



# **Warrumbungle Shire Council**

## **Council meeting**

**Thursday, 15 October 2015**

**to be held at the Council Chambers,  
Binnia Street, Coolah**

**commencing at 10.00 am**

## ***Mayor***

Councillor Peter Shinton

## ***Deputy Mayor***

Councillor Murray Coe

## ***COUNCILLORS***

Councillor Gary Andrews

Councillor Anne-Louise Capel

Councillor Fred Clancy

Councillor Victor Schmidt

Councillor Chris Sullivan

Councillor Ron Sullivan

Councillor Denis Todd

## ***MANAGEMENT TEAM***

Steve Loane (General Manager)

Stefan Murru (Director Corporate & Community  
Services)

Kevin Tighe (Director Technical Services)

Leeanne Ryan (Director Development Services)

# Warrumbungle Shire Council

## Vision

Excellence in Local Government

## Mission

We will provide:

- Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.
- Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.
- Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

## We Value

### Honesty

Frank and open discussion, taking responsibility for our actions

### Integrity

Behaving in accordance with our values

### Fairness

Consideration of the facts and a commitment to two way communication

### Compassion

Working for the benefit and care of our community and the natural environment

### Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully

### Transparency

Open and honest interactions with each other and our community

### Passion

Achievement of activities with energy, enthusiasm and pride

### Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill

### Opportunity

To be an enviable workplace creating pathways for staff development

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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**NOTICE** is hereby given that the **ORDINARY MEETING** of Council will be held on Thursday, 15 October 2015 at the Council Chambers, Binnia Street, Coolah commencing at 10.00am

# **AGENDA**

Welcome

Turn Off Mobile Phones

## **Order of Business**

Forum

Apologies

Disclosure of Interest

    Pecuniary Interest

    Non Pecuniary Conflict of Interest

Reports

Matters of Concern

Reports to be considered in Closed Council

Item 1C Tender for Provision of Bitumen Sealing Services

.....  
**STEVE LOANE**  
**GENERAL MANAGER**

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

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

Item 1C Tender for Provision of Bitumen Sealing Services

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

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### **FURTHER that Council resolve:**

- (a) that Council go into closed committee to consider business relating to commercial information
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (c) as outlined above
- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

.....  
**STEVE LOANE**  
**GENERAL MANAGER**

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### INDEX

Item 1 Minutes of Ordinary Council Meeting – 17 September 2015 .....	7
RECOMMENDATION.....	24
Item 2 Minutes of Traffic Advisory Committee Meeting held on 24 September 2015 .....	25
RECOMMENDATION.....	28
Item 3 Minutes Bushfire Appeal Advisory Panel – 15 September 2015.....	29
RECOMMENDATION.....	32
Item 4 Minutes of Consultative Advisory Committee Special Meeting – 14 July 2015 .....	33
RECOMMENDATION.....	35
Item 5 Warrumbungle Cobbora Transition Fund Committee.....	36
RECOMMENDATION.....	37
Item 6 Pecuniary Interest Returns .....	38
RECOMMENDATION.....	38
Item 7 Notice of Motion – Dunedoo Banking Services .....	39
RECOMMENDATION.....	39
Item 8 Notice of Motion – Swimming Pool Entry .....	40
RECOMMENDATION.....	40
Item 9 Wambelong Fire – Release of Coroners Findings .....	41
RECOMMENDATION.....	42
Item 10 Council Resolutions Report October 2015 .....	43
RECOMMENDATION.....	43
Item 11 Details of 2015/16 Financial Assistance Grant Calculations .....	44
RECOMMENDATION.....	45
Item 12 Monthly Report from Human Resources – August 2015.....	46
RECOMMENDATION.....	47
Item 13 Bank Reconciliation for the month ending 30 September 2015 .....	48
RECOMMENDATION.....	52
Item 14 Investments and Term Deposits for Month ending 30 September 2015.....	53
RECOMMENDATION.....	56
Item 15 Rates Report for Month Ending 30 September 2015 .....	57
RECOMMENDATION.....	60
Item 16 Change in Fees – Children’s and Community Services .....	61
RECOMMENDATION.....	62
Item 17 Proposal to allow larger trucks access on the Newell Highway through Coonabarabran .....	63
RECOMMENDATION.....	64
Item 18 Revised Memorandum of Agreement for North West Weight of Loads Group .....	67
RECOMMENDATION.....	68
Item 19 2015/16 Technical Services Works Program – Road Operations, Urban Services & Water Services .....	69
RECOMMENDATION.....	69
Item 20 LEP Amendment – Erection of dwellings in RU1 Zone .....	75
RECOMMENDATION.....	76
Item 21 Coolah Lions Club Project for Councils Support .....	77
RECOMMENDATION.....	80
Item 22 Pump House Camping Ground Binnaway Update .....	81
RECOMMENDATION.....	82
Item 23 Solar Panel Fitment to Council Buildings Update .....	83
RECOMMENDATION.....	84
Item 24 Development Application 25/1415 .....	85
RECOMMENDATION.....	127
Item 25 Development Applications .....	128
RECOMMENDATION.....	128

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

### Item 1 Minutes of Ordinary Council Meeting – 17 September 2015

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Administration & Customer Service – Sally Morris
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Ensure that communities of the Shire have opportunities to be informed about and involved in Council's activities and decision making

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**PRESENT:** Cr Peter Shinton, Cr Andrews, Cr Capel, Cr Clancy, Cr Coe, Cr Schmidt, Cr C Sullivan, Cr R Sullivan, Cr Todd, General Manager (Steve Loane), Director Corporate & Community Services (Stefan Murru) and Director Development Services (Leeanne Ryan).

**In attendance:** Manager Administration and Customer Service – Sally Morris (minutes) and Administration Officer – Leigh Ernest (minutes)

The General Manager (acting as Returning Officer for the election) advised Council that the method of voting needed to be dealt with before taking nominations.

**62/1516 RESOLVED** that voting be recorded by Show of Hands.

**Todd / R Sullivan**  
**The motion was put and carried**

### **Item 1 Election of Mayor**

The General Manager called for nominations for the position of Mayor.

The General Manager announced that two (2) nominations had been received for the position of Mayor being nominations for Councillor Shinton and Councillor Todd.

Following a show of hands, the General Manager declared Councillor Peter Shinton elected to the position of Mayor for the period 17 September 2015 to 15 September 2016.

### **Item 2 Election of Deputy Mayor**

The General Manager called for nominations for the position of Deputy Mayor.

The General Manager announced that one (1) nomination had been received for the position of Deputy Mayor, that of Councillor Coe.

The General Manager declared Councillor Coe elected unopposed to the position of Deputy Mayor for the period 17 September 2015 to 15 September 2016.

**The Mayor assumed the Chair.**

**10.04am**

### **Forum**

Mr Shane Bennett addressed Council regarding the Binnaway Sewerage Scheme

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

10.05am

Cr R Sullivan left the room.

**APOLOGIES:** Nil

**The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest**

No declarations

### **Item 3 Minutes of Ordinary Council Meeting – 20 August 2015**

**63/1516 RESOLVED** that the resolutions contained in the Minutes of the Ordinary Council meeting held on 20 August 2015 be endorsed.

**Capel / Coe**  
**The motion was carried**

### **Item 4 Minutes of Traffic Advisory Committee Meeting held on 27 August 2015**

**64/1516 RESOLVED:**

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 27 August 2015.
2. That the proposed location of 50 metres prior to Rifle Range Road on Timor Road, opposite Nandi Park, be approved for the erection of both a NPWS permanent electronic sign (*permanent site if DA approval is granted by Warrumbungle Shire Council*) and trial trailer mounted temporary sign **FURTHER** that Council should consider speed, distraction to motorists and all weather conditions when assessing the Development Application.
3. That the proposed Caravan / Trailer 'No Access' and 'Parking' signage for Siding Spring Observatory be installed in accordance to standard on Timor Road as per tabled locality map **FURTHER** that the proposed signage be split into two separate signs (*due to number of words – for clarity for drivers approaching*) with the first advance sign to be located 25 metres prior to the proposed location and the second sign to include the bottom half of proposed message (*distance to parking area*).
4. That request by Warrumbungle Eventing to close Reservoir Street, Coonabarabran on Sunday, 13 September 2015 from 9.00 am to 3.00 pm for the Annual Cross Country One Day Event be approved subject to compliance with Council's Road Closure Policy, preparation of a Traffic Control Plan and provision of all the required documentation to Council.
5. That draft plan as presented for proposed treatment at the intersection of John Street (Newell Highway) and Edwards Street for pedestrian access be amended to include the following and brought back to the next Traffic Advisory Committee meeting for further consideration.
  - 1 a) The proposed blisters located at John Street between the Shell Service Station and private property not be accepted as a new pedestrian refuge in addition to the two existing pedestrian crossings would be all located within 250 metres of each other on the Newell Highway.
  - b) The facility does not seem to be a desire line and would not be warranted.
  - 2 The Edwards Street refuge from the western side of the Shell Service Station to the Swimming Pool be reviewed to see if there is a demand for pedestrian movements / access across Edwards Street (*maybe look at installation of some pram ramps*) due



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

to the narrow width of the road, the design line and Edwards Street being used as an oversized vehicle route **FURTHER** investigate the option of the installation of pram ramps ensuring a safe access across, keeping with the design line – slope be reviewed to meet the design criteria.

- 3 The proposed blisters located on the eastern side of Edwards Street are moved closer to the intersection taking into consideration the utilities, driveways, parking and desire line.
- 4 The proposed pedestrian fencing is removed due to the change in scope and new designs submitted for the next Traffic Advisory Committee meeting.

**Schmidt / Todd**  
**The motion was carried**

### 10.09am

Cr R Sullivan re-joined the meeting

Item 5 Minutes of Local Emergency Management Committee Meeting  
– 17 August 2015

**65/1516 RESOLVED** that Council notes the minutes from the Local Emergency Management Committee held on 17 August 2015 at Coonabarabran.

**Schmidt / Capel**  
**The motion was carried**

Item 6 Minutes of Warrumbungle Cobbora Transition Fund Committee Meeting  
– 1 September 2015

**66/1516 RESOLVED** that Council accept the minutes from the Warrumbungle Cobbora Transition Fund Committee Meeting held at Dunedoo Old Bank Building on 1 September 2015 at 4.35pm.

**Coe / Capel**  
**The motion was carried**

Item 7 Warrumbungle Cobbora Transition Fund Committee

**67/1516 RESOLVED** that Council note progress of the Cobbora Transition Fund projects.

**Capel / C Sullivan**  
**The motion was carried**

Item 8 Meeting Schedule 2015-2016

**68/1516 RESOLVED** that Council adopts the current Meeting schedule and practice, being the third Thursday of each month, commencing at 10.00am alternating between the Coolah and Coonabarabran Council Chambers as per the following schedule:

2015

Thursday 15 October	Coolah
Thursday 19 November	Coonabarabran
Thursday 17 December	Coolah

2016

Thursday 18 February	Coolah
Thursday 17 March	Coonabarabran
Thursday 21 April	Coolah
Thursday 19 May	Coonabarabran
Thursday 16 June	Coolah
Thursday 21 July	Coonabarabran
Thursday 18 August	Coolah
Thursday 15 September	Coonabarabran

**Todd / Andrews**  
**The motion was carried**

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

### **Item 9 Request for Leave of Absence – Councillor Peter Shinton**

**69/1516 RESOLVED** that Council accepts the notification from Councillor Peter Shinton and grants a Leave of Absence from the Ordinary October 2015 Council meeting.

**C Sullivan / Andrews**  
**The motion was carried**

### **Item 10 Delegations of Authority to the Mayor and Deputy Mayor**

**70/1516 RESOLVED** that Council endorse the following delegations to the positions of the Mayor and Deputy Mayor.

## **WARRUMBUNGLE SHIRE COUNCIL**

### **Delegations Mayor**

That subject to the requirements of the Local Government Act, 1993, regulations thereunder, any expressed policies of Council or requirements of any Public Authority and pursuant to Section 377 of the Local Government Act, 1993, the Mayor, be authorized to exercise or perform on behalf of the Warrumbungle Shire Council the functions, powers, authorities and duties set out in the schedule hereunder.

Under Legislation – Pursuant to section 225 of the Local Government Act 1993

#### **Mayors Functions – Authority to**

- exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the Council.
- exercise such other functions of the council as the council determines
- preside at meetings of the Council.
- carry out the civic and ceremonial functions of the mayoral office.
- to carry out any function conferred on and duty imposed on the Mayor under any act or regulation.
- to carry out the general supervision, control and direction of the General Manager.
- to affix the Common Seal of Council in conjunction with the General Manager or Deputy Mayor to any necessary document pursuant to or consequent upon any decision of Council.
- to respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
- approve attendance by Elected Members at Conferences and Seminars etc, within New South Wales and the ACT to a maximum of three (3) days and within budget provisions.
- authorise urgent works up to an amount of \$20,000 where budget funds are available and report that approval to the next Council meeting.
- issue References under Council letterhead.
- promote the area of Council through representations, functions and personal approaches.
- provide Civic Receptions as deemed appropriate by the Mayor.
- use of a Council Corporate Credit Card to a maximum of \$5,000

## **WARRUMBUNGLE SHIRE COUNCIL**

### **Delegations Deputy Mayor**

Subject to the requirements of the Local Government Act 1993, and regulations thereunder and any expressed policy of Council or the requirements or regulations under any other Act and pursuant to Section 377 of the Local Government Act 1993, the Deputy Mayor, be authorised to

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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exercise on behalf of Warrumbungle Shire Council the following powers, authorities, duties and functions:

- to carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his/her duties.
- to affix the Common Seal of Council in conjunction with the Mayor or General Manager to any necessary document pursuant to or consequent upon any decision of Council.
- to issue References under Council letterhead.

**Schmidt / Capel**  
**The motion was carried**

### **Item 11 Delegations of Authority to the General Manager**

**71/1516 RESOLVED** that Council delegate to the General Manager the Acts and Regulations as prescribed in this report **FURTHERMORE** that any amendments to Acts and Legislation is automatically bestowed to the General Manager however any new Legislation is to be endorsed by Council.

### **Attachment 1**

#### **DRAFT DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER**

On Thursday, 17 September 2015 the Warrumbungle Shire Council ("Council") resolved that:

1. All previous delegations of the Functions this subject of the Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("General Manager"), being at the date of this instrument Stephen John Loane (Steve Loane), be delegated authority under:
  - 2.1. Section 377 of the LG Act, to exercise and/or behalf on behalf of Council the Council's Functions under all Acts and Regulations in force and as amended from time to time:
    - a) **Subject to** any condition or limitation on a Function specified in Schedule 1; and
    - b) **Excluding** those functions:
      - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
      - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
  - 2.2. Section 68 of the NW Act, to exercise and/or perform on behalf of Council the Functions of the Council (other than the power of delegation) under the NW Act
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated and Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
- 7.1. the requirements of the relevant Legislation;
  - 7.2. any conditions or limitations set out in **Schedule 1**; and
  - 7.3. any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

“**Acts**” includes legislation enacted by the parliaments of New South Wales and the Commonwealth of Australia;

“**Functions**” means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

“**Legislation**” includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under the Act.

“**LG Act**” means the *Local Government Act 1993* as amended.

“**NW Act**” means *Noxious Weeds Act 1993* as amended.

### Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

### Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date of Instrument
Minister for Planning – EPA Act 1979	Environmental Planning and Assessment Act – Section 59	Wednesday, 21 November 2012
NSW Department of Fair Trading	Plumbing and Drainage Act under Section 21	Thursday, 20 December 2012
Roads and Maritime Services	RMS Delegation to Councils – Regulation of Traffic	Monday, 31 October 2011

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### Schedule 3: Policy Authorities

<b>Policy Authority - Administrative</b>
Use of Council Corporate Credit Card to a maximum limit of \$10,000
Requisition Authority Limit to \$150,000
To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of Council
To authorise MANEX training, travel and conference costs are approved subject to the Operational Plan budget, professional development opportunities and benefit to Council.
Staff Time Sheets
To implement the decisions of Council
<b>Policy Authority - Administrative</b>
Complaints and Requests –To instruct staff to take any necessary action in connection with any complaints or requests received, subject to all major matters being reported to Council
Correspondence of Council (replacement) To attend to all correspondence addressed to the Council (except correspondence addressed to the Mayor personally) in any of the following ways:- a) deal with it administratively b) to refer it to a committee c) to refer it direct to Council
Legal and Other Documents  To sign and execute documents under the Common Seal of the Council in conjunction with Mayor.
<b>Policy Authority – Financial</b>
To be a signatory to the bank accounts of Council
Expenditure and authorisations – certify the prices and computations on all creditor payments  Authority to sign as the authorising officer on Council's voucher payments for any costs.
Advances – Cash – To fix and vary the level of cash advances

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Cheques/Orders for Goods – Signing – to sign and or to specify the servants authorised to sign cheques and orders for goods of Council

Accounts – Payments – Authority to pay all accounts as they fall due

Authority to write off Rates and Charges up to \$10,000 and to write off debts to Council up to \$500 in accordance with Clause 131 of the Local Government (General) Regulation 2005.

### **Policy Authority – Media**

To make media statements and issue press releases in respect of Council Resolutions and decisions

### **Policy Authority – Staff**

Exercise the powers of the Council in relation to:

- The day to day management of Council employees.
- The conduct of staff education and staff attendance at training courses and computer user group.
- Engage and dismiss casual staff as and when required within the provisions made in the approved estimates.
- Deal with all industrial disputes involving the Council and its staff, subject to any formal dispute being referred to Council.
- Within the funds voted by Council to approve overtime being worked by staff in all directorates or branches of Council when considered necessary subject to any directions or policy of Council from time to time.
- Authority to approve staff leave

Salaries – To authorise the payment of the salaries and wages of the employees of Council within the sums voted by Council expenditure thereon.

### **Attachment 2 - Acts**

- Boarding House Act 2012
- Building Professional Act 2005
- Cemeteries and Crematoria Act 2013
- Children(Protection & Parental Responsibility) Act 1987
- Commons Management Act 1989
- Community Land Development Act 1989
- Community Land Management Act 1989
- Companion Animals Act 1998
- Companion Animals Regulation 2008
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Lands Act 1989, Crown Lands Regulation 2006, Crown Lands (General Reserves By Laws 2006

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- Dams Safety Act 1978
- Dangerous Goods ( Road and Rail Transport) Act 2008
- Disability Inclusion Act 2014
  
- Electricity Supply Act 1995
- Environment Planning And Assessment Act 1979
- Environment Planning And Assessment Regulation 2000
  
- Fines Act 1996
- Fire Brigades Act 1989
- Fisheries Management Act 1994
- Fluoridation Of Public Water Supplies Act 1957
- Food Act 2003
- Game & Feral Animal Control Act 2002
- Gas Supply Act 1996
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Growth Centres (Development Corporations) Act 1974
  
- Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2016
- Heritage Act 1977
- Holiday Parks (Long-Term Casual Occupation) Act 2002
- Housing Act 2001
  
- Impounding Act 1993
- Inclosed Land Protection Act 1901
- Independent Pricing & Regulatory Tribunal Act 1992
  
- Land & Environment Court Act 1979
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Library Regulation 2010
- Liquor Act 2007 And Liquor Regulation 2008
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground And Moveable Dwellings) Regulation 2005
- Local Government And Other Authorities (Superannuation) Act 1927
- Local Land Services Act 2013
  
- Major Events Act 2009
  
- Noxious Weeds Act 1993
  
- Ombudsman Act 1974
- Pesticides Act 1999
- Pipelines Act 1967
- Protection of the Environment Operations (Clean Air) Regulation 2010
- Protection of the Environment Operations (Waste) Regulation 2005
- Protection of the Environment Operations Act 1997
- Privacy & Personal Information Protection Act 1998

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

- Public Health Act 2010
- Public Health Regulation 2012
- Public Interest Disclosures Act 1994
- Public Works Act 1912
  
- Real Property Act 1900
- Restricted Premises Act 1943
- Roads Act 1993
- Roads Transport Act 2013
- Road Transport (General) Regulation 2013
- Rural Fires Act 1997
- Rural Fires Regulation 2013
  
- Service NSW (One Stop Access To Government Services) Act 2013
- State Emergency And Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Freehold Development) Regulation 2012
- Strata Schemes (Leasehold Development) Act 1986
- Strata Schemes (Leasehold Development) Regulation 2012
- Strata Schemes Management Act 1996
- Surveying And Spatial Information Act 2002
- Swimming Pools Act 1992
- Swimming Pools Regulation 2008
  
- Tattoo Parlours Act 2012
- Threatened Species Conservation Act 1995
- Transport Administration Act 1988
- Trees (Disputes Between Neighbours) Act 2006
  
- Valuation Of Land Act 1916
  
- Water Management Act 2000
- Water Management (General) Regulation 2011
- Wilderness Act 1987
- Work Health And Safety Act 2011

**Schmidt / Capel**  
**The motion was carried**

### **Item 12 Number of Councillors for the following Term of Office**

**72/1516 RESOLVED** that Council retain nine (9) Councillors for the following term of office.

**Todd / Capel**  
**The motion was carried**

### **Item 13 Australia Day 2016**

**73/1516 RESOLVED** that Council participates in the Australia Day Program in 2016 hosting two (2) Ambassadors from the Australia Day Council and **FURTHERMORE:**

1. Council administers and presents the following awards for Australia Day 2016;
  - Warrumbungle Shire Council Citizen of the Year
  - Young Citizen of the Year
  - Senior Citizen of the Year



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

- Sportsperson of the Year and
- Young Sportsperson of the Year Award
- 2. Council provides a contribution to each local organising Australia Day Committee in Baradine, Binnaway, Dunedoo, Coolah and Mendooran an amount of \$500 and Coonabarabran \$600.
- 3. Council pools be opened free of charge throughout the shire on Australia Day 2016 as in past years.

### **Australia Day Awards 2016 Program**

#### **Guidelines and Criteria**

Each year the people of Warrumbungle Shire Council are invited to nominate fellow citizens for the Warrumbungle Shire Wide Australia Day Awards. The awards aim to recognize outstanding achievement during the past year and / or have contributed to the local community over a number of years.

#### **AWARD CATEGORIES**

##### **Citizen of the Year**

To be eligible, the person must be 26 years of age or older on 26 January 2016

##### **Young Citizen of the Year**

To be eligible, the person must be under 26 years of age on 26 January 2016

##### **Young Sports Person of the Year**

To be eligible, the person must be under 26 years of age on 26 January 2016

##### **Sports Person of the Year**

To be eligible, the person must be 26 years of age or older on 26 January 2016

##### **Senior Citizen of the Year**

To be eligible, the person must be 60 years of age or older on 26 January 2016

#### **WHO IS ELIGIBLE?**

- Nominees must be Australian citizens and residing in Warrumbungle Shire at the time of nomination;
- Unsuccessful nominees may be re-nominated in subsequent years;
- Self nominations will not be accepted;
- Awards will not be granted posthumously;
- Sitting State and Federal politicians and current vice-regal offices are not eligible; Consideration of retired politicians and officers would be for work in addition to their official duties;
- A person cannot receive the same award in subsequent years.

#### **HOW TO NOMINATE:**

The attached nomination form is to be completed and returned to Council offices. The nomination should detail the nature, duration and impact of the nominee's contribution to the Warrumbungle region.

In assessing a nomination, the judging panel may consider:

- The number of hours of work over and above normal employment duties

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

- The benefits to the community from the nominee's service or contribution
- Other outstanding achievements by the nominee
- Other recognition of the nominee's contribution or work, including publicity
- Whether the nominee worked as part of a team and their role within the team.

### **JUDGING:**

The judging panel comprises of the elected Councillors at the time.

The selection of recipients will reflect the nominations received and information available to the judging panel.

The nomination forms received by the closing date will be presented to the judging panel. At the December council meeting, Councillors will determine the award winner for each category.

### **PRESENTATION:**

The awards will be presented by Council at the Australia Day celebrations in the town of which the successful recipient resides.

Warrumbungle Shire Council reserves the right to withdraw an award if further information or the recipients conduct draws the Australia Day award into disrepute.

**Nominations close at 4.30pm Tuesday 8th December 2015**

### **Australia Day 2016 - Shire Wide Awards Nomination Form**

1. Please provide as much detail as possible
2. One nomination per form
3. Nominations close 4.30pm on Friday 6 November 2015. Late nominations will not be considered
4. All nomination forms should be forwarded to the General Manager, PO Box 191 Coonabarabran 2357 or hand delivered to the Council Chambers in Coolah or Coonabarabran.

**Award Category for nominee:** (please tick one category)

- Citizen of the Year**                       **Young Citizen of the Year**  
 **Senior Citizen of the Year**  
 **Sports Person of the Year**       **Young Sports Person of the Year**

**Nominee:** (The person you would like to nominate)

Title (Mr, Mrs, Ms etc) .....

First Name .....

Surname.....

Position/Organisation (Optional).....

Address ..... Town .....

Tel (H)..... Tel (W) .....

