility under the United Service Obligation (USO) to ensure that all people in Australia have reasonable access, on an equitable basis, to payphones. The payphones identified for removal have not been supplied in fulfilment of the USO and have been identified for removal based on low use over a prolonged period'*. Telstra attribute this to the widespread availability of mobile phones.

Following similar advices received from Telstra in May 2006, Council wrote to Telstra objecting to the removal of these services.

Council is invited to make comments on this proposal.

**RECOMMENDATION**

For Council's consideration.

.....  
REBECCA RYAN  
DIRECTOR COMMUNITY SERVICES