Tel (M) .....

Age/DOB .....Please tick Exact Estimate Unknown

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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**Areas of Excellence:** In what area(s) has the nominee excelled? (you may tick more than one box)

- Arts/Media/Entertainment       Business       Charity  
 Community/Volunteer Service  
  
 Education Services       Environment       Humanitarian       Indigenous/Ethnic  
 Medicine/Science       Technology/Engineering       Sport  
 Other.....

**Tell us about your nominee:** How are they an inspirational role model? How have they demonstrated excellence in their field and to the community? Please write as much as you can about your nominee. If you need more space please write on a separate piece of paper and attach it to this form. Remember, your nominee will be judged on this information and it is important for you to give as much information as possible.

.....  
.....  
.....

**Nominator:** (Your details)

Your title (Mr, Mrs, Ms etc) .....

First Name .....

Surname .....

Position/Organisation  
(Optional).....

Address .....

Suburb ..... State ..... Postcode.....

Tel (H) ..... Tel (W) ..... Tel (M).....

**Referee:** (Optional, this information will help us if your nominee is short listed. This person may be contacted for further information.)

Title (Mr, Mrs, Ms etc) .....

First Name..... Surname.....

Position/Organisation (Optional).....

Address .....

Suburb ..... State ..... Postcode.....

Tel (H) ..... Tel (W) ..... Tel (M).....

**Nominator's Signature** ..... **Date** .....

**R Sullivan / Schmidt**  
**The motion was carried**

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

### Item 14 2015 National Local Roads and Transport Congress

**74/1516 RESOLVED** that the Mayor, General Manager and one (1) Councillor Todd attend the 2015 National Local Roads and Transport Congress in Ballarat.

**Clancy / Capel**  
**The motion was carried**

### Item 15 Council Resolutions Report September 2015

Received.

### Item 16 Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors

**75/1516 RESOLVED** that the Draft Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors be placed on public exhibition, providing public notice of the intention to adopt a policy, and seek public submissions. **FURTHER** that the Policy and any submissions received be considered at the November 2015 Council meeting.

**Schmidt / C Sullivan**  
**The motion was carried**

### 10.39am

Director Technical Services (Kevin Tighe) joined the meeting.

### Item 17 Monthly Report from Human Resources – August 2015

Received.

### Item 18 Bank Reconciliation for the month ending 31 August 2015

**76/1516 RESOLVED** that Council accept the Bank Reconciliation Report for the month ending 31 August 2015.

**Clancy / Capel**  
**The motion was carried**

### Item 19 Investments and Term Deposits for Month ending 31 August 2015

**77/1516 RESOLVED** that Council accept the Investments Report for the month ending 31 August 2015.

**Schmidt / Capel**  
**The motion was carried**

### Item 20 Rates Report for Month Ending 31 August 2015

Received.

### Item 21 Proposed Tenders for Backup Water Supply Bore Project

**78/1516 RESOLVED** that open tendering method is used to invite tenders for the following contracts associated with the water supply backup bore project;

- Contract for item 1 & 2. Assessment, siting and drilling of test bore for water supply for the towns of Coolah, Binnaway and Mendooran.
- Contract for item 3. Water supply production bore drilling for the towns of Coolah, Binnaway and Mendooran.
- Contract for item 4. Electrical connection for water supply bores in Coolah, Binnaway and Mendooran.
- Contract for item 5. Supply of pumps, telemetry and commissioning of town water supply bores in Coolah, Binnaway & Mendooran.

**Schmidt / Capel**  
**The motion was carried**

### Item 22 2015/16 Technical Services Works Program

Received

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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10.47am

**79/1516 RESOLVED** that standing orders be suspended to break for morning tea.

**Todd / Andrews**  
**The motion was carried**

11.10pm

**80/1516 RESOLVED** that standing orders be resumed.

**C Sullivan / Andrews**  
**The motion was carried**

### **Item 23 Scores on Doors Program**

**81/1516 RESOLVED** that a letter be sent to the Minister setting out Council's views.

**Coe / Capel**  
**The motion was carried**

### **Item 24 Update on Waste Management**

**82/1516 RESOLVED** that Council introduces the new 240 litre bins to replace the current recycling crates on all rural runs commencing pickup in November 2015, and **FURTHERMORE** that a report be presented to Council after EOI process is undertaken to seek prices and models from interested waste contractors including Warrumbungle Shire Council.

**R Sullivan / Andrews**  
**The motion was carried**

### **Item 25 Len Guy Park Boundary Adjustment**

**83/1516 RESOLVED:**

1. That Council finalise the boundary adjustment to facilitate a walkway between Renshaw Street to Andys Lane through Len Guy Park, Binnaway by adjusting the boundary of Lot 61 DP 532596 with assistance of land transfer from NSW Health and finalise the toilet block encroachment issue by accepting the donation of the land from the owner of Lot B DP 103571 in return for the cost of land transfer fees, surveying and legal fees and erection of a Colorbond® fence at the northern end of Len Guy Park, and
2. That Council allocate budget to complete the land transfers and fencing in the 2015/16 financial year, and
3. That Council authorise the Mayor and the General Manager to affix the Council Seal to complete the boundary adjustment and transfer of this land.

**Clancy / Capel**  
**The motion was carried**

### **Item 26 Gift of Land for RFS Shed - Weetaliba**

**84/1516 RESOLVED** that Council accept the donation of Lot 1, Section 2, DP 759065 for the siting of a new Category 2a fire shed at Weetaliba, and **FURTHER** that Council approves the General Manager and Mayor to affix Councils seal and sign the transfer deeds to execute the donation of Lot 1 Section 2 DP759065 and **FURTHERMORE** that this land be classified as operational land.

**Schmidt / Coe**  
**The motion was carried**

### **Item 27 Draft Development Control Plan 2015 Report to Council**

**85/1516 RESOLVED** that Council adopt the Draft Development Control Plan 2015 as exhibited pursuant to Clause 21 of the Environmental Planning & Assessment Regulation 2000 and including public notice of its decision in the local newspaper.

**Clancy / Schmidt**  
**The motion was carried**

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

### **Item 28 Development Applications**

**86/1516 RESOLVED** that Council note the Applications and Certificates Approved, during August 2015, under Delegated Authority

**R Sullivan / Schmidt  
The motion was carried**

### **Matters of Concern**

#### **Cr Andrews**

- Mow Creek roadway – crushed road base being placed on road – DTS informed it has a range of stone sizes and will be graded, watered and rolled.
- Baradine sawmill issue – possibility of closure – GM to ring owner and discuss.

#### **Cr Capel**

- Situation with police – southern end police often tasked to Mudgee. Difficulties with single policing however it is leaving towns unmanned to enable 2 police to work together. Single police stations may disappear due to requirements for double policing – council lodge concerns with Minister of Police – tasked outside communities and single policing issue.  
Past ten week block – 23 days one in southern end tasked to Mudgee  
Rural theft does not appear to carry weight when reporting to police farm trespass.  
Need to encourage community members to report crime.
- Dates for community meetings – DCS advised will be advertised over next week or two.

#### **Cr Todd**

- Road counters – what happens with results when they are installed and information captured. Not reported back to Council. DTS indicated that briefing note could be supplied to Councillors. Three traffic counters are rotated across Shire. If particular road interested in then could provide some information. DTS will take comments on board.
- Dog audit – DDS advised microchipping undertaken. Councillor Todd would like an audit of registered and unregistered dogs. Would like something undertaken about dog registrations.  
Cr Coe suggested Media promotion and encouragement of registration of dogs.  
Undertake another microchipping day in each town following promotion.

#### **Cr R Sullivan**

- Allison Bridge – funding applied for under two grant schemes NSRF and Bridges Renewal and in contact with Member, Mark Coulton - waiting for feedback from these applications

#### **Cr Schmidt**

- Namoi Street water quality problems – council has identified issue is her piping in house – concerns if expense to put in replacement pipes does not fix the problem what is council's policy on meeting her costs. DTS advised water main flushed regularly and is as good a quality as any part of town.
- Notified meeting that Coonabarabran without a doctor at the hospital this coming weekend. VMOs unable or unwilling to cover the weekend.

#### **Cr Clancy**

- Comments regarding medical situation in Coonabarabran. Concerns regarding decision not to reinstate Council medical committee.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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- Mayor spoke of current process undertaken on presentation to hospital by patient and no doctor available.
- Abandoned cars in all areas – is there a policy? Who looks after this issue? DDS unaware of a policy and location determines actions required. DDS take matter on notice.
- Doctor's practice – email sent to councillors – current lessee not got option on place – is that correct. GM advised meeting that lessee has 5 year lease with an option to sublease. Council has not been informed of any subletting arrangements which is required under the signed documents.
- Men's shed – acknowledge clean up of their premises including rear of area used for parking of WCC vehicles. Can now park out the back – request for some assistance with a backhoe or front end loader to remove timber and gravel. Could council help them out. GM informed that Men's Shed was to approach council to make equipment available.
- Australia day Honour roll at Neilson Park – condition of plaques need work/repairs

### **Cr Coe**

- Decision not to reinstate medical committee and to deal with each issue as it arises. Mayor indicated that we could seek presentation from medical upper echelon in Dubbo to council meeting.
- Gravel road - Gentle Annie Road - section south of Yarragin (just under 6klms) in rough condition – could we adjust our resheeting / grading program to address issue. DTS advised it can be given priority in the maintenance grading program
- Newell highway – lack of incident management plan – just north of Dubbo. Councillor Schmidt Foreshadowed a motion regarding this matter for consideration at October meeting.

### **Cr C Sullivan**

- DA applications – sent through by various organisations – is it possible to put it out in the public arena the reasons for DAs and consequence for not having submitted DAs. Educate community on why DAs are required and to consult with council before commencing work.
- Private works – enquiries from prospective users – who speak with about works? GM informed meeting that officers generate action and message goes through to Manager Road Operations.

### **Cr Shinton**

Nil

**12.08pm**

**87/1516 RESOLVED** that:

- (a) that Council go into closed committee to consider business relating to commercial information
- (b) that pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (a) as outlined above

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- (c) that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

**Capel / Coe**  
**The motion was carried**

**12.13pm**

**88/1516 RESOLVED** that Council move out of closed Committee.

**Andrews / Capel**  
**The motion was carried**

**The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the General Manager.**

### **Item 1C Tender for Replacement of Roof on Water Reservoir in Bullinda Street Dunedoo**

#### **89/1516 RESOLVED:**

- 1) That a supplementary allocation of \$120,000 is made to 2015/16 budget to fund the project to replace the reservoir roof in Bullinda Street, Dunedoo and furthermore, the budget allocation of \$50,000 be removed from the forward delivery program in 2016/17 and 2017/18.
- 2) That the tender supplied of Donnelly Mining and Civil be accepted for the proposal works for the sum of \$179,900 (incl GST).
- 3) That Council endorse that the Mayor and General Manager sign and attach Council's seal to the documentation.

**Schmidt / Capel**  
**The motion was carried**

There being no further business the meeting closed at 12.14 pm.

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**CHAIRMAN**

#### **RECOMMENDATION**

That the resolutions contained in the Minutes of the Ordinary Council meeting held on 17 September 2015 be endorsed.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 2 Minutes of Traffic Advisory Committee Meeting held on 24 September 2015

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services Management
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	P13 – Road networks throughout the shire need to be safe, well-maintained and adequately funded.

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**PRESENT:** Cr Victor Schmidt (Acting Chair), Ms Sharon Grierson (RMS), Senior Constable Garry McGovern (NSW Police Force), Mr Kevin Tighe (Director Technical Services) (Minute Taker) and Mr Bikram Joshi (Manager Asset & Design).

**APOLOGIES:** Cr Peter Shinton (Chair), Mr Colin Harper (Minister's Representative), Ms Chantelle Elsley (RMS) and Ms Jackie Barry (RMS).

#### **CONFIRMATION OF MINUTES**

**13/1516 RECOMMENDED** that the minutes of the Traffic Advisory Committee meeting held on Thursday, 27 August 2015 be confirmed.

**Grierson/Tighe**

#### **BUSINESS ARISING FROM THE MINUTES**

The following matters were noted as outstanding:

- Proposal to Extend Centre Median in Binnia Street - Further investigations and site visit to be undertaken in relation to issue with northbound vehicles making a U turn at Campbell Street intersection. Plan to be prepared prior to site visit.
- Further investigations and site visit to be undertaken of sight distance concerns at the intersection of Digilah Street and Wallaroo Street.
- Council to investigate the preparation of a Rural Bus Stop Policy.
- Location of School Bus Stop Areas on Golden Highway between 9 km and 13 km West of Dunedoo – Formal contact to be made with bus operator(s).
- Alternative treatments to be investigated for discouraging trucks travelling via Binnia Street, Coolah. Traffic counters to be placed at Cunningham and Binnia Streets.
- Inspection of side road and crest located 600 m on the Dandry Road. Side road warning sign before or on top of crest. – RMS to investigate criteria for signage and forward to Council for determination of installation.
- Ashby Piggery – Review to be undertaken of warning and advisory signs at the intersection of Baradine Road and Ashby Road.
- Flashing Lights at School Zone Signs – Council to write to RMS thanking them for the erection of all school zone flashing lights and request the opportunity to obtain additional signage for St Lawrence's School to be located in Namoi Street, Coonabarabran subject to the availability of funding.
- Black Stump Way – Council request to NHVR that any road in the Warrumbungle Shire that is a 25 metre B Double Route be converted to a 26 metre B Double Route.
- Bus Stop and Shelter at the Northern End of Binnaway - Investigation to be undertaken on the current bus usage at the existing site in Bullinda Street, Binnaway, which would include discussions with bus operators. Outcome to be brought back to the next meeting.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Sign Layout for Coolah Heavy Vehicle Bypass

**14/1516 RECOMMENDED** that the plan prepared by RMS for new direction signs in Coolah for the Heavy Vehicle Bypass Route, and as shown in the attached diagram, be approved.

**Grierson/McGovern**

### Additional Disabled Car Parking Space in Front of IGA

**15/1516 RECOMMENDED** that a second car parking space for disabled drivers be installed in front of the IGA Supermarket in Binnia Street, Coolah.

**McGovern/Grierson**

### **AGENDA ITEMS**

- a) Dunedoo & District Development Group – Request for Closure of Bolaro Street for Re-enactment of Kookaburra March – 3 November 2015

**16/1516 RECOMMENDED** that application by the Dunedoo & District Development Group to close Bolaro Street, Dunedoo on the 3 November 2015 between 1.30 pm and 3.00 pm for the purpose of conducting a re-enactment of the Kookaburra March be approved subject to advice being provided to RMS Traffic Operations Branch and compliance with Council's Road Closure Policy.

**Grierson/McGovern**

- b) B Double Route Application for River Road, Coonabarabran

**17/1516 RECOMMENDED** that a Route Assessment Report be prepared including public advertising of a proposal to allow B Doubles to access River Road from the intersection of Dalgarno Street and Cowper Street to the intersection of River Road and Purlewaugh Road.

**Schmidt/Grierson**

- c) Coolah Lions Club – Request for Closure of Binnia Street, Coolah for Annual Christmas Parade – 12 December 2015

**18/1516 RECOMMENDED** that application by the Coolah Lions Club to close Binnia Street, Coolah on the 12 December 2015 between 4.00 pm and 9.00 pm for the purpose of conducting the Annual Christmas Parade be approved subject to compliance with Council's Road Closure Policy.

**Schmidt/McGovern**

### **GENERAL BUSINESS**

The following matters were raised without Resolution:

- Replacement of RSO.
- Advice to Council about traffic accidents. Information to the Committee about the Fatal Crash Response Program, which allows Councils to work with RMS (*reduce the risk of a fatal or serious crash re-occurring at a fatal crash site on State or Local Roads in NSW*).
- Ongoing issue of vehicles parking in 'No Stopping' zone adjacent Woolworths Coonabarabran – *referred to Police*.
- Naming of laneways north and south of Brains Ford.

There being no further business the meeting closed at 12.10 pm.

The next meeting is to be held on Thursday, 22 October 2015 in the Gallery Meeting Room, Coonabarabran commencing 10.00 am.

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CHAIRMAN



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **RECOMMENDATION**

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 24 September 2015.
2. That the plan prepared by RMS for new direction signs in Coolah for the Heavy Vehicle Bypass Route, and as shown in the attached diagram, be approved.
3. That a second car parking space for disabled drivers be installed in front of the IGA Supermarket in Binnia Street, Coolah.
4. That application by the Dunedoo & District Development Group to close Bolaro Street, Dunedoo on the 3 November 2015 between 1.30 pm and 3.00 pm for the purpose of conducting a re-enactment of the Kookaburra March be approved subject to advice being provided to RMS Traffic Operations Branch and compliance with Council's Road Closure Policy.
5. That a Route Assessment Report be prepared including public advertising of a proposal to allow B Doubles to access River Road from the intersection of Dalgarno Street and Cowper Street to the intersection of River Road and Purlewaugh Road.
6. That application by the Coolah Lions Club to close Binnia Street, Coolah on the 12 December 2015 between 4.00 pm and 9.00 pm for the purpose of conducting the Annual Christmas Parade be approved subject to compliance with Council's Road Closure Policy.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 3 Minutes Bushfire Appeal Advisory Panel – 15 September 2015

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	PA to Director Corporate & Community Services – Liz Webster
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF2 The demographic makeup of the community is well-represented in local activities, service delivery and decision-making.

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**PRESENT:** Peter Shinton (Mayor), Steve Loane (General Manager), Lois Sutton (St Vincent de Paul), John Sawyer (Rotary) and Pam Welsh (DPI)

**APOLOGIES:** Vicki Poyser (ADRA), Sue Freebairn (DPI), Cheryl Pope (DPI), Karyn Cain (Centacare)

**RECOMMENDATION:** that the apologies be accepted.

**S Loane/P Shinton**

**ATTENDING:** Stefan Murru (Director Corporate and Community Services), Glennis Mangan (Disaster Recovery Centre Manager), Joanne Hadfield (Minute Taker)

#### **CONFIRMATION OF MINUTES**

**RECOMMENDATION** that the minutes of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 9 June 2015 be accepted.

**S Loane/P Shinton  
Carried by all**

#### **BUSINESS ARISING**

##### **Mayors Appeal Reconciliation**

Mayors Appeal Donated Funds	\$ 761,873
Restart NSW Grant	\$ 70,000
Interest Earned	\$ 18,871
<b>Total:</b>	<b>\$ 850,744</b>
Less:	
Funds Allocated	\$ 848,407
<b>Available Unallocated Funds</b>	<b>\$ 2,337</b>

##### Funds Allocated

Mayors Appeal Allocated Funds	\$ 848,407
Less:	
Funds Expended	\$ 589,693
<b>Allocated Funds Remaining</b>	<b>\$ 258,714</b>

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

### **SUMMARY OF ALLOCATIONS**

Council provided a break down Mayors Appeal Assistance Payments and agency allocations detailing funds allocated and expended.

<b>Agency Assistance Program</b>	<b>TOTAL</b>	<b>Amount Expended from Mayors Appeal</b>	<b>Funds Remaining</b>
Home Dislocation	\$30,000	\$30,000	-
Roadside & Internal Fencing Materials	\$141,918	\$141,918	-
Home Re-establishment	\$210,000	\$55,000	\$155,000
Shed Rebuild	\$45,000	\$16,000	\$29,000
ADRA	\$26,000	\$26,000	-
Barnados	\$26,000	\$26,000	-
Centacare	\$26,000	\$26,000	-
St Vincent de Paul	\$26,000	\$26,000	-
DPI Fodder	\$12,482	\$12,482	-
Potable Water	\$20,000	\$20,000	-
BlaizeAid Projects	\$101,641	\$101,641	-
BlazeAid Plant Hire & Supplies	\$18,116	\$18,116	-
Community Renewal	\$60,000	\$21,504	\$38,496
Bird Boxes	\$250	\$250	-
Recovery Contribution Payment (New Program)	\$35,000	\$25,000	\$10,000
Restart NSW Govt	\$65,000	\$43,782	\$21,218
Building Expo	\$5,000	-	\$5,000
<b>Total</b>	<b>\$848,407</b>	<b>\$589,693</b>	<b>\$258,714</b>

**RECOMMENDATION** that the Warrumbungle Shire Council Mayors Bushfire Appeal fund status and allocation summary be accepted.

**Accepted by consensus**

### **AGENCY REPORTS**

#### **St Vincent De Paul**

Potable Water balance now \$12,850. There have been no more applications for water. The Warrumbungle Shire Council's (WSC) Director Corporate and Community Services is to write to Ellen Sharp, Executive Officer of St Vincent de Paul, Orange requesting that \$10,850 be returned to the Warrumbungle Bushfire Appeal.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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**Recommendation:** That permission be given to St Vincent De Pauls to reallocate the remaining \$2,000 from the potable water account to emerging requirements.

**S Loane/J Sawyer  
Carried by all**

### **EMERGING ASSISTANCE REQUIREMENTS/ISSUES Financial Assistance**

Disaster Recovery Centre Manager advised the committee that the Manager Children's and Community Services (WSC) is to going to make an application to the committee requesting that they consider funding (\$5,000) for Maggie Dent, author of Black Duck Wisdom to visit Coonabarabran next year in March/April to participate in a community event. Maggie specialises in "resilience".

No further requests for consideration.

### **HOME RE-ESTABLISHMENT AND SHED REBUILD MONIES**

The last request for assistance with these programs was in February 2015. Committee discussed the best way to advise the bushfire effected community that funds were still available but that there was a limited time frame available to utilise the funds. Advertising will placed be in local papers, on radio and the Council's Community newsletter, at 6 monthly and 3 monthly intervals leading up to the closing date.

**Recommendation:** that the Mayor's fund advertise the fact that the Home Re-Establishment and Shed Rebuild Monies Program will be closed in 6 months time and the remaining funds be re-allocated.

**L Sutton/ P Welsh  
Carried by All**

### **RESTART NSW AND COMMUNITY RENEWAL MONIES**

Balance in the Community Renewal Program is currently \$33,496 with an outstanding allocation of \$5,000 for Arts Space which at this stage has not been utilised.

Discussion took place on the effects of the fire on our community.

**Recommendation:** that \$5,000 be allocated from the Community Renewal Program to conduct a study to determine the economic and demographic impact of the fire.

**J Sawyer/ P Welsh  
Carried by All**

Further discussion took place as to the use of the remaining funding.

**Recommendation:** That \$30,000 be allocated to a "recovery celebration" and emergency services equipment.

**L Sutton/ S Loane  
Carried by All**

Balance in the Restart NSW Govt. Program is currently \$21,218.

The General Manager (WSC) advised meeting he has been approached by Rob Dean on behalf of the 2WCR FM 99.5 Community Radio Station. They are requesting that the committee consider releasing funding to match a grant application. Currently some residences in the surrounding areas are unable to receive radio broadcasts which they consider to be vital in times of emergencies. They are applying for a grant to boost the signal for the radio station (360 degrees coverage) which will see more residents of our shire having access to the broadcasts by the radio station.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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**Recommendation:** that the remaining Restart NSW Govt. Program Funds be allocated to matching grant application funding for the augmentation of 2WCR FM 99.5 Community Radio Station radio's transmitters.

**J Sawyer/ P Welsh  
Carried by All**

### **ALTERNATE PROJECTS FOR FUTHERS DISBURSEMENT OF FUNDS**

To be discussed at a future meeting

### **GENERAL BUSINESS**

**Action Item:** Obtain quotes for PA System in Shire Hall as part of the second building expo.

**Action Item:** Advertise to the Community that Coroners Findings will be broadcast live into our Council Chambers on Monday 28 September 2015 at 9.30am. Members of the community are invited to attend

**Meeting closed 10.10 am**

**NEXT MEETING: TBA**

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**CHAIRPERSON**

### **RECOMMENDATION**

1. That Council endorse the recommendations of the Warrumbungle Shire Mayors Bushfire Appeal Advisory Panel Meeting held on 15 September 2015 at Coonabarabran.
2. That the Warrumbungle Shire Council Mayors Bushfire Appeal fund status and allocation summary be accepted.
3. That permission be given to St Vincent De Pauls to reallocate the remaining \$2,000 from the potable water account to emerging requirements.
4. That the Mayor's fund advertise the fact that the Home Re-Establishment and Shed Rebuild Monies Program will be closed in 6 months time and the remaining funds be re-allocated.
5. That \$5,000 be allocated from the Community Renewal Program to conduct a study to determine the economic and demographic impact of the fire.
6. That \$30,000 be allocated to a "recovery celebration" and emergency services equipment.
7. That the remaining Restart NSW Govt. Program Funds be allocated to matching grant application funding for the augmentation of 2WCR FM 99.5 Community Radio Station radio's transmitters.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 4 Minutes of Consultative Advisory Committee Special Meeting – 14 July 2015

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Human Resources
<b>Authors:</b>	Executive Services Administration Officer – Joanne Hadfield
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority / Strategy:</b>	GF7 Council is presented with a range of organisational challenges including its aging workforce, skills shortages, increasing regulatory demands and the management of risk

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**PRESENT:** Steve Loane, Tracy Cain, Alia Slamet, James O'Malley (Acting Chairperson), Ron Howard and Ben Smith,

**IN ATTENDANCE:** Val Kearnes (Manager HR), Jamie McKinnon (Union Organiser), Joanne Hadfield (minute taker)

**Apologies** – Rachael Carlyle

Meeting opened at 10.05 am

Welcome to all those attending

#### **CONFIRMATION OF MINUTES**

**RECOMMENDED** that the Minutes of the Ordinary Consultative Advisory Committee held on Thursday, 11 June 2015 be confirmed.

**Loane/Howard**

#### **MATTERS ARISING - nil**

Agenda Item – New Organisational Structure – details of proposed changes to structure provided.

Manager HR advised meeting that she had addressed and answered all questions raised by members of the Consultative Committee.

Meeting was advised that there were two changes to the organisational structure presented at the last meeting. Due to a vote by Council at the June Council meeting the proposed new position of Articulated Water Cart Driver was discarded and the position at Baradine Truck Driver which has not been filled for over 12 months was retained and will be recruited at a future date.

Concerns were raised during the consultation process by some staff members as to the Trainee Finance in Coonabarabran being removed. It was explained that the new Trainee Position would cover both Administration and Finance. The training package offered for the position shows the trainee having exposure in both areas equally (50% each), ensuring that the trainee has a more rounded employment.

Trainee/Relief Plant Operator – concerns were raised over this position. Currently position finishes at the end of the traineeship. Discussion took place as to retaining the trainee at the end

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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of the traineeship depending on their performance in the workplace. It was proposed that a Performance Review Panel be created to assess the trainees throughout their traineeship, ie every 6 months and that Human Resources create a Trainee Policy which will be reviewed by the Consultative Committee prior to endorsement by MANEX. New traineeships will be offered in line with succession planning/moveable workforce. Meeting was also advised that Traineeship Funding is limited.

**RECOMMENDED** – Trainee/Relief Plant Operator- explanation of position, end of 2 year traineeship will be assessed and position will either be terminated or engaged as a Relief Plant Operator subject to funding and work.

Supervisor Water & Wastewater Treatment Plants – concerns were raised about this position. The current incumbent believes he should have been part of the process and raised concerns over the lack of consultation in creating the position. Manager HR advised that the new position is currently being assessed/ reviewed in line of the grade of pay etc.

The General Manager has given his undertaking to the current incumbent that regardless of whether the new position is the same grade or if it should go up two grades that his position will be preserved. If it goes up two grades the he can apply for the new position or he can retain his current one.

Delegates were disappointed in staff not being interested in the consultation process.

Manager HR was asked to define “Lateral Transfer”. It was explained to be a move in the organisation to a job of a similar type (same, across or up one grade).

**RECOMMENDED** acceptance of the New Organisational Structure subject to the changes discussed above.

**Consensus**

### **GENERAL BUSINESS**

- General Manager foreshadowed that a meeting would be required in the coming weeks to discuss the Youth Development Officer Position which currently has someone in a temporary position. There has been a reduction in funding through the Community Builders. The Youth Opportunity Funding has come to an end seeing a reduction in income of \$50,000. Position is to be reviewed prior to advertising, reduction in hours from 35 to 30 hours per week. General Manager requested delegates to consult with position holder and relevant department.
- Alia Slamet to table letter at next meeting re resignation from committee as she is leaving organisation at the end of July 2015.
- Union Organiser to be sent a copy of current constitution pending review of the constitution. Consultative committee members are to begin process with Union Organiser re the updating of the constitution and bring back to meeting with Management in two months time to discuss.

Meeting Closed 11.25am.

.....  
JAMES O'MALLEY  
Acting Chairperson

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **RECOMMENDATION**

That Council notes the Minutes from the Consultative Advisory Committee Special meeting held on 14 July 2015 at Coonabarabran.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 5 Warrumbungle Cobbora Transition Fund Committee

<b>Division:</b>	Governance
<b>Management Area:</b>	Executive Services
<b>Author:</b>	Manager Communications and IT – Chris White
<b>CSP Key Focus Area:</b>	Local Economy
<b>Priority:</b>	LE4 There are diverse products and services locally available and minimal economic leakage to larger regional centres.

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### Reason for Report

To provide an update of projects funded by the Restart NSW Cobbora Transition Fund.

### Background

The projects funded by the Restart NSW Cobbora Transition Fund to be auspiced by Council are:

1. RNSW295 Dunedoo District Infrastructure Revitalisation \$1,846,500
2. RNSW290 Three Rivers Regional Retirement Community and Learning Centre \$4,500,000
3. RNSW300 Mendooran Multipurpose Centre \$133,445
4. RNSW324 Three Rivers Recreation Grounds Upgrade Project \$287,500
5. RNSW333 Recreational Sporting and Cultural Facilities Improvement Project, Dunedoo Region \$1 million

The Warrumbungle Cobbora Transition Fund 355 Committee (WCTF 355) oversees the progress of the projects.

### Issues

Funding Deeds detail the scope, budget and time schedule for each project component. Updates are submitted monthly to INSW via an online web portal, and is audited by NSW Public Works before reimbursement of funds expended by Council. Monthly updates detail progress of each project as per the timeline, procurement, risk management and cashflow details executed with the Funding Deeds.

Updates on projects follow:

- RNSW333 Jubilee Hall – internal painting near complete with outside painting to commence; construction of extension for amenities ongoing.
- RNSW333 Old Bank Building – construction continues for disabled access library extension ongoing.
- RNSW295 Robertson Oval – landscaping and installation of bench seats to commence; access road resealed.
- RNSW295 Bolaro Street – Flat outdoor seating area construction ongoing with landscaping underway; illuminated signage board with installation to be

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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completed in late October; kerb blisters to be installed on western side of Merrygoen St intersection.

- RNSW295 Heavy Vehicle Parking –additional bins and seating installed near eastern end of the HV Parking area.
- RNSW295 RV Parking/Dump Point– modifications on western driveway ongoing.
- RNSW295 Milling Park – bench seats installed adjacent to skatepark.
- RNSW300 Mendooran Showground – works complete.
- RNSW324 Coolah Recreation Ground – works completed.
- RNSW290 Three Rivers Retirement Community – Master Plan to be placed on public exhibition from 13<sup>th</sup> October with an Open House in Dunedoo.

### **Options**

Nil

### **Financial Considerations**

Invoices totalling \$246,484 for reimbursement of completed August works were forwarded to INSW. Payment of invoices is pending confirmation by NSW Treasury and audited by NSW Public Works.

Total funds invoiced to INSW for reimbursement to date are \$2,502,943.

### **RECOMMENDATION**

Council note progress of the Cobbora Transition Fund projects.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 6 Pecuniary Interest Returns

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Manager Administration & Customer Service – Sally Morris
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity

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### Reason for Report

As part of the public scrutiny of councillors (and designated persons), councillors (and designated persons) are required to prepare and submit a written return identifying their pecuniary interests as per Part (3) of Section 449 of the Local Government Act 1993

*(3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.*

### Background

In pursuance of Section 449 of the Local Government Act, 1993, the General Manager is required to table the Register of Returns at the first ordinary Council meeting after 30 September.

### Issues

The Register is now tabled.

### Options

Nil

### Financial Considerations

Nil

### RECOMMENDATION

That Council note the tabling of the Register of Disclosures.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Item 7 Notice of Motion – Dunedoo Banking Services**

#### **Notice of Motion**

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Cr Coe has advised that at this meeting of Council he intends moving the following Notice of Motion:

*That Warrumbungle Shire Council commit to providing a banking service in Dunedoo. Furthermore, that the existing model be adopted and the 1.5 staff positions be retained to staff the operation. This commitment needs to be for a period of at least three years.*

#### **Support**

Council as a matter of urgency need to put this in writing and liaise with interested providers to assure a banking facility remains in Dunedoo.

**Councillor Murray Coe**

#### **RECOMMENDATION**

For Council's consideration.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Item 8 Notice of Motion – Swimming Pool Entry**

#### **Notice of Motion**

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Cr Todd has advised that at this meeting of Council he intends moving the following Notice of Motion:

*All school age children within Warrumbungle Shire Council be permitted free entry to swimming pools for the current summer season.*

#### **Support**

Councillor Todd submits the following points supporting this action:

1. The forecast of extreme summer weather conditions
2. The cost incurred by families accessing swimming pools
3. Increasing occurrence of children swimming in rivers and dams
4. Neighbouring Councils addressing the issues of entry.

The Notice of Motion is supported by Councillors Andrews and Clancy.

#### **Councillor Denis Todd**

#### **RECOMMENDATION**

For Council's consideration.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 9 Wambelong Fire – Release of Coroners Findings

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Management and Leadership
<b>Author:</b>	Manager Administration & Customer Service – Sally Morris
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

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#### **Reason for Report**

To inform Council of the release of the Coroner's Findings into the 2013 Wambelong Fire.

#### **Background**

Following the catastrophic wildfire that started on 12 January 2103 at the Wambelong campground in the Warrumbungle National Park, a General Fire Inquiry was established pursuant to s 30(3) of the Coroners Act.

#### **Issues**

On the morning of Monday, 28 September 2015 the Deputy State Coroner HCB Dillon handed down his Inquiry findings into the 2013 Wambelong Fire. Twenty three (23) Recommendations were made by the Deputy State Coroner.

The Findings were delivered at the Glebe Coroners Court in Sydney and via the video link into the Coonabarabran Council Chambers. Approximately seventy (70) people were in attendance at Coonabarabran to hear his Honour. The video link is historic in that it is the first time that a judicial outcome has ever been delivered in NSW in this way.

Warrumbungle Shire Council staff and Tamworth Regional Council IT support staff worked tirelessly to ensure that the public were able to avail themselves of this initiative. Council worked in partnership with the Coroner's office to put this service in place so that members of the public did not have to travel to Sydney to hear the outcomes.

Please see below a link to the Coroners report.

<http://www.coroners.justice.nsw.gov.au/Documents/Warrumbungles%20findings%20Final%2028%2008%2015.pdf>

#### **Options**

Nil

#### **Financial Considerations**

Nil

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **RECOMMENDATION**

That Council note the release of the Findings into the Coroners Inquiry into the January 2013 Wambelong Fire.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Item 10 Council Resolutions Report October 2015**

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Executive Services Administration Officer – Joanne Hadfield
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

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#### **Reason for Report**

The Council Resolution Report includes Council resolutions from August 2014 to September 2015. This report is attached under separate cover. Items completed are noted then deleted from the report in the following month.

#### **Background**

The General Manager is responsible for providing the management oversight in relation to all information progressing from appropriate staff to Council via the Business Paper and monthly Council meetings.

Similarly the role of the General Manager is to ensure appropriate information in relation to Council resolutions and deliberations is provided to Directors and relevant staff. After each Council meeting, each Council resolution is allocated to a directorate for responsibility in actioning the particular Council instruction. Directors and Managers then provide feedback to the General Manager as to the progress of these resolutions on a monthly basis.

Resolutions that remain 'In Progress' for a 12 month period will be reported to Council as a separate agenda item with a new Recommendation. This will provide Council staff the opportunity to detail history and issues in the review of outstanding items before Council reconsider the matter.

#### **Issues**

This feedback is provided to Council for information purposes.

#### **Options**

Nil.

#### **Financial Considerations**

Nil.

#### **RECOMMENDATION**

For Council's Information.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Item 11 Details of 2015/16 Financial Assistance Grant Calculations**

<b>Division:</b>	Executive Services
<b>Management Area:</b>	General Manager
<b>Author:</b>	PA to the Director Corporate Services – Liz Webster
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF6 That Council is financially sustainable over the long term.

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#### **Reason for Report**

The NSW Local Government Grants Commission has a policy of providing information to councils about the way it calculates financial assistance grants. A detailed summary of the 2015-16 grant calculations for Warrumbungle Shire Council has been received with a request that this information is tabled at the next Council meeting.

A copy of the letter is provided to Council under separate cover.

#### **Background**

Special submissions are invited from Council in relation to the distribution of financial assistance grants for 2016-17. The purpose of a submission is to give Council the opportunity to present information on the financial impact of inherent expenditure disabilities beyond its control that are not generally recognised in the current methodology. This allows the commission to adequately consider all legitimate factors that affect Council's capacity to deliver services.

Appendix D: Guidelines for Special Submissions, contains guidelines for preparing submissions. Submissions should be e-mailed to the Commission at [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au) by 30 November 2015.

#### **Issues**

Appendix A: Disability Calculations Summary - 2015-16, shows the measures used in the calculation of grants for Warrumbungle Shire Council. This information should be examined if Council is considering making a special submission.

Appendix B: Explanation of Calculation Summaries, explains how the revenue and expenditure allowances are calculated and used in the grant determination process.

Appendix C: Details of Disability Factors, provides background information relating to what each expenditure disability factor recognises, the measures used, their source, the standards (State average) and weightings.

#### **Options**

Council is not required to make a submission.

# **WARRUMBUNGL SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Financial Considerations**

The methodology and disability indexes are factors in the calculation of the Financial Assistance Grants provided by the NSW Local Government Grants Commission.

### **RECOMMENDATION**

That Council accept the NSW Local Government Grants Commission details of the 2015-2016 Financial Assistance Grants Calculations.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 12 Monthly Report from Human Resources – August 2015

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Human Resources
<b>Authors:</b>	Manager Human Resources – Val Kearnes Learning & Development – Glennis Mangan Workplace Health & Safety – Christine Kennedy
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council is presented with a range of organisational challenges including its aging workforce, skills shortages, increasing regulatory demands and the management of risk

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### Reason for Report

This report is to inform Council of activities undertaken by the Human Resources Department and provide an update on the status of Staff Recruitment, Training and Workplace Health and Safety (WHS) matters.

### Background

Human Resources are responsible for Recruitment, Learning and Development, Workplace Health and Safety.

Since the last Council Meeting in September 2015 thirteen positions have been advertised either internally or externally:

- Environmental Health Officer
- Mechanic
- Sewer Operator – Coonabarabran
- Administration Officer – Development Services
- Tractor Operator – Binnaway
- Labourer Sign Crew
- Technical Officer – Projects
- Supervisor Trades
- Trainee Plant Operator - Dunedoo
- Trainee Admin/Finance - Coonabarabran
- Trainee Finance – Coolah
- Indigenous Trainee Child Carer
- Manager Urban Services

The following position has been filled since last Council meeting:

- Mechanic
- Sewer Operator – Coonabarabran

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- Administration Officer – Development Services
- Tractor Operator – Binnaway
- Labourer Sign Crew
- WTP/Truck Operator - Baradine

### **Resignations**

There has been one resignation in Technical Services since the September Council meeting.

### **Issues**

Recruitment and selection of various positions continues with a substantive number already filled in the last month.

### **LEARNING AND DEVELOPMENT**

Under the new nationally recognised competency-based framework for accreditation of traffic controllers, participants who hold a current “Yellow Card” and who are in the traffic control industry do not need to attend training to renew their licence. Participants can enrol with an RTO and complete an RPL kit for assessment. This kit is quite detailed and requires the Supervisor to provide 3 types of workplace evidence of the participant’s work activities in the past twelve months.

Warrumbungle Shire Council currently has six staff members who need to renew their Yellow Card licence. These staff members will be enrolled in the RPL Assessment process as a trial. If this method is successful it will mean staff will not have to attend a full day’s workshop.

Rates familiarisation training was held for new staff and staff who were unable to attend the initial workshops. This training gave front line staff the basic knowledge to be able to assist customers with rates enquiries in an emergency situation.

Due to an overwhelming response to the upcoming Excel Spreadsheet training it will be necessary to hold two workshops. This training will provide staff with a level of competence from basic to intermediate and will be of great help in their administrative roles.

### **WORKPLACE HEALTH AND SAFETY**

#### **Workers Compensation and Incidents for September:**

<b>Directorate</b>	<b>Near Misses</b>	<b>Incidents</b>	<b>New Claims</b>
Corporate and Community Services	-	4	-
Executive Services	-	-	-
Development Services	-	-	-
Technical Services	-	-	-

All incidents have been investigated and control measures implemented.

Reports have been given to appropriate Managers and MANEX and required actions to resolve WHS concerns are in progress.

### **RECOMMENDATION**

For Council’s information.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 13 Bank Reconciliation for the month ending 30 September 2015

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Supervisor Finance – Lisa Grammer
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

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#### **Reason for Report**

The following report provided to Council is a summary of Council's monthly bank reconciliation.

#### **Background**

Reconciliations are being completed monthly and balanced, payments and receipts reconcile to the monthly bank statement. They are completed by the Supervisor Finance and signed off by the Chief Financial Officer then referred to the Director Corporate and Community Services for final review as part of Council's Monthly checklist procedures.

#### **Issues**

Outstanding deposits refer to cash amounts recorded in Council's General Ledger that have not yet been deposited at the bank. eg. Direct debit authority receipted in cashbook but not deposited in the physical bank account until the next day.

Unpresented cheques refers to cheques and EFT Payments that have not been processed by the recipient but are recorded as being paid in Council's General Ledger.

#### **Options**

Nil

#### **Financial Considerations**

At Council's request the Trust Fund bank account and Mayors Bushfire Appeal Bank Account has been separated for the purpose of presenting an accurate balance of Council's funds.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### Summary

Balance per General Ledger - 30 September 2015

<b>General Ledger</b>	<b>Amount</b>
Trust Bank Account	277,125
Bushfire Trust Account	10,748
Bushfire Trust Investment Account	265,668
General Bank Account	780,943
Investment At Call General	10,584,987
Investment At Call Water	1,905,000
Investment At Call Sewer	1,967,000
Investment Non Current General	710,000
Investment Non Current Water	580,000
Investment Non Current Sewer	210,000
<b>Total per General Ledger</b>	<b>17,291,471</b>

<b>Bank</b>	<b>Balance</b>
<b><u>General</u></b>	
Commonwealth General Account	737,774
<b>Total – General</b>	<b>737,774</b>
<b><u>Investments</u></b>	
Securities	1,500,000
Term Deposits	14,456,987
<b>Total Investments</b>	<b>15,956,987</b>
<b>Sub Total WSC Operational Accounts</b>	<b>16,694,761</b>

<b><u>Trust</u></b>	
Commonwealth Trust Account	277,125
<b>Total – Trust</b>	<b>277,125</b>
<b><u>WSC Mayors Bush Fire Appeal Trust</u></b>	
Commonwealth Mayors Fund General Account	10,748
Commonwealth Mayors Fund Savings Account	265,668
<b>Total - WSC Mayors Bush Fire Appeal Trust</b>	<b>276,416</b>

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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<b>Total All Bank Accounts</b>	<b>17,248,302</b>
<i>Add:</i>	
Outstanding Deposits - General	47,321
Outstanding Deposits - Trust	
Outstanding Deposits – WSC Mayors Bushfire Appeal	
<i>Less:</i>	
Unpresented cheques - General	(4,152)
Unpresented cheques - Trust	
Unpresented cheques- WSC Mayors Bushfire Appeal	
<b>Balance adjusted for outstanding deposits &amp; Un-presented cheques (Final Bank Balance)</b>	<b>17,291,471</b>
<b>Variance between Final Bank Balance and General Ledger</b>	<b>-</b>

# **WARRUMBUNGLE SHIRE COUNCIL**

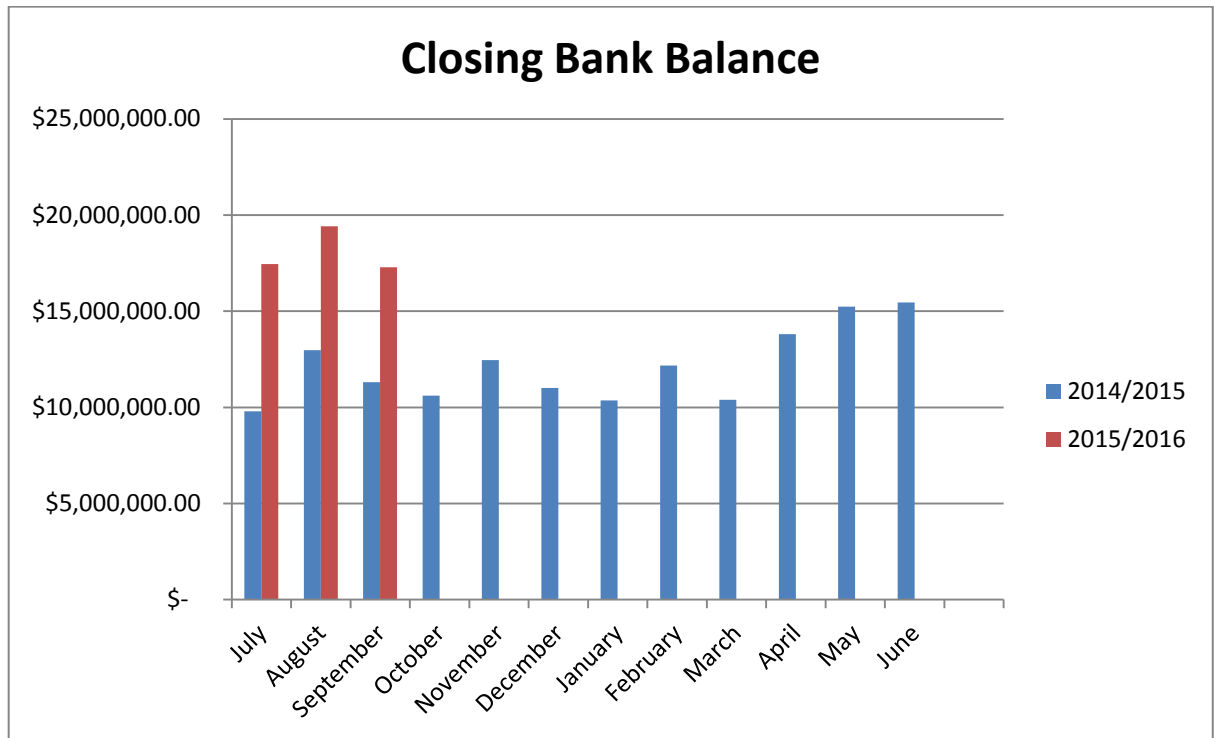
## **Ordinary Meeting – 15 October 2015**

Balance as per Bank Account History as at 30 September 2015

<b>Month</b>	<b>Funds Held in General Account</b>	<b>Funds Held in Trust Account</b>	<b>Mayors Bushfire Appeal Trust Account</b>	<b>Investment</b>	<b>TOTAL</b>	<b>Net of Outstanding Deposits and Un-presented Cheques</b>	<b>End of Month Closing Bank Balance</b>
Jun-15	300,089	269,553	285,549	14,588,295	<b>15,443,486</b>	9,906	<b>15,453,392</b>
July-15	1,206,649	269,553	285,682	15,543,572	<b>17,305,456</b>	141,326	<b>17,446,782</b>
Aug-15	2,078,478	269,553	281,051	16,223,368	<b>18,852,450</b>	559,910	<b>19,412,360</b>
Sep-15	737,774	277,125	276,416	15,956,987	<b>17,248,302</b>	43,169	<b>17,291,471</b>

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015



### **RECOMMENDATION**

That Council accept the Bank Reconciliation Report for the month ending 30 September 2015.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 14 Investments and Term Deposits for Month ending 30 September 2015

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Supervisor Finance – Lisa Grammer
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

---

### Reason for Report

As required by Clause 212 of the Local Government (General) Regulation 2005, the details of all monies invested by Council under Section 265 of the Local Government Act 1993 must be reported to Council at each monthly ordinary meeting.

### Background

Council is authorised by S.265 of the Local Government Act (the Act) to invest its surplus funds in the forms of investment notified in an Order of the Minister dated 12 January 2011.

Clause 212 of the Local Government (General ) Regulation 2005 (the Regulation) requires a council to provide a written report to the Ordinary Meeting of Council giving details of all monies invested and a certificate as to whether or not the investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

### Issues

#### ***Comments on Performance for the Month***

##### *Term Deposits and At Call Accounts*

In accordance with regulatory requirements and Council's Investment Policy, the majority of Council's current investment portfolio continues to be invested in term deposits, at call accounts and a Capital Protected Note (CPN)

During the month, \$3.6m of term deposits matured, earning \$35,433 in interest, new placements of \$2m were made and the month end balance was \$5m. \$1m was placed with ANZ for a period of 90 days at an interest rate of 2.80%, \$1m was placed with CBA for a period of 90 days at an interest rate of 2.81%.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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At call accounts are used to hold funds for shorter periods and generally are adjusted on a weekly basis to meet cash flow requirements. During the month net transfers of \$1,319m were made from these accounts and \$14,589 interest was received on the balances in the accounts resulting in a month end "At Call" balance of \$9.457m.

### *Capital Protected Note*

Council continues to hold \$1,500,000 in a CPN called Octagon. Repayment of the principal is supported by a capital guarantee which ensures full repayment of capital invested at maturity. The estimated market value of the investment as at 30 June 2015 was \$1,484,100 and as the term approaches the maturity date, this value increases and could return a small capital profit. This investment is no longer earning any investment income and is adversely impacting the achievement of Council's benchmark rate of return.

### *Income Return*

The average rate of return on Investments for the month of 2.35% exceeded Council's benchmark Bank Bill Swap Rate (BBSW) of 2.17% by 0.30% or 13.82%.

On a year to date basis, interest received and accrued totals \$109,341 which is 28.33% of the annual budget (i.e. 13k over budget).

Depending upon the timing of forecast cash flows, consideration will be given to investing for terms to maintain higher interest yields.

### **Options**

Nil

### **Financial Implications**

Based on the current investment market and Council's current investment holdings and maturity dates, the average rate of return on Council's investment portfolio will continue to exceed the BBSW benchmark rate.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### Summary

Financial Institution	Lodgement Date	Maturity Date	Total Days	Rating	Yield	Amount
<b>At Call Accounts</b>						
NAB Cash Maximiser	1-Sept-15	at call	at call	AA-	2.09%	5,333,085
ANZ at Call	1-Sept-15	at call	at call	AA-	1.75%	1,338,120
Community Mutual Group	1-Sept-15	at call	at call		2.45%	2,668,377
Westpac at Call	1-Sept-15	at call	at call	AA-	-	23,036
NAB Eftpos At Call	1-Sept-15	at call	at call	AA-	-	94,369
						<b>9,456,987</b>
<b>Term Deposits</b>						
Bank Of QLD	31-July-15	02-Nov-15	94	BBB+	2.76%	1,000,000
Suncorp Treasury	26-Aug-15	24-Nov-15	90	BBB+	2.77%	1,000,000
NAB	26-Aug-15	24-Nov-15	90	AA-	2.85%	1,000,000
ANZ	1-Sept-15	1-Dec-15	90	AA-	2.80%	1,000,000
Commonwealth Bank	1-Sept-15	1-Dec-15	90	AA-	2.81%	1,000,000
						<b>5,000,000</b>
<b>Capital Protected Note</b>						
Octagon Ltd.	25-Oct-05	25-Oct-15	10 yrs	AA	-	1,500,000
						<b>1,500,000</b>
<b>TOTAL</b>						<b>15,956,987</b>

Table 1: Investment Balances as at 30 September 2015

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

<b>Bank</b>	<b>Opening Balance</b>	<b>Net Placements/ Withdrawals</b>	<b>Interest Accrued/ Received</b>	<b>Closing Balance</b>
NAB Cash Maximiser	3,725,778	1,600,000	7,307	5,333,085
ANZ At Call	1,313,356	22,488	1,919	1,338,120
Community Mutual Group	2,663,015		5,363	2,668,377
Westpac General At Call	37,236	(14,200)	-	23,036
NAB Eftpos At Call	383,983	(289,614)	-	94,369
NAB	1,006,207	(1,007,274)	1,067	-
NAB	1,619,804	(1,623,671)	3,867	-
Bank Of Qld	1,004,404	(1,004,488)	84	-
ANZ	1,000,389	-	2,336	1,002,725
Bank Of Qld	1,000,378	-	2,270	1,002,648
Suncorp Treasury	1,002,338		2,262	1,004,600
NAB	-	1,000,000	2,219	1,002,219
	-	1,000,000	2,227	1,002,227
<b>Total</b>	<b>14,756,888</b>	<b>(316,403)</b>	<b>30,921</b>	<b>14,471,406</b>

**Table 2: At Call and Term Deposits - Monthly Movements**

### **Certification of Responsible Accounting Officer**

I hereby certify that the investments listed in the report above have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investments Policy.

\_\_\_\_\_  
Responsible Accounting Officer

### **RECOMMENDATION**

That Council accept the Investments Report for the month ending 30 September 2015.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 15 Rates Report for Month Ending 30 September 2015

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Water Officer – Rachael Carlyle
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

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### **Reason for Report**

To report on Council's monthly rates and annual charges collection performance.

### **Background**

Council levies rates and annual charges on an annual basis commencing in the month of July. Council closely monitors the repayment of these rates and annual charges and measures its debt recovery performance for rates and annual charges through the use of the Rates and Annual Charges Outstanding Ratio.

The Office of Local Government (OLG) recommends (via their accepted benchmark) a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils. Council's outstanding ratio as at 30 June 2015 was 8.44% which is below the OLG recommended benchmark.

### **Issues**

The outstanding rates and annual charges ratio as at 30 September is 10.08%. This figure is higher than the 10% benchmark proposed by the OLG. The overall outstanding charges ratio as at 30 September 2015 is 12.55%.

### **Options**

For Council Information

### **Financial Considerations**

A high arrears balance affects Council's cash flow, and represents monies outstanding that Council could be gaining a return on if invested in a term deposit.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

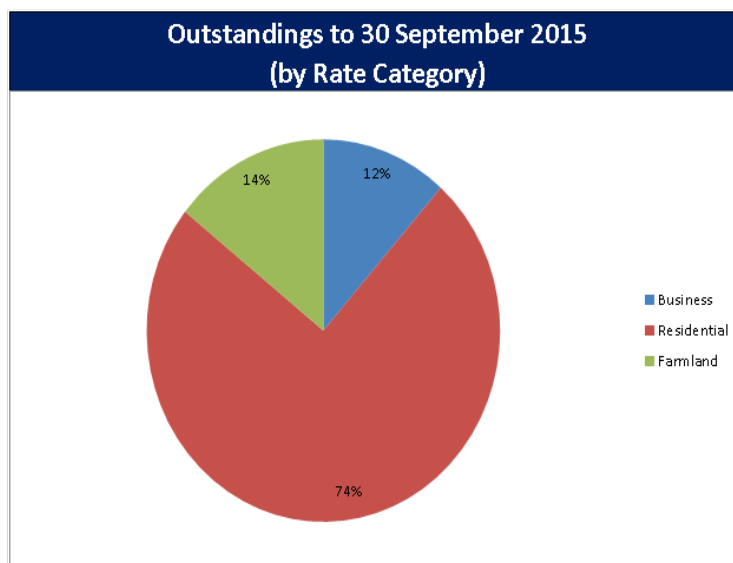
RATE/CHARGE TYPE	RATE ARREARS 2014/15	2015/16 LEVY	Pensioner Write off	Abandoned	Interest	Legal Fees	RATE ARREARS AND NET LEVY	TOTAL PAYMENTS TO DATE	TOTAL OUTSTANDING 2015/16	COLLECTION % 2015/16	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
General	625,471	7,592,601	(165,994)	515	10,051	16,094	8,078,738	(2,443,224)	5,635,514	30.24%	766,709	9.49%
Water	198,238	1,342,156	(72,714)	(133)	3,280	-	1,470,827	(502,188)	968,639	34.14%	205,383	13.96%
Sewerage	67,107	1,028,657	(52,121)	(158)	1,169	-	1,044,654	(348,735)	695,919	33.38%	72,470	6.94%
Trade Waste	-	8,075	-	-	1	-	8,076	(4,199)	3,877	51.99%	(5)	-0.06%
Garbage	220,480	1,896,840	(109,339)	(1,458)	3,681	-	2,010,204	(722,628)	1,287,576	35.95%	227,016	11.29%
<b>TOTAL RATES AND ANNUAL CHARGES</b>	<b>1,111,296</b>	<b>11,868,329</b>	<b>(400,168)</b>	<b>(1,234)</b>	<b>18,182</b>	<b>16,094</b>	<b>12,612,499</b>	<b>(4,020,974)</b>	<b>8,591,525</b>	<b>31.88%</b>	<b>1,271,573</b>	<b>10.08%</b>
Sewer Access (Water Billing)	188,605	207,125	-	-	1,493	-	397,223	(105,978)	291,245	26.68%	85,069	21.42%
Water Consumption	755,650	1,330,922	-	3,529	6,969	66	2,097,136	(462,384)	1,634,752	22.05%	324,730	15.48%
Sewer Consumption	49,044	86,863	-	-	206	-	136,113	(36,492)	99,621	26.81%	13,080	9.61%
Trade Waste	-	3,739	-	-	-	-	3,739	-	3,739	0.00%	-	0.00%
<b>TOTAL WATER SUPPLY SERVICES</b>	<b>993,299</b>	<b>1,628,649</b>	<b>-</b>	<b>3,529</b>	<b>8,668</b>	<b>66</b>	<b>2,634,211</b>	<b>(604,854)</b>	<b>2,029,357</b>	<b>22.96%</b>	<b>422,879</b>	<b>16.05%</b>
<b>GRAND TOTAL</b>	<b>2,104,595</b>	<b>13,496,978</b>	<b>(400,168)</b>	<b>2,295</b>	<b>26,850</b>	<b>16,160</b>	<b>15,246,710</b>	<b>(4,625,828)</b>	<b>10,620,882</b>	<b>30.34%</b>	<b>1,694,452</b>	<b>12.55%</b>

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Analysis by Council staff has indicated that a majority of the rates and annual charges outstanding amount 70% relates to residential properties, while 19 % relates to farmland and 11% to business.

See graph to the right, and table of outstanding balances by rate group and rate/charge type below for further details.



Rates Type	Rates levy				Water levy				Grand Total
	General	Domestic Waste	Water Access	Trade Waste	Sewer Access	Water Usage	Sewer Usage	Trade Waste	
<b>Business</b>	75,061	29,599	17,846	(5)	24,645	35,717	13,080	-	195,943
<b>Residential</b>	452,955	193,528	187,536	-	132,895	289,013	-	-	1,255,927
<b>Farmland</b>	238,694	3,889	-	-	-	-	-	-	242,583
<b>Total</b>	<b>766,710</b>	<b>227,016</b>	<b>205,382</b>	<b>(5)</b>	<b>157,540</b>	<b>324,730</b>	<b>13,080</b>	<b>-</b>	<b>1,694,453</b>

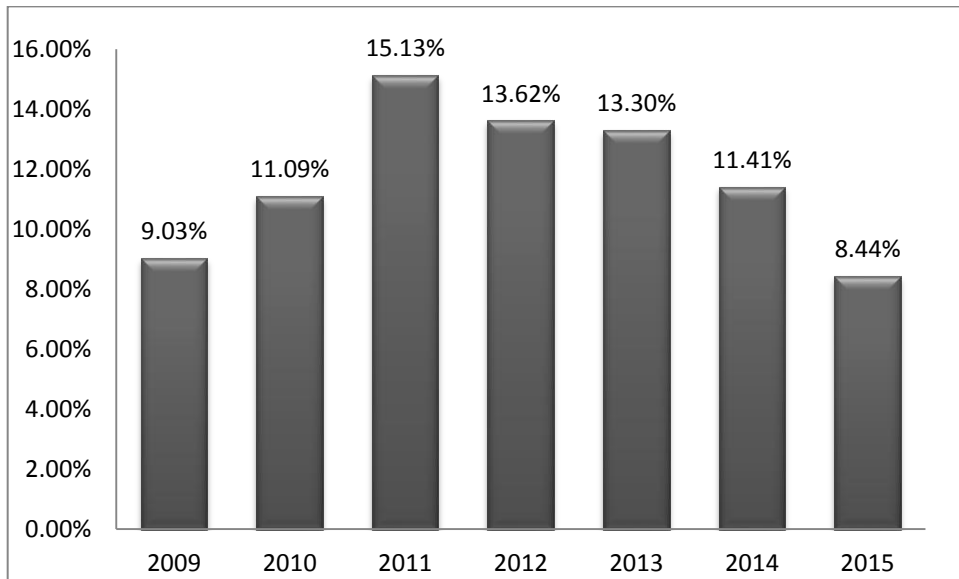
Collection of outstanding rates commences with an overdue letter which is received from Council giving 14 days to pay or contact Council requesting an arrangement, if no payment or contact is made a letter of demand is sent out by Council's Debt Recovery Agency giving 7 days to make a payment or contact Council requesting an arrangement.

Council's historical debt recovery performance as measured by the rates and charges outstanding ratio is detailed in the graph below.

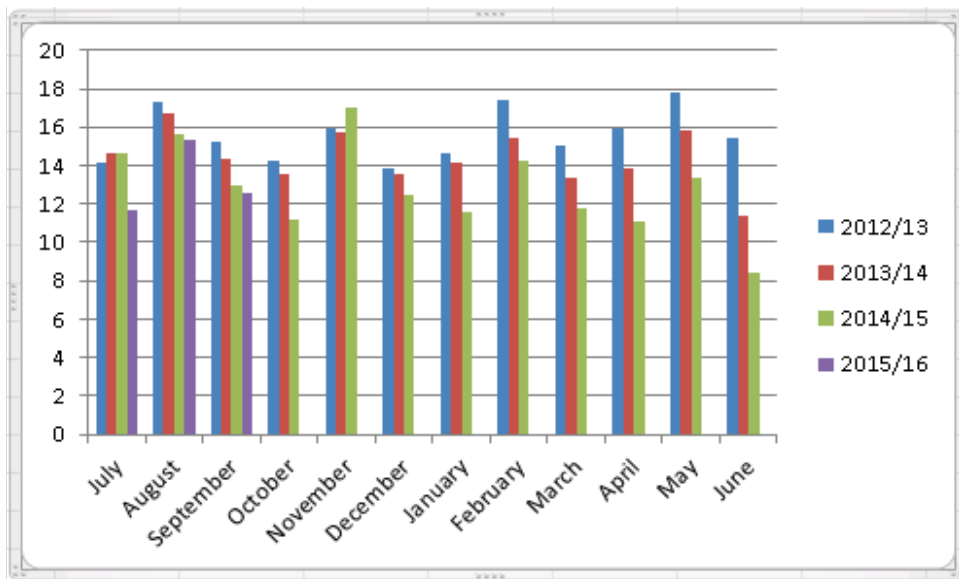
# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

**Graph 1: Ratio by Year**



**Graph 2: Ratio Month by Month**



### **RECOMMENDATION**

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 16 Change in Fees – Children’s and Community Services

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Children’s and Community Services
<b>Author:</b>	Manager Children’s and Community Services – Louise Johnson
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI2: The long term wellbeing of our communities is supported by ongoing provision of high quality health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management.

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### Reason for Report

To provide feedback on proposed fee changes

### Background

A report was presented to the August Council Meeting in relation to the end of financial year results for Council’s grant funded programs.

The report also included proposed remedies for programs which recorded a deficit in the past financial year. Remedies for two of these programs was a change in fees.

Council resolved to approve the proposed change in fees, as outlined in this Business Paper, to ensure ongoing operation of services, and advertising of the suggested fees as per Council requirements for a minimum of 28 days.

Proposed fee changes were advertised for 28 days from 26 August – 22 September, 2015.

Members of the public were invited to view the information relating to proposed fee changes at:

- Warrumbungle Shire Council, 14 – 22 John Street, Coonabarabran – weekdays from 8:30am – 4:30pm
- Children’s and Community Services, Robertson Street, Coonabarabran – weekdays from 8:30am – 4:30pm
- Coonabarabran After School and Vacation Care, St Lawrence Primary School, 24 Dalgarno Street, Coonabarabran – weekdays from 3:00pm – 5:30pm
- Warrumbungle Shire Council website: [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au)

The proposed fee changes were also advertised via Council’s Facebook page.

Submissions were invited from the public on the proposed fee changes during the period of exhibition.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

Submissions were to be lodged in writing with Council by 4:00 pm, Tuesday 22 September, 2015.

Proposed fees are outlined in the tables below:

**Table 1: Fee Changes, Castlereagh Family Day Care**

<b>Fee Type</b>	<b>2014/15 Fee</b>	<b>2015/16 Fee</b>	<b>Change</b>
Educator Levy – per day worked	\$1.60	\$4.00	+\$2.40
Administration Levy – per child, per hour	\$0.70	\$1.00	+\$0.30

**Table 2: Fee Changes, Coonabarabran After School and Vacation Care**

<b>Fee Type</b>	<b>2014/15 Fee</b>	<b>2015/16 Fee</b>	<b>Change</b>
Fee – per child, per day <sup>^</sup>	\$21	\$25	+\$4.00
Additional children in family <sup>^</sup>	\$15	\$20	+\$5.00
Casual Fee – per child, per day <sup>^</sup>	\$26	\$28	+\$2.00
Casual Fee additional children <sup>^</sup>	\$21	\$23	+\$2.00

<sup>^</sup> Parents receive a rebate through the Child Care Benefit and are only required to pay the gap. The CCB can be up to 50% of fees.

### **Issues**

No submissions were received.

### **Options**

1. Council approve the proposed change in fees, as outlined in this Business Paper, to ensure ongoing operation of services.
2. Council not approve the change in fees.

### **Financial Considerations**

If fees aren't changed then the Service will continue to incur a deficit which will result in a direct cost to Council.

### **RECOMMENDATION**

That Council approve the proposed change in fees, as outlined in this Business Paper, to ensure ongoing operation of services.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 17 Proposal to allow larger trucks access on the Newell Highway through Coonabarabran

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure & Services
<b>Priority:</b>	P 13. Road Networks throughout the Shire need to be safe, well maintained and adequately funded.

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#### **Purpose**

To advise Council on a proposal by the NSW Government to allow higher productivity trucks to travel the Newell Highway through Coonabarabran.

#### **Background**

NSW RMS advises Council that they are investigating the Newell Highway between Gilgandra and the Oxley Highway intersection. The investigations aim to determine the suitability of this section of the Newell Highway for use by B Triple and AB-Triple trucks. That is, the investigation will determine if these higher productivity trucks can safely travel through Coonabarabran.

Currently, B Double trucks are permitted to access the Newell Highway through Coonabarabran. B Double trucks are 26 metres in length and have a mass limit of 62.5 tonnes. The length of an AB Triple truck is 36.5 metres and may have a mass up to 113.5 tonnes. A chart showing the different combination options is shown in attachment 1.0.

B Triple and AB Triple trucks are considered to be more efficient at moving freight than B Doubles and the State Government has a long term plan to open up more roads in NSW to higher productivity vehicles. A map showing the B Triple and AB Triple network in NSW is shown in attachment 2.0.

#### **Issues**

The Newell Highway through Coonabarabran is a defining feature of the town and in many ways it influences the economic, social and environmental well being of the town. There are significant land use activities adjoining the highway including; commercial, education, sporting and recreational, industrial and residential. Each of these activities may be impacted by the volume and type of vehicles travelling on the Newell Highway through the town.

The RMS will assess the impacts of the proposal using a document developed by RMS called the NSW Route Assessment Guide (Freight Route Investigation Levels). The assessment criteria are broken down into the following categories;

- Legal / regulatory
- Road safety

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- Work Health & Safety
- Amenity and Environmental
- Infrastructure loading
- Property damage.

It is suggested that an important factor in the assessment of the route will be the response by Warrumbungle Shire Council and the Coonabarabran community to the proposal to allow larger trucks access through the town.

Whilst the NSW Government wants the Newell Highway opened up to higher productivity trucks, the NSW Government also has a long term goal for a heavy vehicle bypass of Coonabarabran. However, there is no timeframe certainty about planning for the bypass let alone construction of the bypass. Also, there is no timeframe certainty to address the long term unsustainable use of residential streets in Coonabarabran (Edwards Street, Namoi Street) for travel by Over Dimension vehicles.

### **Options**

Council has discretion in this matter. Council may want to see a widespread consultation process that will enable foreseeable impacts to be identified. Also, further consultation with the RMS may be required to clearly understand the reasons for the proposal and perhaps the potential for increased volume of trucks travelling through Coonabarabran given that it appears that other sections of the Newell Highway cannot be accessed by higher productivity trucks.

### **Financial Considerations**

The proposal by RMS does not have immediate impacts on Council's budget. However, there is uncertainty about the long term impact on the budget given the uncertainties about the impacts of allowing larger trucks to travel through Coonabarabran.

### **RECOMMENDATION**

1. The RMS is requested to advertise widely throughout the Coonabarabran community the proposal to allow B Triple and AB Triple trucks access along the Newell Highway through the town of Coonabarabran.
2. Community Consultation programme is undertaken by Warrumbungle Shire Council and funded by RMS.
3. The feedback from community consultation is included in the final draft report on the proposal to allow B Triple and AB Triple trucks access through Coonabarabran.
4. Council is given the opportunity to formally consider and respond to the final draft report on the proposal to allow B Triple and AB Triple trucks access through Coonabarabran.
5. The RMS is invited to make a formal presentation on the proposal allow B Triple and AB Triple trucks access through Coonabarabran at a future meeting of Council.
6. The RMS is requested to provide timeframe certainty about planning for and construction of the Coonabarabran bypass.
7. The RMS is requested to formally investigate and report on the sustainability of using Edwards Street, Namoi Street and Saleyards Road as a Newell Highway route for Over Dimension vehicles with the view to committing funds for repairs and maintenance.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Attachment 1.0 – Chart on Restricted Access Vehicle Combination Options

#### Restricted Access Vehicles

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B-Triple – 36.5metres.

Mass Limits 82.5t general mass limits or 90.5t higher mass limits



A-Double (modern road train) – 36.5 metres

Mass Limits 82.5t at general mass limits or 90.5 at higher mass limits



AB-Triple – 36.5 metres

Mass Limit is 102.5t at general mass limits or 113.5t for higher mass limits



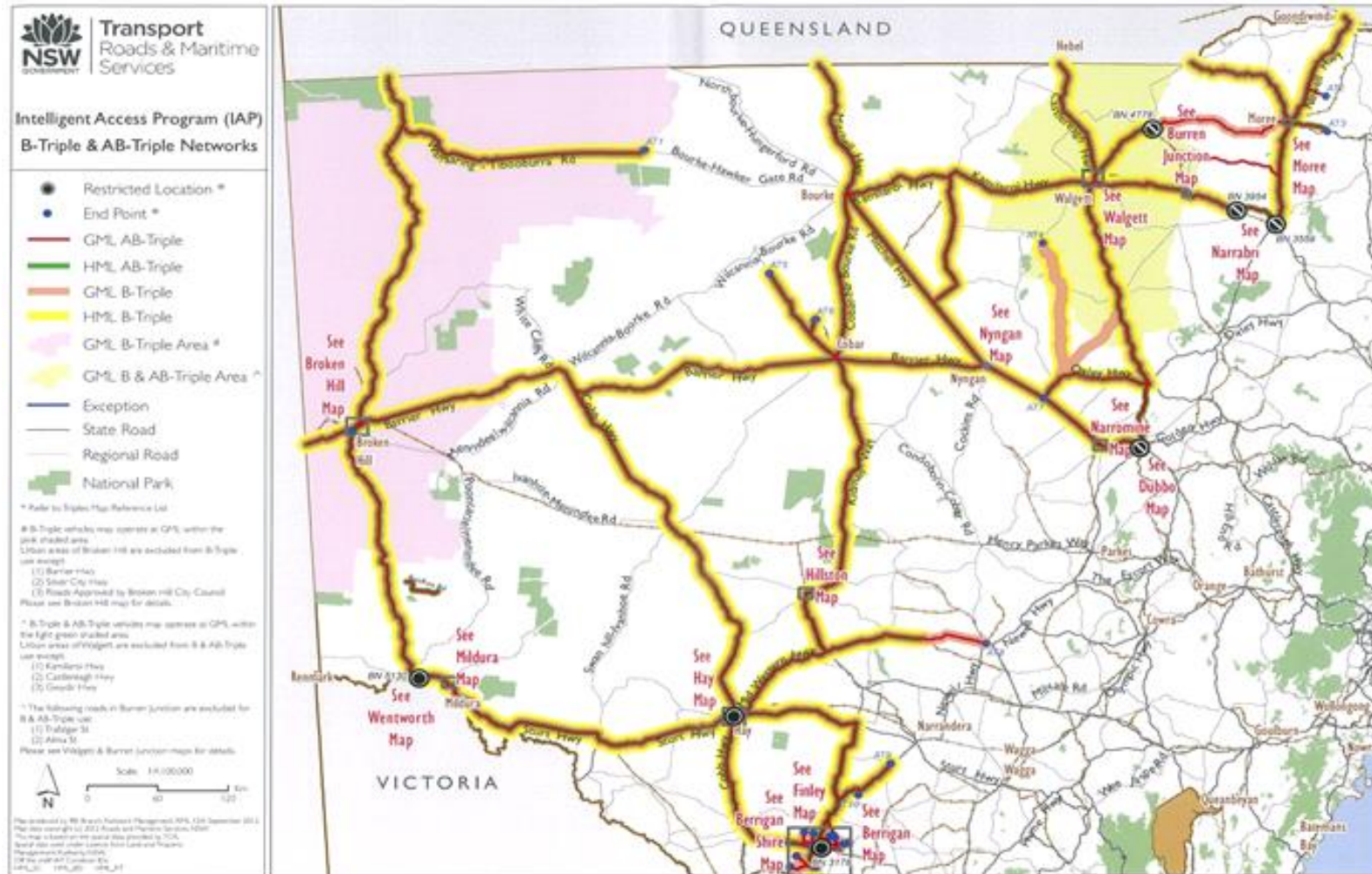
B-Double – 26 metres

Mass Limit is 62.5t at general mass limits or 68.0t at higher mass limits

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### Attachment 2.0 – Map showing current B-Triple and AB-Triple Network in NSW



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 18 Revised Memorandum of Agreement for North West Weight of Loads Group

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Technical Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure & Services
<b>Priority:</b>	P 13. Road Networks throughout the Shire need to be safe, well maintained and adequately funded.

---

#### **Reason for Report**

A resolution is required to authorise the General Manager to use Council's Seal on an agreement with the North West Weight of Loads Group.

#### **Background**

Council currently has a memorandum of agreement with nine(9) other Councils in the North West to employ inspectors and staff for the purpose of enforcing compliance with truck weight regulations. Recently, Walgett Shire Council resigned from the Committee and as a result a new agreement is necessary for the remaining eight(8) Councils. The eight Councils in the Group are; Moree, Narrabri, Dubbo, Glen Innes Severn, Gunnedah, Gwydir, Inverell & Warrumbungle.

Council's Common Seal is required to formalise the agreement.

#### **Issues**

Moree Shire Council is the administrative centre for the North West Weight of Loads Group and the Support Officers and Inspectors are employed by that Council.

#### **Options**

Council has discretion in this matter, however the North West Weigh of Loads Committee cannot function without formal agreement from all members.

#### **Financial Considerations**

The financial contribution to the Group by Warrumbungle Shire Council is a direct result of the number of hours inspectors spend patrolling roads within the Shire. That is, the enforcement program of the Group is on a fee for service program. Furthermore, the cost of the inspections within the Shire is offset by income received through fines and Council's share of Roads & Maritime Services funding for the Group.

The amount of payments made to Moree Plains Shire Council are as follows;

- 2014/15 - \$32,802

Under the new agreement, annual payments to Moree Plains Shire council are not expected to exceed \$30,000.

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **RECOMMENDATION**

That the Mayor and General Manager be authorised to sign a revised memorandum of agreement with the North West Weight of Loads Committee and that Council's Common Seal is used to formalise the Agreement.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 19 2015/16 Technical Services Works Program – Road Operations, Urban Services & Water Services

<b>Division:</b>	Technical Services
<b>Management Area:</b>	Road Operations & Urban Services
<b>Author:</b>	Director Technical Services – Kevin Tighe
<b>CSP Key Focus Area:</b>	Public Infrastructure & Services
<b>Priority:</b>	P13 Road networks throughout the Shire need to be safe, well maintained and adequately funded.

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#### **Reason for Report**

The works program for the technical services division of Council for 2015/16 is presented for information.

#### **Background**

The 2015/16 works program including expenditure until the end of September for all projects in Technical Services is presented in attachment 1.0. The report includes some of the significant projects commenced in 2014/15 that are ongoing.

Attachment 2.0 contains a list of unsealed roads scheduled for maintenance grading over the next two months.

#### **Issues**

The works program presented in attachment 1.0 contains draft finish dates for each project.

#### **Options**

Council has discretion in relation to the capital works program and the works program in general. However, any changes must include consideration of funding sources, time requirements for pre construction activities, and impact on staff resources.

#### **Financial Considerations**

The works program in attachment 1.0 contains budget allocations and expenditure on the projects.

#### **RECOMMENDATION**

The 2015/16 works program presented in attachment 1.0 and attachment 2.0 is noted for information only.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### Attachment 1.0 – Technical Services 2015/16 Works Program

Task Name	Finish Date	Budget Allocation (\$)	Expend. (\$)	% complete
<b>Technical Services</b>	<b>Fri 25/11/16</b>	<b>20,947,923</b>	<b>4,594,659</b>	<b>14%</b>
<b>Asset &amp; Design Services</b>	<b>Tue 3/05/16</b>	<b>146,500</b>	<b>57,693</b>	<b>0%</b>
Survey equipment	Tue 3/05/16	12,000	12,215	100%
Eng design software	Thu 14/04/16	13,000	0	0%
Bike Plan	Wed 25/11/15	40,000	0	0%
Kerb blister, Edwards/John	Mon 9/11/15	40,000	24,744	80%
Shared path, Edwards	Thu 17/12/15	40,000	20,734	90%
<b>Road Safety Programme</b>	<b>Thu 14/01/16</b>	<b>1,500</b>	<b>0</b>	<b>0%</b>
Just Slow Down	Thu 14/01/16	1,500	0	0%
Free Cuppa for driver	Thu 14/01/16	0	0	0%
<b>Fleet Services</b>	<b>Fri 27/05/16</b>	<b>3,563,639</b>	<b>674,373</b>	<b>0%</b>
Minor plant purchases	Fri 27/05/16	15,000	0	0%
Dog Trailer	Fri 15/01/16	35,000	0	0%
Chain Digger	Fri 15/01/16	40,000	0	0%
VMS	Wed 3/02/16	25,000	0	0%
Kerb Maker	Wed 3/02/16	25,000	0	0%
Generator (Sewer/water) trailer	Wed 3/02/16	20,000	0	0%
Mobile traffic lights	Wed 3/02/16	30,000	0	0%
Shed at Coolah depot	Fri 4/03/16	20,000	0	0%
Coona Workshop	Tue 22/03/16	25,000	0	0%
Dunedoo depot underground storage	Fri 25/09/15	63,793	80,689	100%
Plant & equipment purchases	Fri 27/05/16	3,264,846	593,684	20%
<b>Road Operations</b>	<b>Thu 30/06/16</b>	<b>11,208,736</b>	<b>2,278,144</b>	<b>0%</b>
<b>RMS Work Orders</b>	<b>Fri 29/04/16</b>	<b>1,000,000</b>	<b>287,029</b>	<b>0%</b>
Works orders	Fri 29/04/16	1,000,000	287,029	20%
<b>Local Roads</b>	<b>Thu 30/06/16</b>	<b>5,498,436</b>	<b>1,051,458</b>	<b>0%</b>
<b>Local Roads reseals</b>	<b>Thu 31/03/16</b>	<b>441,520</b>	<b>0</b>	<b>0%</b>
Bugaldie Goorianawa Rd	Thu 31/03/16	42,400	0	0%
Cooks Rd	Thu 31/03/16	31,320	0	0%
Coolah Crk Rd	Thu 31/03/16	22,800	0	0%
Digilah East Rd	Thu 31/03/16	30,000	0	0%
Spring Ridge Rd	Thu 19/11/15	30,000	0	0%
Sir Ivan Dohety Rd	Thu 31/03/16	30,000	0	0%
Kanoona Rd	Thu 31/03/16	30,000	0	0%
Lawson Park Rd	Thu 31/03/16	30,000	0	0%
Premier Tambar Springs Rd	Thu 31/03/16	60,000	0	0%
Maranoa Rd	Thu 31/03/16	35,000	0	0%
Sansons Lane	Thu 31/03/16	30,000	0	0%
Box Ridge Rd	Thu 31/03/16	70,000	0	0%
<b>Local Roads bridges</b>	<b>Thu 30/06/16</b>	<b>3,334,688</b>	<b>899,155</b>	<b>0%</b>
Coonagoony bridge	Tue 12/04/16	261,000	0	0%
Orana Road bridge	Wed 23/03/16	450,000	939	0%
Ross Crossing bridge	Thu 30/06/16	698,855	0	0%
Worrigal Creek bridge	Fri 28/08/15	312,908	359,465	100%
Baradine Creek bridge	Fri 27/11/15	1,017,000	538,751	80%
Kenebri bridge	Fri 29/01/16	594,925	0	0%
<b>Local Road pavements</b>	<b>Wed 29/06/16</b>	<b>759,500</b>	<b>127,614</b>	<b>0%</b>

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Task Name	Finish Date	Budget Allocation (\$)	Expend. (\$)	% complete
Box Ridge Rd causeway rehab.	Wed 29/06/16	52,500	0	0%
Bugaldie/Goorianawa Rd rehab.	Fri 18/12/15	160,000	0	0%
Coolah Ck Rd rehab.	Fri 18/12/15	120,000	109,943	90%
Intersection Digilah/Lockerbie, pipes	Wed 29/06/16	60,000	0	0%
Mitchell Springs Rd, erosion control	Fri 29/01/16	97,000	0	0%
Neilrex Rd pavement rehab.	Fri 18/12/15	270,000	17,671	10%
<b>Local Roads Gravel Resheeting</b>	<b>Fri 24/06/16</b>	<b>962,728</b>	<b>24,689</b>	<b>0%</b>
Box Ridge Rd	Fri 30/10/15	120,000	0	0%
Mitchell Springs Rd	Fri 27/11/15	110,000	0	0%
Sansons Lane	Fri 27/11/15	55,000	5,362	5%
Uliman Rd	Fri 27/11/15	50,000	0	0%
Yuggel Rd	Fri 27/11/15	100,000	0	0%
Baradine Showground	Fri 25/09/15	35,000	0	0%
Barwon	Fri 25/09/15	30,000	0	0%
Narrawa (south)	Fri 25/09/15	60,000	328	0%
Orana Rd	Fri 28/08/15	75,000	0	0%
Boomley Rd	Fri 27/11/15	150,000	0	0%
Merryula Rd	Fri 24/06/16	90,000	10,916	10%
Toorawandi Rd	Fri 24/06/16	40,000	8,083	10%
Carmel Ln	Fri 24/06/16	47,728	0	0%
<b>Regional Roads</b>	<b>Fri 24/06/16</b>	<b>4,710,300</b>	<b>939,657</b>	<b>0%</b>
<b>Regional Roads reseals</b>	<b>Thu 31/03/16</b>	<b>452,300</b>	<b>0</b>	<b>0%</b>
MR 129 Segs; 255,270,290,295,300	Thu 31/03/16	292,315	0	0%
MR396 Segs; 1470,1580	Thu 31/03/16	159,985	0	0%
<b>Pavement Rehab</b>	<b>Fri 26/02/16</b>	<b>969,000</b>	<b>1,680</b>	<b>0%</b>
Black Stump Way rehab.	Wed 20/01/16	800,000	1,680	0%
Baradine Rd shlder widening	Fri 26/02/16	169,000	0	0%
<b>Black Spot programme</b>	<b>Thu 5/05/16</b>	<b>1,074,000</b>	<b>32,989</b>	<b>0%</b>
Black Stump Way, Sth Tambar shlder wide	Thu 22/10/15	239,000	6,947	0%
Black Stump Way, Sth Coolah, shlder	Wed 2/12/15	335,000	18,839	10%
Baradine Rd, shlder, guardrail	Thu 5/05/16	500,000	7,203	2%
<b>Regional Road Bridges</b>	<b>Fri 24/06/16</b>	<b>2,215,000</b>	<b>904,988</b>	<b>0%</b>
Mow Creek bridge(1)	Fri 11/09/15	1,250,000	904,988	95%
Allison bridge	Fri 24/06/16	965,000	0	0%
<b>Urban Services</b>	<b>Fri 24/06/16</b>	<b>2,688,482</b>	<b>1,394,944</b>	<b>0%</b>
<b>Ovals</b>	<b>Fri 18/03/16</b>	<b>620,000</b>	<b>420,122</b>	<b>0%</b>
Robertson Oval netball (1)	Fri 28/08/15	480,000	420,122	95%
Canteen - Baradine Oval	Fri 18/03/16	70,000	0	0%
Sporting precinct master plan	Fri 26/02/16	5,000	0	0%
Netball Courts - Coonabarabran	Fri 25/09/15	65,000	0	0%
<b>Swimming Pools</b>	<b>Fri 27/05/16</b>	<b>93,000</b>	<b>14,651</b>	<b>0%</b>
<b>Baradine</b>	<b>Fri 13/11/15</b>	<b>12,500</b>	<b>0</b>	<b>0%</b>
Renewal of pool lights	Fri 13/11/15	12,000	0	0%
Renewal of signs	Fri 25/09/15	500	0	0%
<b>Binnaway</b>	<b>Fri 27/05/16</b>	<b>20,500</b>	<b>1,050</b>	<b>0%</b>
Pump Room rehab	Fri 27/05/16	5,000	1,050	20%
Renewal of signs	Fri 25/09/15	500	0	0%
Shade structure	Fri 25/09/15	15,000	0	0%



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Task Name	Finish Date	Budget Allocation (\$)	Expend. (\$)	% complete
<b>Coolah</b>	<b>Fri 25/09/15</b>	<b>500</b>	<b>0</b>	<b>0%</b>
Renewal of signs	Fri 25/09/15	500	0	0%
<b>Coonabarabran</b>	<b>Fri 25/09/15</b>	<b>41,500</b>	<b>0</b>	<b>0%</b>
renewal of fence- toddlers pool	Fri 25/09/15	1,000	0	0%
renewal of signs	Fri 25/09/15	500	0	0%
concrete repairs toddlers pool	Fri 25/09/15	15,000	0	0%
Hot water installation	Fri 25/09/15	13,000	0	0%
renewals	Fri 25/09/15	12,000	0	0%
<b>Dunedoo</b>	<b>Fri 25/09/15</b>	<b>12,500</b>	<b>11,583</b>	<b>0%</b>
Replace filter media	Fri 25/09/15	12,000	11,583	100%
renewal of signs	Fri 25/09/15	500	0	0%
<b>Mendooran</b>	<b>Fri 27/05/16</b>	<b>5,500</b>	<b>2,018</b>	<b>0%</b>
renewal of pumps	Fri 27/05/16	5,000	2,018	20%
renewal of signs	Fri 25/09/15	500	0	0%
<b>Town Streets</b>	<b>Fri 24/06/16</b>	<b>1,975,482</b>	<b>960,171</b>	<b>0%</b>
<b>Baradine</b>	<b>Fri 24/06/16</b>	<b>217,038</b>	<b>37,711</b>	<b>0%</b>
Progress Ass'n - gardens	Fri 28/08/15	5,000	0	0%
Flood levee	Fri 24/06/16	200,038	37,261	50%
New garbage bins	Fri 25/09/15	2,000	450	0%
Footpath rehab	Fri 29/04/16	10,000	0	0%
<b>Binnaway</b>	<b>Fri 29/01/16</b>	<b>115,750</b>	<b>3,203</b>	<b>0%</b>
Railway Street K&G	Mon 3/08/15	90,750	91	0%
Progress Ass'n - gardens	Fri 28/08/15	5,000	0	0%
Drainage pipe renewal, Renshaw/Railway	Fri 25/09/15	10,000	0	0%
Street light	Fri 29/01/16	10,000	3,112	50%
<b>Coolah</b>	<b>Fri 22/04/16</b>	<b>537,456</b>	<b>260,344</b>	<b>0%</b>
Booyamurra St rehab(1)	Fri 11/09/15	408,456	259,596	50%
Cycleway extension	Mon 11/04/16	106,000	0	0%
Street Light	Fri 30/10/15	8,000	748	0%
Footpath rehab	Fri 22/04/16	15,000	0	0%
<b>Coonabarabran</b>	<b>Fri 29/04/16</b>	<b>485,607</b>	<b>54,372</b>	<b>0%</b>
Cycleway underpass, Mary Jane Cain bridge	Fri 18/12/15	100,000	0	0%
Kerb blister, John/Cassilis	Fri 27/11/15	45,000	0	0%
Cycleway, north of bridge	Fri 26/02/16	160,000	0	0%
Footpath rehab, Dalgarno(John to Cowper)	Fri 29/04/16	20,000	0	0%
Pave rehab, Dalgarno St West	Fri 28/08/15	20,000	0	0%
John St. K&G rehab	Wed 26/08/15	70,000	11,159	15%
Nandi Park/Timor Rock toilet	Fri 25/09/15	10,607	5,118	50%
Shared path, Cooinda	Fri 31/07/15	60,000	38,095	60%
<b>Dunedoo</b>	<b>Fri 27/05/16</b>	<b>587,000</b>	<b>583,567</b>	<b>0%</b>
Heavy Vehicle Parking area(1)	Fri 27/05/16	422,000	416,857	100%
Milling Park Toilet(1)	Fri 25/09/15	150,000	156,617	100%
Footpath rehab	Fri 27/05/16	10,000	10,093	0%
Wallaroo drain. Design	Fri 26/02/16	5,000	0	0%
<b>Mendooran</b>	<b>Fri 29/04/16</b>	<b>32,631</b>	<b>20,974</b>	<b>0%</b>
Footpath rehab.	Fri 29/04/16	10,000	0	0%
Mendooran Park Toilets	Fri 25/09/15	22,631	20,974	100%
<b>Warrumbungle Water</b>	<b>Fri 25/11/16</b>	<b>3,017,566</b>	<b>83,155</b>	<b>0%</b>



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Task Name	Finish Date	Budget Allocation (\$)	Expend. (\$)	% complete
<b>Baradine</b>	<b>Fri 24/06/16</b>	<b>505,000</b>	<b>0</b>	<b>0%</b>
Meter replacements	Fri 24/06/16	5,000	0	0%
Renewal of treatment plant clarifier	Fri 27/05/16	500,000	0	0%
<b>Binnaway</b>	<b>Fri 25/11/16</b>	<b>500,000</b>	<b>0</b>	<b>0%</b>
Meter replacements	Fri 24/06/16	5,000	0	0%
Renewals water treatment plant	Fri 29/04/16	20,000	0	0%
Back up bore	Fri 25/11/16	475,000	0	0%
<b>Coolah</b>	<b>Fri 25/11/16</b>	<b>490,200</b>	<b>5,964</b>	<b>0%</b>
Mains extension - removal of dead ends	Thu 24/12/15	40,000	4,856	5%
Meter replacements	Fri 24/06/16	5,000	0	0%
Back up bore	Fri 25/11/16	445,200	1,108	0%
<b>Coonabarabran</b>	<b>Fri 25/11/16</b>	<b>986,766</b>	<b>51,593</b>	<b>0%</b>
meter replacements	Fri 24/06/16	10,000	2,570	20%
Tools	Fri 24/06/16	3,000	488	0%
Main extension - Jubilee Street	Fri 30/10/15	66,051	19,677	30%
Mains extension - removal of dead ends	Thu 24/12/15	60,000	0	0%
Raising Timor Dam wall - study	Fri 25/11/16	599,860	0	0%
Timor Dam - Fence repairs	Fri 26/11/15	197,855	28,858	30%
Telemetry upgrade - design	Fri 25/03/16	50,000	0	0%
<b>Dunedoo</b>	<b>Fri 24/06/16</b>	<b>113,000</b>	<b>25,598</b>	<b>0%</b>
Tools	Fri 24/06/16	3,000	0	0%
Evans Street - new main	Thu 24/12/15	50,000	25,269	60%
Bullinda Street, reservoir roof	Fri 25/03/16	60,000	329	0%
<b>Mendooran</b>	<b>Fri 25/11/16</b>	<b>422,600</b>	<b>0</b>	<b>0%</b>
meter replacements	Fri 24/06/16	5,000	0	0%
Back up bore	Fri 25/11/16	417,600	0	0%
<b>Warrumbungle Sewer</b>	<b>Fri 24/06/16</b>	<b>323,000</b>	<b>106,350</b>	<b>0%</b>
<b>Baradine</b>	<b>Fri 24/06/16</b>	<b>55,000</b>	<b>26,580</b>	<b>0%</b>
Treatment plant component renewal	Fri 24/06/16	10,000	0	0%
Pump station odour bed	Fri 25/09/15	45,000	26,580	60%
<b>Coolah</b>	<b>Fri 26/02/16</b>	<b>85,000</b>	<b>22,635</b>	<b>0%</b>
Mains relining	Fri 26/02/16	50,000	0	0%
Grit chamber invest. & design	Fri 26/02/16	30,000	0	80%
STP renewal	Fri 25/09/15	0	22,635	100%
RV dump site	Fri 25/09/15	5,000	0	0%
<b>Coonabarabran</b>	<b>Fri 24/06/16</b>	<b>133,000</b>	<b>2,995</b>	<b>0%</b>
Mains relining	Fri 26/02/16	70,000	0	0%
Tools - sewer rods	Fri 24/06/16	3,000	0	0%
Pump station renewal	Fri 26/02/16	60,000	2,995	0%
<b>Dunedoo</b>	<b>Fri 26/02/16</b>	<b>50,000</b>	<b>54,140</b>	<b>0%</b>
Dunedoo STP - renewal of aerator	Fri 25/09/15	0	54,140	100%
Mains relining	Fri 26/02/16	50,000	0	0%

Notes

(1) Includes budget allocation and expenditure from 2014/15 & 2015/16

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Attachment 2.0 – Maintenance grading of unsealed roads – Year to date accomplishment

Road Name	Category	Length
Avonside East/North	1	4.2
Avonside West	2	5.4
Bellings	2	3
Beni Crossing	1	5
Boogadah	3	4.21
Borah Creek	2	5.8
Brooklyn	1	4.1
Bungabah	3	1.5
Dennykymine	1	6.4
Finlays	3	6
Keech's	2	4.2
Leaders	2	20.5
Madigan	3	2.9
Marona	2	1.3
Merryula	2	8.7
Mia Mia	2	9.3
Mitchell Spring	1	11.5
Mowrock	3	4.8
Mt Hope	1	18.1
Munns	1	14
Neilrex	1	7
Pibbon	2	14.7
River	1	9.5
Sandy Creek	2	11.1
Sherbrooke	3	2
Table Top	3	4
Tibuc	3	2
Uphills	2	1.4
Upper Laheys Creek	3	16
Wattle Springs	2	5.5
Yaminbah	2	9.8

#### Unsealed Road - Upcoming Grading Maintenance program

Kurrajong Road  
Boomley Road & surrounding roads  
Dandry Road & surrounding roads  
Morrisseys Road

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 20 LEP Amendment – Erection of dwellings in RU1 Zone

<b>Division:</b>	Development Services
<b>Management Area:</b>	Town Planning
<b>Author:</b>	Town Planner – Ashleigh Stewart
<b>CSP Key Focus Area:</b>	Rural Development
<b>Priority:</b>	Residents and land owners can benefit from dwelling permissibility previously afforded under the former Coonabarabran LEP.

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### **Reason for Report**

To notify Council that the NSW Department of Planning and Infrastructure has officially gazetted the Warrumbungle Shire Council Local Environmental Plan (LEP) amendment to *Clause 4.2A - Erection of Dual Occupancies and Dwelling Houses on land in Zone RU1*. This amendment came into effect as of Friday 2 October 2015.

### **Background**

The Warrumbungle Shire LEP 2013 Clause 4.2A relates to the erection of dwellings in the RU1 Zone (Primary Production).

### **Prior to gazettal of the WLEP 2013**

Council Meeting 18 April 2013 (consideration of LEP submissions):

Council resolved to adopt a different version of Clause 4.2A to what was exhibited in September 2012; a version that would allow for the erection of a dwelling where previously permitted under the Coonabarabran LEP (Zones 1(b) and 1(c)).

Council's Previous Director Development and Community Services, Tony Meppem put forward Council's proposed changes to the Department of Planning on 24 May 2013. The Department and Parliamentary Counsel (who have the ultimate determination on the content of the LEP) did not adopt the proposed change. The version of the Clause as exhibited was retained in the final (gazetted) version of the LEP.

### **Post gazettal of the WLEP 2013**

Since gazettal of the WLEP the following requirements have applied to the dwelling permissibility in the RU1 Zone (to paraphrase Clause 4.2A): development consent cannot be granted for the erection of a dual occupancy or dwelling house within the RU1 Primary Production Zone unless:

- The allotment achieves the specified minimum lot size (of generally 500 or 600 ha); or
- The allotment was created under the previous Environmental Planning Instrument and a dwelling was permissible on that allotment prior to commencement of the WLEP; or
- The allotment was created from a subdivision approved before the WLEP commenced and, had the subdivision been registered, a dwelling would have been permissible before the WLEP commenced; or

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- The allotment is an 'existing holding' (as defined in the WLEP)

Since the commencement of the WLEP there has been considerable concern within the community regarding loss of dwelling entitlement in the RU1 Zone on land that was formerly zoned 1(b) and 1(c) under the CLEP.

Council's intention remained to retain dwelling permissibility for rural allotments where afforded prior to commencement of the WLEP, however not in perpetuity. Council therefore did not want to adopt the model clause that it originally resolved on in 2013, but to create a sunset provision for lost dwelling entitlement subject to a 5 year expiry.

Council addressed these matters with the Department and at the July 2014 Council Meeting (in accordance with the Department's advice) Council resolved as follows:

*That Council support the preparation of a Planning Proposal to address the issue of 'lost dwelling entitlement' under the current LEP Zone RU1, including any other amendments necessary, which would be determined at a later date.*

### **Summary**

The amendment to the Warrumbungle Local Environmental Plan 2013 will permit (as of gazettal on Friday 2 October 2015) the erection of a dual occupancy or dwelling house in Zone RU1 Primary Production, on an allotment on which a dwelling house could have been lawfully erected on land zoned 1 (b) Rural – General or 1 (c) Rural – Small Holdings under the provisions of the former Coonabarabran LEP 1990. The opportunity to erect a dual occupancy or dwelling house will end with the 5 year sunset provision (due on 2 October 2020), after which Clause 4.2A will revert to the wording as originally gazetted.

### **Issues**

The local community should be notified of the changes to Council's LEP via newspapers, social media etc.

### **Options**

Nil

### **Financial Considerations**

Nil

### **RECOMMENDATION**

For Council's information

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Item 21 Coolah Lions Club Project for Councils Support**

<b>Division:</b>	Development Services
<b>Management Area:</b>	Property and Risk
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Community and Culture
<b>Priority:</b>	CC3 – Our shire is home to vibrant arts and cultural life of the shire is promoted and supported as an essential aspect of community well-being

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### **Reason for Report**

Council has been approached by the Coolah Lions Club to support one of three projects proposed for the Coolah town area.

### **Background**

In April 2015 the Coolah Lions Club circulated a letter to the people of Coolah requesting the local community to nominate potential projects they wanted to see completed in Coolah. From this consultation process 198 responses were received and the following three projects were shortlisted based on the responses received. The Coolah Lions Club have presented the three shortlisted projects for Councils consideration and support.

### **Project 1 – Perrins Hill Lookout**

Perrins Hill Lookout is the lookout on Cassilis Road (Warrumbungle Way) towards Cassilis and Merriwa. The lookout is located approximately 6km from the town of Coolah. The Lions Club would like to locate table and chairs, an information board, bin facilities and possible barrier fencing to enable persons to park and enjoy the view.



Plate 1 - View from Perrins Hill Lookout

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Project 2 – Shade Sails in front of the Coolah Shire Hall

The second project is a proposal for shade sails to stand on four poles for summer/winter shade in front of the Coolah Shire Hall. The shade sails would be for use by the general public as an area in the main street to meet in front of the Coolah Shire Hall (Library and Gallery) where shade is minimal during the main part of the day.



Plate 2- Indicative image of proposed shade sails

### Project 3 – Refurbishment of McMasters Park facilities

The third project relates to the refurbishment of facilities within McMasters Park - a popular recreational park in the main street of Coolah. The Lions Club wish to install new toilets within the park, fix the existing BBQ area, install sensor lighting to assist in the control of vandalism and loitering and finally reinstate the Lions Logo in the park. The club aims to have at least one toilet available to the public 24 hours a day, 7 days a week (with the Lions Club taking financial responsibility for vandalism repairs on the 24/7 hour toilet).

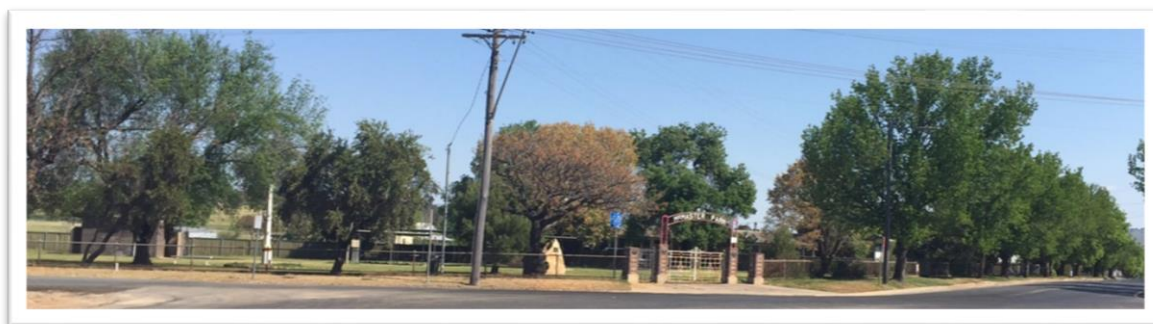


Plate 3 - McMasters Park Coolah

The Lions Club of Coolah has a long history with this park. In 1968 the Lions Committee first got together to propose more seating and children's play equipment. In 1969 the external fence was built by the Lions Club and through the years this has been followed by making the bricks for the old BBQ area to building the toilet in 1974.

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Summary of Projects**

The Lions Club have requested that Council supports at least one of these three projects. If one of the shortlisted projects is not supported by Council the Lions Club has indicated it will revisit the submissions received from the Coolah community and find other suggested projects that might be considered and supported by Council.

### **Issues**

With each project it is noted that some issues will need to be addressed;

#### **Project 1 – Perrins Hill Lookout**

Council has investigated this project previously. Technical Services have raised concerns with safety and traffic issues such as lack of sight distance for turning traffic (into and out of the parking area), the necessary for guard fencing, the requirement for RMS to review the proposal, as well as the cost to Councils budget for maintenance of the site and facilities.

#### **Project 2 – Shade Sails in front of the Coolah Shire Hall**

The main street of Coolah, Binnia Street, is noted as being with Coolahs Heritage Conservation Area. A Development Application would be required for this project.

#### **Project 3 – Refurbishment of McMasters Park facilities**

With the history of the Lions Club Coolah working on McMasters Park the option to upgrade facilities that they originally installed would be beneficial. The reinstatement of the Lions Club Logo (which was moved to the Coolah Driver Reviver) would again document the long history the Club has had with this park and Coolah. A development application will also be needed for this project.

All these projects would be completed by appropriate independent contractors and volunteers would only be used for none specialised work. All volunteers working on Council land would have to be inducted into the Council Volunteer program prior to working at any Council site.

### **Options**

Council has the option to choose one of the three projects brought to Council by the Lions Club being;

1. Perrins Hill Lookout
2. Shade Sails in front of the Coolah Shire Hall
3. Refurbishment of McMasters Park facilities

### **Financial Considerations**

All projects are to be funded by Lions Club Coolah with moneys they already have and monies they intend to raise. The cost to Council will be around ongoing maintenance, insurance.

Perrins Hill Lookout exists only as a verge off the road that was funded by RMS road sealing on that road. The instalment of picnic tables, signs and barrier fencing would be added assets to Councils asset list and incur insurance costs and maintenance costs to Council budget. The Black Stump Rest Area is budget for \$17,000 and this site should be less that that due to its smaller size and facilities.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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Coolah Shire Hall Shade Sails project after installation would really only cost Council the cost of maintenance/repairs and insurances of an asset. The cost for maintenance is expected to be low.

McMasters Park already has budget funding for maintenance, horticulture, insurance and cleaning so the current budget forecast for this asset should not vary. As we are also upgrading facilities not creating new facilities the insurance costs should also remain the same. The Lions Club has also iterated that they will cover the cost of any vandalism repairs in the toilet that is open 24/7.

MANEX considered the three projects and are in favour of the McMasters Park project, due to the fact that the current toilets require upgrading.

### **RECOMMENDATION**

That Council recommend option 3 - McMasters Park refurbishment be selected as Councils preferred option.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 22 Pump House Camping Ground Binnaway Update

<b>Division:</b>	Development Services
<b>Management Area:</b>	Property and Risk
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Public Infrastructure and Services
<b>Priority:</b>	PI2 – The long term wellbeing of our communities is dependent on the ongoing provision of high quality services in health and aged care services in health and aged care, education, policing and public safety, child, youth and family support, environmental protection and land management

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### Reason for Report

To update Council on progress of a Council Resolution that is over 12 months old.

### Background

The Pump House Camping Ground located at Binnaway is situated on northern side of Binnaway off the Warrumbungle Way. The camp ground has been in existence since 2006 and is the responsibility of Council. The site is well noted in camping journals and destination books as a recommended stop for campers in the area.

Concerns had been raised about the validity of the Camp Ground and the Licences for the Binnaway Development Group to run the site as a Primitive Camp Ground with compliance to the Caravan Park under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. One other issue is that the property on which the camp ground is located is a local road reserve known as Castlereagh Avenue with no Lot or DP.

The previous resolution from the ordinary Council meeting on the 21<sup>st</sup> August 2014:

### Item 27 Pump House Camping Ground Binnaway

#### 57/1415 RESOLVED:

1. That Council agree to continue to operate the Binnaway Pump House Camp Ground as a Primitive Camping Ground subject to a new DA being approved for this use.
2. The current Licence agreement for the Binnaway Pump House Camp Ground be reviewed.
3. That the Binnaway Pump House Camp Ground land be acquired and determined as operational land.

**Schmidt / Clancy**  
**The motion was carried**

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Issues**

The Binnaway Pump House Camp Ground has continued to be run as a Primitive Camping Ground by the Binnaway Development Group. The DA is in the process of being completed with new plans being drafted to make the camp ground compliant as a Primitive Camp Ground, nor a Caravan Park under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005.

The Licence agreement has been reviewed and was deemed suitable to stay in place only until the property has been acquired by Council. When the property is acquired the title deeds must be noted with the Licence agreement for the use of the site.

Application is underway with the Department of Primary Industries – Lands, Crown Roads to acquire part of Castlereagh Avenue with the site being surveyed and relevant information sent to the department to commence the process.

### **Options**

Council has the option to continue with the acquisition of part of Castlereagh Avenue and continue to follow the instructions set out in resolution 57/1415.

### **Financial Considerations**

The operation of this site does not bring any funds to Council. All costs incurred have been the responsibility of the licensee as per their licence agreement.

To make the road into an operational parcel of land council is required to close part of Castlereagh Avenue at a cost of up to \$800 dollars.

To operate the site as a Primitive Camp Ground infrastructure needs to be developed to abide with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005. Cost for making the toilet facilities compliant should be able to be covered within the current budget for Property and Risk Management.

### **RECOMMENDATION**

That Council continues the acquisition as resolved previously in resolution 57/1415.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 23 Solar Panel Fitment to Council Buildings Update

<b>Division:</b>	Development Services
<b>Management Area:</b>	Property and Risk
<b>Author:</b>	Manager Property and Risk – Jennifer Parker
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF 5 – Council is severely burdened by the increasing costs of service provisions and asset management and its reliance on grants and other funding, together with a limited rate base, rate capping and restricted capacity to source income from other areas.

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### Reason for Report

Council has requested an update of this project.

### Background

In December 2014 a paper was presented to council regarding the fitment of solar panels to appropriate Council buildings and the viability of implementing. Council Resolution 202/1415 was to engage an independent consultant to investigate fully the benefits Council will receive from the installation of Solar PV on all appropriate buildings, and that quotes be obtained from quality suppliers, and furthermore Council undertake a financial analysis of the various purchase options best suited to Council's needs.

In May 2015, after an EOI had been prepared and advertised for the independent consultant, Council engaged Energy Management Services (EMS) to assist Council in the project.

EMS have investigated all sites that council has power to and the top ten sites are in the process of having data loggers installed to quantify that they are viable sites with the day time electricity use. New sites that are Community Based Licenced will also be included ie the Binnaway Barracks. The aim is to cost offset the cost of running these sites for those community groups. When this logging is complete all viable sites will be noted for quotes for fitment of solar panels. Council will then be in a position to undertake a financial analysis on what is the best option for Council. The next step in the process would see a further report to Council, providing a recommendation on the best sites for solar panel installation; and options to move for with the installation of same.

### Issues

Not Applicable

### Options

Not Applicable

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### **Financial Considerations**

Not Applicable

### **RECOMMENDATION**

For Council's information.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 24 Development Application 25/1415

<b>Division:</b>	Development Services
<b>Management Area:</b>	Town Planning
<b>Author:</b>	Director Development Services - Leeanne Ryan
<b>CSP Key Focus Area:</b>	Rural and Urban Development
<b>Priority:</b>	RU1 Land use planning across the shire acknowledges the rural character of the area whilst encouraging ecologically sustainable development

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### Reason for Report

For Council to consider whether to grant development consent for a Designated and Integrated Development Application for an existing piggery of 350 sows and its proposed expansion to 400 sows, in Baradine.

### Background

Background information is provided in the 'Summary of Report' below.

### Issues

- The existing piggery has been in operation for a number of years, however, it has not obtained the required development consent under the *Environmental Planning and Assessment Act 1979* or the required licences/approvals under the *Protection of the Environment Operations Act 1979* and *Water Management Act 2000*.
- The NSW Environment Protection Authority (EPA) has raised various issues of environmental concern in relation to the existing operation and proposed expansion. The EPA has previously stated that it may require the piggery to de-stock to a certain extent until such time as the necessary environmental controls are in place.
- The EPA cannot issue an Environmental Protection Licence for the piggery under the *Protection of the Environment Operations Act 1979* until such time as development consent is issued.
- Environmental concerns of the EPA relate primarily to effluent disposal, groundwater impacts, surface water impacts, general environmental management and amenity impacts on surrounding land (odour, dust and noise).

### Options

1. *Council grants development consent subject to the drafted conditions*  
If Council determines to grant development consent, the EPA will be able to licence the operation and are unlikely to require de-stocking. By granting consent, Council will be able to enforce conditions to protect the environment and the amenity of surrounding areas. Ultimately Council will have some assurance that the use is operating lawfully and to the required standard.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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However, it should be noted that if intersection upgrade works are to be undertaken in accordance with the recommendations of the RMS and Director of Technical Services, and if those works encroach upon Crown Land, that Council may have to take over a part or all of the Crown Land which is used to access the site.

2. *Council grants development consent subject to variations in the drafted conditions*

The conditions have been formulated in accordance with the requirements of statutory referral authorities and the recommendations of Council staff. The conditions are intended to reduce the potential for adverse environmental impacts, including impacts on the amenity of surrounding land. Changes to these conditions may compromise these aims.

3. *Council does not grant development consent*

If Council refuses the application, the EPA will be unable to licence the operation and may require the piggery to de-stock. Additionally, the piggery operation will remain an unlawful and an unregulated operation.

### **Financial Considerations**

Third party appeal rights apply to Designated Development Applications. As such, financial considerations relate to the cost of legal representation in defending any appeal against Council's decision in the Land and Environment Court.

### **REPORT**

The following assessment is a summarised version of the Section 79c Planning Report (attached).

#### **List of Attachments:**

- S79c Planners Report and Conditions of Consent
- The EPA's General Terms of Approval
- The NOW's General Terms of Approval

#### **Application Details:**

DA number	25/1415 lodged 2 October 2014
Proposal for:	Designated Development Application and Integrated Development <ul style="list-style-type: none"><li>• Existing piggery of 350 sows</li><li>• Expansion of the piggery to 400 sows</li><li>• Associated extensions to dry sow house and weaner shed</li><li>• Proposed changes to waste management (including new effluent ponds)</li><li>• 5 existing full time employees to be retained (no increase)</li></ul>
Owner	Paul and Mary Camilleri
Applicant	Paul Camilleri

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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Land	Lot 26 DP 750322 176 Baradine Road, Baradine
Zoning	RU1 Primary Production
LEP	Warrumbungle Local Environmental Plan 2013
Vehicle Access	Via Crown Land Lot 7005 DP1002065 to Baradine Road.
Assessing Officer	Council Town Planner, Alia Slamet.

**Site History** According to the applicant the Piggery has been in operation for approximately 40 years, however, the piggery has only been stocked at around 200 sows+ (designated development amount) since 2009.

Council file records are limited to:

- 2005: A Section 149(5) Certificate which states that the current approved use of the property is 'general agriculture'.
- 2008: A complaint from a concerned resident advising that the owner has engaged a contractor to erect an effluent pond and they are concerned about flooding and overtopping of the pond.
- 2011: A complaint made about odour from the Piggery.
- 2011: A follow up Council staff inspection which raised questions about the management of wastewater and solid waste.

There were several notes on file questioning the permissibility /approval status of the Piggery operation but no evidence of any action or further enquiry having been undertaken by Council.

### **Summary of Report:**

The application seeks approval for the existing piggery operation of 350 sows and the proposed expansion to 400 sows, including extensions to existing sheds and new service infrastructure (effluent ponds).

This application is designated development and as such needs to be advertised as well as having a detailed Environmental Impact Statement Prepared. The application was exhibited from 20 February 2015 to 21 March 2015

The piggery has been operating for an extended period of time without the required approvals and licencing under the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations Act 1979* and the *Water Management Act 2000*. It is understood that the development application was lodged with Council in response to possible enforcement action from the EPA, requiring the piggery to de-stock until the appropriate environmental controls are in place. The EPA is unable to licence the piggery until development consent for the operation is issued.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

The key issues of this application have been in relation to:

- Amenity of surrounding rural and urban land (in particular relation to noise, dust, odour),
- Management of effluent, separation from storm water, and groundwater impacts.
- The suitability of existing effluent ponds with regards to drainage, capacity, permeability and groundwater impacts.
- The suitability of the carcass pit, manure stockpile and composting pad with regards to permeability and groundwater impacts.
- Bore water use and approvals.
- Obtaining the required General Terms of Approval (GTA) from the NSW Environmental Protection Authority (EPA) and NSW Office of Water (NOW) – both are Integrated Development referral agencies and therefore their GTAs are required in order for Council to issue consent.

The application has been assessed against the Section 79C heads of consideration of the *Environmental Planning and Assessment Act 1979*, including:

- *Environmental Planning and Assessment Regulation 2000*;
- *State Environmental Planning Policies: SEPP No 30 – Intensive Livestock Industry; No 44 – Koala Habitat Protection, 55 – Remediation of Land; Rural Lands 2008.*
- *Deemed SEPP Orana Regional Environmental Plan Number 1 – Siding Springs*
- *Warrumbungle Local Environmental Plan 2013 and Development Control Plan 1 – Lighting Code.*

Integrated Development (statutory) referrals were made to the EPA and NOW. Referral comments were received from the following Government agencies and organisations during public exhibition of the application:

- *Department of Primary Industry (DPI):*  
Concerns raised by the DPI in relation to emergency management and a mass burial pit have been addressed by the proponent.
- *Office of Environment and Heritage (OEH):*  
The applicant has addressed the Aboriginal Heritage and native fauna and flora concerns in response to advice provided by the OEH.
- *Roads and Maritime Services (RMS):*  
The RMS has recommended that intersection/access upgrade works occur at Baradine Road.
- *Local Land Services (LLS):*  
The LLS had no objection or comments in relation to the application.
- *Baradine Local Aboriginal Land Council (BLALC):*  
BLALC did not raise any concern with the proposal.
- *Australian Astronomical Observatory (AAO):*  
To limit light pollution, the AAO recommended conditions relating to the baffling of one external light fixture and that replacement lamps be restricted to a certain light colour type.
- *EPA General Terms of Approval – Issued – notice Number 1532481*
- *NSW Office of Water (NOW)*  
General Terms of Approval – dated 15 June 2015

There were no private submissions made.



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

The following internal referrals were undertaken:

- *Council's Building Certifier:*  
The Building Certifier had no issue with the plans and recommended that a Fire Safety Schedule be added as a condition of consent.
- *Council's Director Technical Services:*  
The Director of Technical Services found that the RMS recommendations regarding upgrading of the access/intersection with Baradine Road should be adopted and enforced as conditions of consent.

The application was lodged on 2 October 2014. The delay in determination of the application can be attributed to the time taken by the applicant to provide information to the satisfaction of referral agencies, in particular the EPA. Despite the EPA requesting in February 2015 that Council take 2 – 3 months to determine the application, it has taken the EPA approximately 8 months to be satisfied that the information provided is sufficient in order to issue its GTAs and for Council to determine the application.

It is the position of the EPA that subject to compliance with its GTAs, that the main environmental issues have/can be addressed. The NOW also issued its GTAs relating to water licencing and groundwater monitoring.

If consent is issued, it must be subject to the GTAs of the EPA and NOW as well as the other conditions of consent recommended to Council.

### **Summary of Recommendation**

It is recommended that Council resolve to grant development consent subject to the conditions contained in this report.

### **Subject Site and Locality:**

The site (Lot 26 DP 750322) is located approximately 1km south of the edge of Baradine town (land zoned RU5 Village) and approximately 2km from the centre of town. Existing development of the site includes a manager's residence, site office/amenities building, four stock housing sheds (steel frame construction, clad, with concrete base), a storage shed, above ground water tanks, a manure stockpile and a carcass pit.

The site is separated from large lot residential development to the north by a vegetative buffer comprised of privately owned land and Travelling Stock Route land (Crown Land managed by Local Land Services). The existing piggery is located approximately 1km from the nearest dwelling to the north and approximately 1.8kms from the closest dwelling to the east. The site is bordered to the east by Baradine Road and agricultural land (grazing and cropping) surrounds the site to the south and west.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

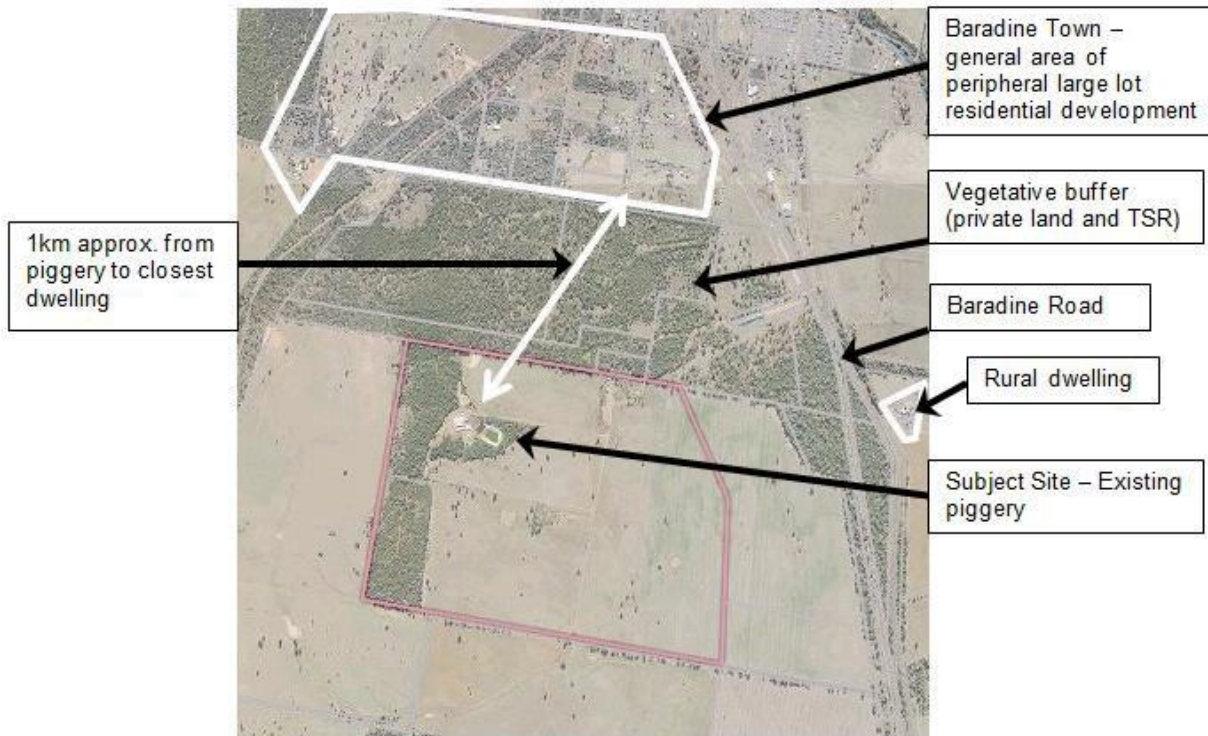


Image: WSC GIS 2010 aerial photo of the site

### **Proposal:**

The Designated and Integrated Development Application is for:

- Existing piggery of 350 sows;
- Expansion of the piggery to 400 sows;
- Associated extensions to dry sow house and weaner shed;
- Proposed changes to waste management system (including new effluent ponds).

### **Exhibition:**

The Development Application was exhibited at the Council's offices in Coonabarabran and Baradine as well as being placed on Council's website. In addition a notice was placed on the land

The DA was exhibited from 20 February 2015 to 21 March

2015. There were no public submissions.

The DA was also referred to relevant Government Agencies and the responses from these agencies have been outlined in this report.

### **Assessment:**

The following matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, are relevant in considering this application:

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

- a. *The provisions of any environmental planning instrument: any draft environmental planning instrument that is or was on public exhibition and which have been notified to the consent authority: any DCP: any matters prescribed by the regulations that apply to the Development Application on the subject land*

The provisions of any matters prescribed by the EP&A Regulations that apply to the land to which the development application relates:

### **Part 1 – Preliminary**

Pursuant to Clause 4 and Schedule 3 of the Regulations, the application is 'designated development', being an application for a piggery (livestock intensive industry) that accommodates more than 200 breeding sows. The site is also located within 5kms of a residential zone (village RU5) and has the potential to significantly affect the amenity of the surrounding area.

Accordingly, the Director General Requirements were provided by the *Department of Planning and Environment*, and an *Environmental Impact Statement (EIS)* was carried out and provided with the application.

### **Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures):**

There is no proposed demolition of structures; therefore this regulation does not apply.

### **Clause 93 - Fire Safety Considerations (change of use of an existing building):**

There is no proposed change of use of an existing building; therefore this regulation does not apply.

### **Clause 94 - Fire Safety Considerations**

*(rebuilding/altering/enlarging/extending existing building):*

The provisions of Clause 94:

1. *This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:*
  - (a) *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or*
  - (b) *the measures contained in the building are inadequate:*
    - (i) *to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
    - (ii) *to restrict the spread of fire from the building to other buildings nearby.*
2. *In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

In consideration of subclause (1), the proposed building work (shed extensions) will not represent more than half the total volume of each building. Also, Council's Building

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

Certifier did not consider that the existing building and additions would be inadequate to protect persons using the building and to facilitate egress in the event of fire, given that the sheds are unenclosed. He did not consider that it was necessary to require additional measures to restrict the spread of fire from the buildings to other buildings.

In consideration of subclause (2), Council's Building Certifier has advised that the requirement for a fire safety schedule requiring fire extinguisher/s should be sufficient in the interest of fire safety.

### **The provisions of any environmental planning instrument;**

#### ***State environmental planning policies:***

*Deemed State Environmental Planning Policy – Orana Regional Environmental Plan No.1 – Siding Spring*

#### Comment:

The site is located over 30kms (as the crow flies) from the Siding Spring Observatory (land owned by the Australian National University). Being over 30km from the ANU land, consultation with the Observatory is required for development lighting exceeding 12,000 lumens. Concurrence from the Director of Planning is required for development lighting exceeding 1,000,000 lumens.

The existing development consists of lighting totalling 162,400 lumens. Outdoor lighting accounts for only 11,600 lumens, the remainder being pig shed lighting that is housed in the internal peaks of the roofs. There is no new lighting proposed. The application was referred to the AAO for consultation as required.

The request of the AAO is consistent with the *WSC Development Control Plan No1 – Lighting Code*, which aims to minimise upward light spill. Although the DCP does not apply to 'existing lighting', the piggery development lighting has never been assessed and therefore the DCP is considered to apply. The requests of the AAO should therefore form conditions of consent if issued.

#### *State Environmental Planning Policy No 30 – Intensive Agriculture*

*This SEPP relates to Cattle feedlots and piggeries over a specific size which is outlined in clause 6 of the SEPP, and puts in place development assessment criteria to aid Councils in the determination of the DA.*

#### *2 Aims, Objectives etc.*

##### *(1) The aims of this Policy are:*

- (a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and*
- (b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and*
- (c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration:*
  - (i) the adequacy of information provided, and*
  - (ii) the potential for odour, water pollution and soil degradation, and*

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

- (iii) measures to mitigate potential adverse impacts, and*
- (iv) measures for the health and welfare of animals, and*
- (v) relevant guidelines,*  
*so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries.*

Comment:

Development consent is required from WSC for the existing piggery operation of 350 sows and proposed expansion to 400 sows. The application was placed on public exhibition in accordance with the requirements of the EP&A Regulations. Information was provided by the applicant over the course of the DA assessment as required by Council, the EPA, the NOW and the DPI with respect to the matters identified in subclause 1(c).

*7 Consideration of development applications for cattle feedlots or piggeries*

- (1) Sections 84, 85, 86 and 87 (1) of the Environmental Planning and Assessment Act 1979 apply to development to which clause 6 applies in the same way as those sections apply to designated development.*

Comment: N/A

- (2) A statement of environmental effects that accompanies a development application for consent to carry out development to which clause 6 applies must include a description of the design features of the proposed feedlot or piggery and an outline of proposed management practices intended to address the matters set out in subclause (3) (b), (c), (d) and (e).*

Comment:

The EIS includes a description of the design features of the operation (including waste management) and sets about the requirement for an EMP as a post-consent requirement that attends to the matters set out in subclause (3) (b), (c), (d) and (e).

- (3) In determining whether or not to grant consent to a development application for the purposes of a cattle feedlot or piggery to which clause 6 applies, the consent authority must take into consideration:*
  - (a) the adequacy of the information provided in the statement of environmental effects or environmental impact statement accompanying the development application, and*
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site, and*
  - (c) the potential for the pollution of surface water and ground water, and*
  - (d) the potential for the degradation of soils, and*
  - (e) the measures proposed to mitigate any potential adverse impacts, and*
  - (f) the suitability of the site in the circumstances, and*
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals, and*
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for*

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

*the establishment and operation of cattle feedlots or piggeries published, and made available to the consent authority, by the Department of Agriculture and approved by the Director of Planning.*

Comment:

- a) The information provided by the applicant in the EIS and supplementary information provided throughout the assessment has been sufficient for Council and the integrated referral authorities (EPA and NOW) to make an assessment as to the impacts of the existing operation and proposed expansion, for EPA and NOW's to issue GTAs and for Council to make a determination.
- b) The EPA is satisfied that odour impacts can be minimised so as to not adversely impact upon the amenity of residences and other sensitive receptors given the distance to sensitive receptors, prevailing wind direction, and proper management of livestock and waste.
- c) The potential for pollution of surface water and groundwater has been a serious consideration of both the EPA and NOW. The applicant was unable to determine that the existing effluent ponds are not contributing to pollution of groundwater, thus the construction of new effluent ponds is required. The EPA's GTAs require that the ponds are constructed to the necessary permeability standard and that they are of sufficient capacity to achieve the set maximum overtopping frequency. NOW's GTAs require monitoring of groundwater impacts. The EPA has been satisfied by engineered plans of the proposed drainage system, that there will be effective containment and separation of surface water/stormwater from polluted water/effluent.
- d) The degradation of soils is likely to be mitigated by the containment and separation of surface water from polluted water/effluent, through bunding of fuel storage, safe management of agricultural chemicals, and through management of land to prevent erosion (e.g. carcass pits).
- e) It is recommended that a condition of consent be imposed requiring that the proponent provides to Council an Environmental Management Plan (EMP) that demonstrates how the proposed operation will manage and mitigate potential adverse environmental impacts.
- f) The site is considered acceptable for the existing operation and proposed expansion. The development is located on agricultural land, at sufficient distance from sensitive receptors, and will involve the construction of new service infrastructure to ensure that there is no adverse impact on groundwater or surface water. Although sufficient information is available for determination of the application, there are further requirements of the applicant to ensure that adverse impacts can be properly managed (such as preparation of an EMP and demonstration of compliance with the GTAs of the EPA and NOW).
- g) In the EIS submitted and in supplementary information provided, the applicant has indicated their intention to comply with the relevant industry codes of practice for the health and welfare of animals, with reference to the Model Code of Practice for

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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the Welfare of Animals (CSIRO, 2008). Compliance with this code should be demonstrated in the EMP.

- h) The proposal is to be generally consistent with *EIS Guidelines for Piggeries 1996 (Department of Urban Affairs and Planning)* and the *National Environmental Guidelines for Piggeries 2010 (Australian Pork)* subject to compliance with GTAs and preparation of and compliance with an EMP.

### *State Environmental Planning Policy No 44 – Koala Habitat Protection:*

Based on data obtained from the OEH, the EIS assessment found that protected and vulnerable fauna and flora were associated with the locality, including the koala. Council requested a specific Koala Habitat Assessment from the applicant, however the applicant has requested that Council rely on the information included in the EIS.

To augment the information provided in the EIS, Council has undertaken a search of the OEH Atlas of NSW Wildlife database (Bionet) and found that there were a number of koala feed tree species (as listed in Schedule 2 of the SEPP) known to exist in the locality.

Pursuant to the SEPP:

*Potential koala habitat* means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

*Core koala habitat* means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

Based on the information available to Council (OEH Bionet records as well as the EIS) and in consideration of Clause 7 of the SEPP, it has been determined that the vegetated part of Lot 26 may form 'potential koala habitat' given the presence of feed tree species in the area. However in consideration of Clause 8, Council has no evidence at its disposal to suggest that the land is core koala habitat. Accordingly, Council is able to grant consent for the development application without a koala habitat management plan.

Given there is no vegetation removal proposed or required, Council is satisfied that the development is unlikely to affect koala habitat. If the vegetated area of the site and adjoining land is indeed koala habitat then the environmental management practices of the EMP are likely to minimise the impact of the operation on the surrounding ecosystem.

### *State Environmental Planning Policy 55 - Remediation of Land:*

- 7 Contamination and remediation to be considered in determining development application:

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

Pursuant to Clause 7:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment:

The only known sources of potential land contamination relate to agricultural activities of the existing piggery operation. The EIS has advised that the use of chemicals on site is limited to minor quantities of pesticides used for the management of flies and vermin and the use of diesel and petroleum for the operation of pumps and small machinery. Soil contamination from effluent is also likely.

If contamination of the site exists from any of the above activities, the land would still be considered suitable for the continuation of the piggery use and proposed expansion. That is, there is no proposed change of use that would be precluded by such contamination. Nonetheless, proper management of effluent, fuels and chemicals (including bunding of fuel storage) is required to prevent spills, leaks and contamination of soils in future.

This is included in the EMP which is a condition of consent.

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

**7 Rural Planning Principles:**

*The Rural Planning Principles are as follows:*

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

*(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Comment:

The application is consistent with the Rural Planning Principles in contributing to the growth of productive and sustainable economic activities in rural land. The assessment of environmental impacts and involvement by the EPA and the NOW will serve to protect natural resources including groundwater.

**Local environmental plans:**

*Warrumbungle Local Environmental Plan 2013 (WLEP) applies as follows:*

**Clause 1.2 Aims of Plan**

- (a) to encourage sustainable economic growth and development in Warrumbungle,*
- (b) to encourage and provide opportunities for local employment growth and the retention of the population in Warrumbungle,*
- (c) to encourage the retention of productive rural land for agriculture,*
- (d) to identify, protect, conserve and enhance Warrumbungle's natural assets,*
- (e) to identify and protect Warrumbungle's built and cultural heritage assets for future generations,*
- (f) to facilitate the equitable provision of social services and facilities for the community,*
- (g) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with and will not compromise the natural resource and heritage values of the surrounding area.*

Comment:

The application is consistent with the WLEP Aims of Plan, in particular it will contribute to economic growth and development in rural industry and potentially employment growth.

**Land Use Table**

RU1 Primary Production Zone objectives:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- To minimise the fragmentation and alienation of resource lands.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment:

Intensive livestock agriculture (piggery) is permissible with consent under the RU1 Primary Production Zone. The proposal would contribute to sustainable primary industry in the Baradine area and, based on the assessment provided in the EIS (noise, odour, dust) and the advice provided by the EPA, as well as the recommended Environmental Management Plan, the operation is unlikely to cause conflict between land within the RU1 Zone and sensitive receptors in adjoining Zones.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

### **Clause 4.1 Minimum Lot Size.**

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,*
  - (b) *to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services,*
  - (c) *to ensure rural lands are not fragmented in a manner that threatens their future use for agriculture or primary production,*
  - (d) *to ensure subdivision is not likely to result in inappropriate impacts on the natural environment, including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities.*

### Comment:

The application does not involve any proposal to subdivide land. However in order to prevent future fragmentation of land surrounding the operation it is considered reasonable to require consolidation of the site (Lot 26 DP 750322) with Lot 27 DP 750332, the adjoining land to the west, which is also currently owned by the applicant.

It is noted that the existing carcass disposal pits and the proposed location of the mass burial pit (if required) are located to the western edge of Lot 26 (abutting Lot 27). Consolidation of the two lots (which are both under the same ownership) would provide Council with some assurance that buffer distances are maintained between the piggery operation and existing and future adjoining land uses. This will reduce the potential for any future land use conflict occurring from the operation of the piggery.

### **Clause 5.1 Heritage conservation**

#### *Objectives:*

- (a) *to conserve the environmental heritage of Warrumbungle,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

### Comment:

There are no known European heritage values pertaining to the site. The applicant undertook a search of the NSW Aboriginal Heritage Information Management System (AHIMS) and found that there were no aboriginal sites or places that have been recorded within Lot 26. Also, the due diligence process as per the *Due Diligence Code for Protection of Aboriginal Objects in New South Wales (DECCW 2010)* yielded no indication that further investigation was warranted. The Baradine LALC advised they had no comment with regard to the proposed expansion.

There is considered to be a low risk of disturbing objects or places of aboriginal cultural significance based on the developed nature of the site as both grazing land and for intensive livestock industry, and given there was no indication of the presence of items of Aboriginal Heritage value located at the site. As mentioned previously, it should be a requirement of any consent issued that works must cease and an AHIP must be applied for if there is any evidence of aboriginal relics while works are being undertaken.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

### **Clause 6.1 Earthworks**

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) *Development consent is required for earthworks unless:*
  - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*
  - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
  - (b) *the effect of the development on the likely future use or redevelopment of the land,*
  - (c) *the quality of the fill or the soil to be excavated, or both,*
  - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) *the source of any fill material and the destination of any excavated material,*
  - (f) *the likelihood of disturbing relics,*
  - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

### Comment:

The applicant was unable to scientifically substantiate their claim that the existing effluent ponds were not contributing to groundwater contamination. As such, the proponent is required by the EPA's GTAs to construct new effluent ponds (earthworks) as a condition of consent.

In consideration of subclause (2):

- a) The new effluent ponds are proposed to be located on land currently used for grazing/cropping, 200m north of the existing effluent ponds at the furthest point. The EIS site layout and drainage plan indicates that the general stormwater flow from the piggery is north towards the location of the new ponds. It is understood that the ponds are proposed to be located at this site because of the natural slope of the land assisting contained drainage of effluent. Little information / assessment has been provided with regards to construction details, as such the EPA's GTAs include a requirement that construction details are provided within 3 months of the issue of consent. Further consideration of the earthworks on drainage patterns and soil stability can be undertaken at this stage.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

- b) Effluent ponds are considered to be a form of long term infrastructure. Given the current zoning of the land and established agricultural use of the site, it is unlikely that establishment of effluent ponds (earthworks) will adversely affect future preferred development/re-use of the land. That is, given the rural zoning of the site and surrounding area, there is unlikely to be redevelopment of the land for residential or other purposes.
- c) The quality of the soil to be excavated is not yet known.
- d) The most significant effect with respect to adjoining properties is the potential for odour impacts. The EPA's GTAs include requirements to demonstrate that unreasonable odour impacts are prevented through proper management. This is to be included in the EMP proposed as a condition of consent.
- e) The destination of excavated material has not yet been established. This aspect can be assessed when construction information is provided for the proposed ponds.
- f) Please refer to the Clause 5.10 Heritage assessment in this report.
- g) According to information provided 29 April 2015, the site of the proposed ponds is located over 500m from the nearest water courses and therefore potential for impact on aboveground waterways is considered to be minimal. The proposed earthworks and construction of the effluent ponds are subject to approval by the EPA, of particular concern is the potential for adverse impacts on groundwater. These impacts will be addressed and assessed via condition of consent.
- h) To mitigate adverse impacts, consistent with the National Environmental Guidelines for Piggeries (NEGP), the applicant proposes to: construct the ponds to the required minimum permeability and of capacity to prevent overtopping frequency of once in every 10 years or less; to divert 'clean' stormwater; to comply with best practice maintenance regimes to ensue minimisation of offensive odour.

### ***Clause 6.2 Flood planning:***

#### ***Comment:***

The land is not affected by the WLEP Flood Planning Map and is not known historically to be flood prone. Therefore no assessment is required under this Clause.

### ***Clause 6.3 Terrestrial biodiversity:***

#### ***Comment:***

The land is not affected by the WLEP Terrestrial Biodiversity Map; therefore no assessment is required under this Clause.

### ***Clause 6.4 Groundwater***

#### ***vulnerability: Comment:***

The land is not identified as 'groundwater vulnerable' land on the WLEP Groundwater Vulnerability Map and therefore this Clause does not apply to the application. It is noted, however, that issues of groundwater contamination have been a serious consideration of this application. The consent if issued will be conditioned with the

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

GTAs of the NOW and EPA, which relate to implementation of drainage and effluent disposal systems to prevent groundwater contamination and monitoring of groundwater.

### ***Clause 6.5 Riparian land and watercourses:***

#### **Comment:**

The land is not affected by Councils Riparian Lands and Watercourses Map and is not located within 40m of the top of the bank of land identified as watercourse on that map; therefore no assessment is required under this Clause.

### ***Clause 6.6 Essential services:***

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

#### **Comment:**

The NOW has required (in its GTAs) that the applicant obtains the required licences for access to bore water, in doing so demonstrating that sufficient water supply is available for the operation. The NOW are satisfied that this can be a post-consent requirement. The site is connected to the local electricity network. In the case of an emergency the operation has currently in excess of 180,000litres of tank water available and generators are in place for back up power.

Stormwater drainage is satisfactory from the site.

The adequacy of vehicular access has been addressed by the Director of Technical services in the section 'Internal Referrals' of this report.

**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:**

### ***Draft State environmental planning policies:***

There are none known of.

### ***Draft local environmental plans:***

There is no draft planning proposal that affects the development.

**Any development control plan:**

### ***Development control plan:***

*Development Control Plan No 1. – Lighting Code for Protection of Siding Spring Observatory applies.*

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

The objective of the DCP is to guide development lighting in order to protect and preserve the dark night sky from light pollution in the interest of the Siding Spring Observatory.

As mentioned under the assessment of the Orana REP, the subject site is located over 30kms from the Observatory land owned by the Australian National University.

The application was referred to the Australian Astronomical Observatory (AAO) for consultation under the Orana REP. The conditions of the AAO are consistent with the provisions of the DCP and therefore should be imposed on the consent.

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

***Construction (Does it comply with BCA & relevant standards?):***

The application includes an extension to the dry sow house shed and wiener shed. Council's Building Certifier has indicated that the plans are acceptable and would be appropriate for the Construction Certificate Application. The EPA considers the associated stormwater drainage system to be acceptable in terms of its ability to effectively convey effluent separate to stormwater/surface water to appropriate receptors (subject to their GTAs).

***Waste (How is sewer / storm water to be deposited on site?):***

The proposed effluent ponds, effluent and stormwater drainage system, manure stockpile, carcass pits and designated mass burial pit are considered by the EPA to be acceptable, subject to the conditions of their general terms of approval.

***Energy (Is BASIX Certificate supplied?):***

There is no BASIX Certificate requirement as no habitable buildings are proposed. The development which is comprised mainly of internally lit sheds and waste infrastructure is not considered to be unreasonably energy intensive.

***Noise and vibration (Hours of construction, condition of consent):***

The EIS includes an assessment of the existing piggery and expansion against the NSW Industrial Noise Policy. As there was no actual noise testing undertaken, the assessment involved a calculation based on assumptions drawn from existing literature.

The assessment found that the separation distances between the activity and noise receptors are sufficient to prevent noise from the piggery exceeding the noise criteria applicable at receiver sites. The following mitigation measures are proposed to minimise potential nuisance noise:

- Retention of vegetative buffers immediately surrounding the piggery;
- Consideration of potential noise levels associated with feeding regimes and animal handling practices;
- Restriction of potentially noisy activities such as loading and truck movements to daylight hours where practicable;

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

- Maintenance of appropriate muffles and noise attenuation equipment fitted to machinery;
- Instructing drivers to maintain considerate driving styles to reduce traffic noise along access routes.

These will form part of the EMP for the piggery which is recommended as a condition of consent.

In Council's request for additional information letter (issued 20 November 2014) it was requested that the applicant undertake noise, odour and dust testing. This was considered reasonable and logical given that the operation currently exists and would give the most realistic indication of the current impact and potential impact resulting from expansion.

However, the EPA (in their correspondence of 5 February 2015) advised that its expert staff had reviewed the noise and air quality assessments (incorporating odour and dust) and with the exception of the additional information requested in the EPA's letter dated 12 November 2014, the EPA are generally satisfied with the impact assessments conducted to date in relation to these matters. Further, that the EPA will review the additional information requested in relation to these matters and provide advice to Council in terms of its adequacy. The EPA has addressed these matters in the GTAs.

Accordingly, it is the position of the Development Services Department that the EPA are the experts in issues relating to noise and air quality, and thus are in a position to determine that the information provided is sufficient. As such, no further information regarding noise, odour or dust was requested by Council.

### ***Water (Water Services including tanks):***

The NOW has issued its GTAs for the application relating to water access licencing, works approvals and groundwater monitoring. The applicant will be required to undertake groundwater monitoring to assess the impact of the development and effluent management on groundwater pollution and to obtain the appropriate licences having demonstrated that sufficient water supply is available for the operation.

### ***Soils (Are soils suitable?):***

The suitability of soils with regards to the proposed shed extension will be considered in full for the Construction Certificate Application.

The nature of soils and permeability of the subsurface profile has been a major ongoing environmental concern of the application. The proponent must now construct new effluent ponds to the required standard of the EPA to prevent contamination of soils and groundwater (GTAs, condition of consent). The proposed drainage system is considered at this stage by the EPA to be appropriate with regard to separation of surface water and effluent, to prevent soil and groundwater contamination.

### ***Utilities (Are utility services available?):***

It is understood that the piggery is connected to a reliable source of electricity. The piggery operation relies on bore water, not town water.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

### ***Site and Context:***

The site is considered suitable for the existing operation and proposed expansion, provided that buffers to adjoining sensitive receptors/land uses are maintained and that the environmental management practices as required by the EPA and the conditions of consent are complied with.

### ***Access, transport and traffic:***

Access to the site is gained via Baradine Road to the east and an unsealed road located on Crown Land (TSR). The traffic movements generated by the existing operation and proposed expansion are dependant on the season, how much grain is being sourced from the adjoining farm and wet weather conditions. The majority of trips relate to transport of manure off site, grain/feed and straw delivery and movement of livestock for sale. Vehicles frequenting the site include normal road vehicles of workers (4 workers), semi trailers, road trains and B doubles.

The traffic movement information (maximum movements required to service a 400 sow piggery if all grain is sourced off farm) was provided to the Director of Technical Services to comment with respect to access and road conditions. The Director has recommended that the RMS conditions be enforced to ensure that road conditions are appropriate given the volume of traffic and type of vehicles frequenting the site.

### ***Public domain:***

The piggery operation (and area of the proposed expansion) is largely screened from the adjoining public road (Baradine Road) by vegetation. The proposal is therefore unlikely to have any significant impact on the public domain.

### ***Heritage:***

Please refer to the assessment under Clause 5.10 of the WLEP of this report.

### ***Other land resources:***

To Council's knowledge there are no land resources other than soil and ground water which require consideration.

### ***Flora and fauna:***

The site has, for over 40 years, been used for agricultural purposes, including the piggery operation and for grazing and cropping. As such, the site is highly disturbed with the exception of some remnant vegetation identified by the EIS as 'Western Slopes Grassy Woodland' located to the western boundary and bordering the piggery. The same vegetation type forms a 900m (approx.) buffer between the piggery operation and the nearest sensitive receptors to the north (low density residential development).

In consideration of information sourced from the OEH and the Atlas of NSW Wildlife database (Bionet), the EIS has found that the site has no direct connection with any declared conservation area and does not comprise any 'Endangered Ecological Communities' (NSW Threatened Species Conservation Act 1995 and Commonwealth Environmental Protection and Biodiversity Conservation Act 1999). However a range of protected flora and fauna species have been observed within the general vicinity of the piggery. The protected fauna species are comprised predominantly of birds, though also include a number of mammals, reptiles and frogs. Of the 144 species



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

recorded, 13 are listed as 'vulnerable' and 2 are classed as 'endangered'. One of the protected flora species is listed as 'vulnerable' (the Slender Darling Pea (*Swainsona murrayana*)); there is no endangered flora recorded. It is noted that there was no on-site survey undertaken in this assessment.

The proposed piggery expansion (involving extension of sheds and additional service infrastructure) does not include the removal of vegetation and all works are to be undertaken within the already disturbed/developed envelope of the site. Nonetheless, the operation of a piggery can have adverse environmental impacts on the surrounding ecosystem arising from issues such as odour, dust, noise, degradation of water quality (contaminated stormwater) and introduction of disease.

The proposed mitigation measures of the piggery relate to the implementation of management measures to control noise, odour and dust mitigation, waste management (including proper disposal of carcasses and maintenance of carcass pits) pest control and stormwater management, all of which are to be addressed in the EMP.

The assessment provided by the applicant found that the continued undertaking of the existing operation and the proposed expansion are unlikely to significantly affect threatened species, populations or ecological communities or their habitats either directly or indirectly.

The applicant did not provide a specific 7 part test, and relied on the information provided in the EIS. As the piggery is to use the existing area and no clearing of vegetation is required the 7 part test can be carried out using the existing information. The relevant parts of the test pursuant to section 5A of the EP&A Act are set out below with a comment on the impact of the proposed piggery on it.

*a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

*(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

*(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*  
*(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (d) in relation to the habitat of a threatened species, population or ecological community:
  - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

### Comment:

As the proposal is to construct buildings within the existing cleared land and no vegetation clearing is proposed, it is not considered to have an impact.

### **Natural hazards:**

The site is located with Council's Bushfire Prone Land Map (Vegetation Category 1 and 2). The proposed intensive livestock operation and expansion does not require an assessment under Planning for Bushfire Protection 2006 (PBP); the piggery is classified as 'other development' under PBP and comprises predominantly Class 10 buildings and structures (i.e. sheds, fencing, and the like), and a single Class 5 building (amenities building).

For Class 5 – 8 and Class 10 structures, the general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of PBP apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management. In circumstances where the aim and objectives of PBP are not met, then the construction requirements for bush fire protection will need to be considered on a case-by-case basis.

The following information was provided by the applicant with respect to bushfire protection at the site:

In 2013, Ashby Piggery requested the Rural Fire Service (RFS) complete an inspection of the site. The subsequent inspection by the Baradine RFS in September 2013 found the existing site conditions and control measures were generally satisfactory, with the sole recommendation of harvesting roof water to increase the capacity of fire water reserves in close proximity to animal housing sheds.

The following measures are in place at the Ashby property with respect to the aim and objectives of PBP:

- Unimpeded access / egress to and from the piggery is available from the east (i.e. the main site access and second access ~1.9 km south off Baradine Road), and from the west via Gulargambone Road;
- The non-vegetated buffer surrounding the existing and proposed buildings is  $\leq 40$  m; this exceeds the specification for Asset Protection Zones of 35 m for forest vegetation and rural residential subdivisions with effective slopes of  $> 5^\circ - 10^\circ$  (adopted as a conservative benchmark given the effective slope at the site is  $< 5^\circ$ );
- All grasses are maintained to minimise fuel leading up to the piggery;
- Storage of adequate fire water with easy access for fire trucks –  
160 kL above ground bore water storage tank  
8 kL above ground rainwater tank (operational supply)  
5 x 1 kL rainwater tanks (fire-fighting supply);
- Fire-fighting pump on hand;
- Fire-fighting trailer on farm;
- Open straw sheds are fitted with sprinklers (Dry Sow House);
- Back-up generators on-site to operate piggery and bore pump in emergency situation.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

The above provisions for bushfire protection are considered adequate for the existing operation and proposed expansion and are considered to satisfy the aims and objectives of PBP.

### ***Technological hazards:***

It is expected that the risk of technological hazards associated with the existing operation and proposed expansion can be mitigated through proper management in accordance with the Environmental Management Plan and in compliance with the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011 as relevant. The proposed shed extensions will require a Construction Certificate Application to ensure safe construction and compliance with the Building Code of Australia.

### ***Safety, security and crime prevention:***

The piggery operation is largely screened from public view as a result of existing vegetative buffers and its distance from the public road. The site is considered to be appropriately secure; the piggery is enclosed by gates and the manager's residence is located to the front of site to control people accessing the site. There are no indications that the continued use and proposed expansion are likely to create conditions conducive to crime.

### ***Social impact in the locality:***

There are no foreseen social impacts associated with the application provided that management of the piggery is undertaken to adequately mitigate noise, odour and dust impacts on surrounding residential areas.

### ***Economic impact in the locality:***

It is expected that the existing piggery operation creates some positive local economic impacts associated with the employment of several local workers and potentially local grain and straw growers. There are currently 5 full time workers on site, with no proposed increase to the amount of employees as a result of expansion.

### ***Site design and internal design:***

The site design and internal design of the existing piggery and proposed expansion is considered acceptable, subject to relocation of effluent ponds and implementation of waste management systems in accordance with the requirements of the EPA's GTAs.

### ***Cumulative impacts:***

Potential cumulative impacts such as groundwater contamination and development lighting will be adequately addressed through implementation of the NOW's GTAs with regards to groundwater monitoring, and through conditioning of the consent in accordance with the requirements of the AAO.

Mitigation of other cumulative impacts (such as odour, noise, dust) are to be addressed in the EMP as a condition of consent.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

---

### ***c. The Suitability of the Site for the Development***

#### ***Does the proposal fit in the locality?***

The continuation of the piggery use and associated expansion is considered to fit within the locality which is characterised by agricultural/rural land. A vegetative buffer separates the site from sensitive receptors and the edge of town to the north. Council's assessment as to the effect of odour, noise and dust on sensitive receptors (largely residential land) has been guided by the EPA who considers that with proper management such adverse impacts can be appropriately mitigated. It is also noted that the development/operation is located approximately 1.6km west of Baradine Road and therefore there is limited concern with respect to adverse views from adjoining public land.

#### ***Are the site attributes conducive to development?***

The attributes of the site are considered to support the application. The site features disturbed/farmed land with some adjoining vegetative buffers, and is of sufficient area to accommodate the infrastructure required to operate a piggery. Further work is required with regard to service infrastructure, monitoring and management to ensure that the development does not adversely impact on the environment.

### ***d. Any Submissions Made in Accordance with the Act or Regulations***

#### ***Public submissions:***

There were no public submissions made.

#### ***Submissions from public authorities:***

All submissions were made on behalf of State and Local Government Agencies or organisations as a result of direct referral.

#### ***Referrals:***

NSW Environment Protection Authority (EPA)

The EPA is an Integrated Development referral authority pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Protection of the Environment Operations Act 1997 (POEO Act); as such the EPA's General Terms of Approval (GTA) are required in order for Council to issue consent. The conditions prescribed by the GTA must form conditions of any consent issued by Council. If no GTA is issued, consent cannot be granted.

The application was referred to the EPA on 31 October 2014, prior to formal public exhibition of the application. On 12 November 2014, the EPA provided a request for additional information regarding the following environmental considerations (the section 'water impacts' was later updated by the EPA by email 18 December 2014):

- **Water impacts** (storm water/surface water and effluent containment):
  - Information to show that the liquid waste (effluent) drainage system complies with the relevant design standards to ensure containment of all water. As a minimum, effluent and wet weather storage areas must be

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

sufficient to contain surplus effluent and prevent overflow for a 90 out of 100 year event (minimum design over topping frequency of once in every 10 years or less).

- Information to justify that the effluent ponds and the manure stockpile bund have sufficient capacity to cope with the above design event so to prevent overtopping and pollution of waters.
  - Information to demonstrate whether the drainage infrastructure can sufficiently convey stormwater and ensure containment for the above design event.
  - Clarification and further assessment regarding proposed effluent irrigation and manure application locations.
- 
- **Groundwater impacts:**
    - Further information regarding permeability of the effluent ponds and to verify if the ponds are leaching effluent.
    - Further information required to demonstrate that the effluent ponds, carcass disposal pits, feedlot drains (where not concrete lined or piped), manure storage and composting pads are lined to the required standard ( $1 \times 10^{-9}$  m/s over a minimum depth of 300mm of compacted clay for ponds up to 2m deep; or 450mm of compacted clay for ponds deeper than 2m) or are fitted with a well maintained impervious synthetic liner.  
If the natural geology of the site in conjunction with constructed clay liners is sufficient in meeting this requirement, evidence (geological advice or groundwater modelling) must be provided to demonstrate this will be adequate to prevent pollution of groundwater.
    - Further information on mass mortality disposal pits (depth of coverage, lining etc).
    - Further information to justify the proposed number of bores, their location and depths to ensure that legacy issues can be detected as well as early detection from future activity. Requirement for additional monitoring bores in strategic locations.
  - **Water supply:**
    - Confirmation regarding current and proposed water supplies and licences.
  - **Odour:**
    - Potential for odour impacts on nearby receptions is indicated. Further information is required regarding proposed maintenance and maintenance schedules (frequency) for all pens, drains, ponds, waste stockpile areas and associated infrastructure to prevent odour impacts on nearby receptors.

In its letter of 5 February 2015 the EPA requested that Council determine the application within 2-3 months so that the EPA could proceed with licencing and so that the Piggery was not required to de-stock. Nonetheless, it has taken approximately 8 months for the EPA to be satisfied that the information provided by the applicant is sufficient in order for GTAs to be issued and for Council to issue its consent. As such it has been the EPA's concerns and the timing/quality of information provided by the applicant that can be attributed for the delay in Council's determination of the application.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

---

The major ongoing concerns of the EPA have been with regard to groundwater contamination associated with permeability of effluent ponds and stormwater/surface water contamination associated with the capacity and effectiveness of drainage infrastructure. On 20 January 2015, the applicant clarified that effluent irrigation is not proposed and is not currently being undertaken. On 11 March, the applicant advised that the supply of manure off-site (to a rural property) did not require approval or licences under *The Manure Order 2014* and *The Manure Exemption 2014* as issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

After further investigations and ongoing consultation with the EPA, the applicant was unable to conclusively demonstrate that the existing effluent ponds were not contributing to groundwater contamination; as such the applicant is required to construct new effluent ponds. The applicant was able to demonstrate to the EPA that the proposed new drainage system (including new effluent ponds) would be able to effectively contain and separate wastewater from stormwater to the required standard.

On 6 August 2015, the EPA provided its General Terms of Approval.

The General Terms of Approval provided by the EPA must be included as conditions of consent if issued. The Environmental Management Plan (EMP) will be the primary document to demonstrate compliance with the GTAs. The EMP should be prepared in accordance with the EIS Guideline for Piggeries by the Department of Urban Affairs and Planning (1996).

### NSW Office of Water (NOW):

The NSW Office of Water (NOW) is an Integrated Development referral authority pursuant to Clause 91 of the EP&A Act and the Water Management Act 2000; as such the NOW's General Terms of Approval (GTA) are required in order for Council to issue consent. The primary concerns of NOW are in relation to water supply and approvals, waste management and the potential for groundwater and surface water pollution.

On 16 June 2015, the NOW issued its General Terms of Approval after further investigations undertaken by the applicant and following ongoing consultation with Council. The General Terms of Approval provided by the NOW relate to water supply works and groundwater monitoring and must be included as conditions of consent if issued.

### NSW Roads and Maritime Services:

On 12 March 2015 a formal submission was issued by the RMS which included the following comments:

- Vehicular access to the site is obtained via an existing rural property access to Baradine Road. Baradine Road is a regional classified road under the care and control of Warrumbungle Shire Council.
- Traffic volumes generated by the piggery are expected to be low, however, regular access is required by heavy vehicles (up to 36.5 metres long) throughout the year, peaking during seasonal periods (ie harvest and sowing). The existing vehicular access from Baradine Road is adjacent to another access servicing a grain storage facility.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- Roads and Maritime does not object to the proposed development and provides the following recommendations for Council's consideration:
  1. To improve safety for vehicles entering and exiting the piggery and the adjoining grain storage facility, the vehicular accesses servicing the piggery and the grain storage facility are to be combined into one single access. The access is to be suitably designed and constructed to accommodate the simultaneous passing of the largest vehicle required to access either development.
  2. A basic right (BAR) turn treatment as shown in Figure 7.5 Part 4A Austroads Guide to Road Design (copy enclosed) is to be provided in Baradine Road at its intersection with the piggery vehicular access. The widened shoulder is to be sealed and built for a 100km/h speed environment to provide a reasonable level of safety for traffic turning into the proposed road and to allow following traffic an area to pass the right turning vehicle on the left hand side.
  3. A basic left (BAL) turn treatment as shown in Figure 8.2 Part 4A Austroads Guide to Road Design (copy enclosed) is to be provided in Baradine Road at its intersection with the piggery vehicular access. The BAL facility will also need to be sealed and built for a 100km/h speed environment. The intersection is to be designed to accommodate the turning paths of the largest vehicle required to access the site (36.5 metre long articulated vehicle).
  4. The access to Baradine Road is to be sealed a minimum of forty (40) metres from the edge of the northbound travel lane in Baradine Road.
  5. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A Austroads Guide to Road Design and relevant Roads and Maritime Supplements are to be provided and maintained in both directions at the intersection of the property access and Baradine Road. For a 100 km/h speed zone the minimum SISD is 250 metres.

The RMS has confirmed that the above recommendations are for Council's consideration and are not mandatory. That is, the role of the RMS in this instance is advisory and the development is not 'Integrated Development' under the Roads Act.

On 5 March 2015, the above RMS referral comments were forwarded directly to Council's Director of Technical Services for discussion. On 22 July 2015, the Director advised that:

- I have reviewed the comments by RMS in relation to the proposed piggery and I recommend that their comments are incorporated into condition of consent. That is, the five dot points outlined in their letter 12 March 2015 should be incorporated into conditions of consent.

Noting that the land used to access the site is Crown Land, it is understood that Council may be required to take over control of all or part of the Crown Land in order for the works to take place. This is a matter for Council to determine.



# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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If Council agrees to take control or ownership of the land as required in granting consent to this application, a condition should be placed to require that no works can commence on Crown Land without the prior written consent of the Department of Primary Industries – Lands (Crown Land) and until such time as the required ownership/transfer arrangements for the land have been completed.

### NSW Department of Primary Industries (DPI):

In its referral comments the DPI recommended that further information be obtained in relation to a proposed mass burial site (in the event that it is required), an Emergency Management Plan, and details of the production system.

The information later provided by the applicant satisfied the concerns of the DPI. In consultation with the DPI, The EPA has agreed to include in its GTAs provision for the location and environmental management of the mass burial pit.

There are no further requirements in relation to the concerns of the DPI.

### NSW Office of Environment and Heritage (OEH):

The OEH advice to Council related to the assessment of potential impacts on Aboriginal Heritage and native fauna and flora.

The original application did not include any substantial works or excavation and therefore limited investigation of such impacts were accepted. However, due to comments received by the EPA and DPI, the proposal was eventually amended to include new effluent ponds and designation of a mass burial pit location. In accordance with the advice provided by the OEH, the applicant was required to undertake an Aboriginal Heritage assessment and fauna and flora assessment for the proposed additional infrastructure.

It was put forward by the applicant that the proposed new effluent ponds are to be located to existing grazing land and therefore impacts on native fauna and flora are likely to be minimal. The designated mass burial pit, located to the west of the site, is proposed to be sited to avoid removal of surrounding vegetation. The AHIMs search and the due diligence process did not produce any results to warrant further investigation. Confirmation was also obtained from the Baradine Local Aboriginal Land Council that they have no concerns regarding Aboriginal Heritage for the area of existing operations or the site of the proposed new works.

The impact assessment of native fauna and flora and Aboriginal Heritage is considered satisfactory given the highly developed nature of the site and location of the proposed new works. Nonetheless, a standard condition should apply that works cease in the event that aboriginal relics are discovered and that an Aboriginal Heritage Impact Permit (AHIP) is applied for.

### Australian Astronomical Observatory (AAO):

On 20 April 2015, a submission was issued by Fred Watson, Head of Lighting and Environment, Australian Astronomical Observatory, which included the following comments:

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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- Regarding the outdoor fluorescent light under the 30cm eave: we note that approximately half the light from this fitting goes to waste as upward light-spill, due to its wall mounting. The eave itself offers little protection from this, so we would strongly recommend the addition of a baffle immediately above the fitting, or remounting the fitting to face downwards under the eave. This will greatly assist in illuminating the working area, as well as reducing damaging light pollution.
- It is requested that the replacement lamps be 'warm white' in colour (i.e. with a colour temperature of 3000K). This should involve no additional cost.

The site is located over 30kms (as the crow flies) from the Siding Spring Observatory (land owned by the Australian National University). If issued, the consent should be conditioned to comply with the Orana Regional Environmental Plan No1 – Siding Spring requirements for consultation and concurrence. Being over 30km from the ANU land, consultation with the Observatory is required for development lighting exceeding 12,000 lumens. Concurrence from the Director of Planning is required for development lighting exceeding 1,000,000 lumens.

The request of the AAO is consistent with the WSC Development Control Plan No1 – Lighting Code, which aims to minimise upward light spill. Although the DCP does not apply to 'existing lighting', the piggery development lighting has never been assessed and therefore the DCP is considered to apply. The requests of the AAO should therefore form conditions of consent if issued.

### Local Land Services (LLS):

On 10 March 2015 a response was issued by Peta Holcombe, Team Leader of Central West Local Land Services:

- Having reviewed the information provided, Central West Local Land Services as managers of the adjoining Travelling Stock Route have no objections at this point in time to the expansion of the existing piggery.

It is considered that no further action is required in relation to the

### LLS. Baradine Local Aboriginal Land Council (BLALC):

On 16 April 2015 a response was issued by Richard Coughlan, CEO of the Baradine LALC:

- The Baradine LALC has looked at the proposed plans for the extension of the Piggery and see no cause to object to their plans.

It is considered that no further action is required with regards to the Baradine LALC. However, if issued the consent should be conditioned to require that works should cease immediately and application be made for an Aboriginal Heritage Impact Permit (AHIP) if Aboriginal relics are discovered.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

### *e. The Public Interest*

#### **Federal, State and Local government interests and community interests:**

- There are no particular issues of Federal Government concern that have been identified in the assessment of this application. The consultant has found there to be no requirement for further investigations or referrals under the TSC Act or EPBC Act. The assessment has found that the proposal will have minimal impact on environmental matters relating to those Acts.
- State Government concerns have been represented largely by the EPA, NOW, DPI, OEH and AAO and relate broadly to environmental impact and the proper management of the piggery operation to minimise adverse amenity impacts.
- Local Government interests relate largely to protection of the environment, the amenity of surrounding areas and the promotion of development and economic growth in the primary production sector. Subject to conditions, the development is considered to adequately address all of these interests.

#### **Conclusion:**

Subject to conditions (including compliance with integrated agency GTAs and preparation of an EMP), the application is considered to be acceptable with regards to the relevant Federal, State and Local Planning Policy and the key environmental considerations including groundwater and surface water contamination and the amenity of surrounding land uses.

#### **Conditions and reasons:**

The following conditions are recommended:

### **GENERAL CONDITIONS**

#### **Development in Accordance with Plans**

1. The development must be carried out in accordance with the development application made and the documents and drawings referenced below which have been endorsed with Council's approval stamp, except where amended by the conditions of this consent.

<b><u>Documents</u></b>			
<i>Title:</i>	<i>Author:</i>	<i>Dated:</i>	<i>Date Received by Council:</i>
Environmental Impact Statement (EIS) – Ashby Piggery	Precise Environmental Pty Ltd, Consulting Environmental Scientists	July 2014	2 Oct 2014
Response to Information Request	Precise Environmental Pty Ltd, Consulting Environmental Scientists	20 Jan 2015	20 Jan 2015
Lighting	P & M Camilleri (Applicant)	19 Feb 2015	2 Mar 2015

# WARRUMBUNGLA SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

Traffic Movements	P & M Camilleri (Applicant)	19 Feb 2015	2 Mar 2015
Emergency Management Plan	P & M Camilleri (Applicant)	9 Mar 2015	19 Mar 2015
Response to Information Request	Precise Environmental Pty Ltd, Consulting Environmental Scientists	11 Mar 2015	11 Mar 2015
Facilities and Condition of Ashby Piggery, Baradine	Chris Richards & Associates, Swine Veterinary Consultants	19 Mar 2015	19 Mar 2015
Additional Response to Information Request	Precise Environmental Pty Ltd, Consulting Environmental Scientists	29 April 2015	29 April 2015

### Drawings

New Stormwater Details – Sheet 1 (Ref. A1-15/023-a)	J & M Cook Engineering Services	April 2015	22 Jun 2015
New Effluent Details – Sheet 7 (Ref. A1-15/023-g)	J & M Cook Engineering Services	April 2015	22 Jun 2015
New Structural Details Dry Sow Shed – Sheet 5 (Ref. A1-15/023-e)	J & M Cook Engineering Services	April 2015	21 May 2015
New Structural Details Weiner Shed – Sheet 6 (Ref. A1-15/023-f)	J & M Cook Engineering Services	April 2015	21 May 2015
New Effluent Details Weiner Shed – Sheet 8 (Ref. A1-15/023-h)	J & M Cook Engineering Services	April 2015	21 May 2015
New Effluent Details Dry Sow Shed – Sheet 9 (Ref. A1-15/023-i)	J & M Cook Engineering Services	April 2015	21 May 2015

(Reason: To ensure development is undertaken in accordance with the determination of Council & is used for the approved purpose only)

### **Intensive Livestock Agriculture (Piggery) Approval**

2. This consent is granted for the use 'Intensive Livestock Agriculture (piggery)' for a maximum of 3697 pigs in total at any time. Additional development consent from Council is required for further expansion.

(Reason: To ensure that the consent is limited to the size of operation as per the application submitted and that any expansion will require further consent)

### **General Terms of Approval**

3. The development must be carried out in accordance with the General Terms of Approval provided by:

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- a) The NSW Environment Protection Authority 6 August 2015 and attached in **Schedule 1** of this consent; and
- b) The NSW Office of Water dated 15 June 2015 and attached in **Schedule 2** of this consent.

Where conflict arises between the conditions of this consent and the General Terms of Approval issued by the NSW Environment Protection Authority and NSW Office of Water, the General Terms of Approval shall take precedence.

*(Reason: To comply with the requirements of the Environment Protection Authority and Protection of the Environment Operations Act 1997)*

### **Amenity Impacts to Adjoining Land**

4. The operation of the piggery must be carried out at all times with the objective of preserving the amenity of surrounding rural and urban land and reducing adverse amenity impacts (such as noise and odour) where possible, including for the movement of vehicles and the management and feeding of livestock.

*(Reason: To prioritise the preservation of the amenity of surrounding land in the day to day operation of the piggery in accordance with the EIS)*

### **Environmental Management Plan**

5. An Environmental Management Plan (EMP) must be provided to Council within 3 months of the date of this consent (EDIT subject to EPA GTAs). The EMP must be prepared in accordance with the *Guideline for the preparation of Environmental Management Plans by the NSW Department of Infrastructure, Planning and Natural Resources 2004* and with Chapter 6, Section G of *Piggeries: EIS Guideline by the NSW Department of Urban Affairs and Planning 1996*.

The EMP must provide a framework for managing or mitigating environmental impacts for the life of the development. It should also make provisions for auditing and reviewing the effectiveness of the proposed environmental protection measures and procedures.

The content of the EMP must demonstrate compliance with:

- The General Terms of Approval provided by the NSW Environment Protection Authority and NSW Office of Water (Schedule 1 and 2);
- Conditions of this consent;
- The commitments of the EIS and the supplementary endorsed documents that were provided in support of the application.

The content of the EMP must address, but should not be limited to, the management of:

- a) Construction;

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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- b) Decommissioning of effluent ponds;
- c) Cumulative impacts;
- d) Odour;
- e) Noise (animals, trucks);
- f) Dust;
- g) Waste management (including manure, effluent, carcasses, mass burial pit);
- h) Surface water, groundwater and catchment protection (including provision for monitoring);
- i) Land capability and protection (including the prevention of soil erosion and sedimentation impacts);
- j) Drainage and stormwater management;
- k) Traffic/access (including management of trucks and movement of livestock to minimise impacts);
- l) Native fauna and flora protection (including processes to minimise adverse impacts on the surrounding ecosystem);
- m) Heritage (including process for the discovery of relics);
- n) Pest and insect control;
- o) Hazardous chemicals (including bunding of existing fuel tanks);
- p) Animal welfare and biohazards/disease prevention (including demonstrated level of compliance with the *Model Code of Practice for the Welfare of Animals by the CSIRO 2008* and *National Environmental Guidelines for Piggeries by Australian Pork* (latest edition);
- q) Emergency management and response plan;
- r) Work health and safety;
- s) Complaints register;
- t) Process for auditing and review of the EMP.

The EMP will be referred to the relevant government agencies to ensure compliance with conditions and required environmental management practices.

The EMP must be approved by the Council's Director of Development Services.

*(Reason: To manage and mitigate environmental impacts and to ensure that operation of the piggery is in accordance with general terms of approval of integrated development government agencies)*

### **Manure Relocation**

- 6. In accordance with endorsed document 'Response to Information Request' by Precise Environmental P/L (dated 11 March 2015):
  - a) The supply of manure is undertaken in accordance with *The Manure Order 2014* under *Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014* or any subsequent order.
  - b) Manure must not be pelletised before being transported off-site;
  - c) The operator of the piggery must ensure that manure does not contain potential contaminants, other than those typically associated with animal manure waste;

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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- d) The operator of the piggery must ensure that manure is in a condition suitable for transport without significant risk of environmental harm (e.g. the material is not producing leachate).
- e) The operator of the piggery must obtain confirmation in writing from the consumer that the material is intended to be used for soil amendment, and that the consumer understands the requirements of *The manure exemption 2014 under Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014.*

*(Reason: To mitigate adverse impacts associated with the application of manure off-site and to do so in accordance with the Regulations)*

### **Plans on Site**

- 7. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate where required for the work, incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

*(Reason: To ensure development is undertaken in accordance with the determination of Council)*

### **Building Code of Australia**

- 8. All building work must be carried out in accordance with the provisions of the Building Code of Australia and any Australian Standards adopted there under.

*(Reason: To ensure that all building work is carried out in accordance with the relevant construction standards)*

### **Utility Services**

- 9. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the Council or the relevant public authority.

*(Reason: To ensure costs associated with the development are not transferred to the public)*

### **Road/Access Upgrade**

- 10. The following road and access upgrade works must be undertaken to improve access conditions:
  - a) To improve safety for vehicles entering and exiting the piggery and the adjoining grain storage facility, the vehicular accesses servicing the piggery and the grain storage facility are to be combined into one single access. The access is to be suitably designed and constructed to accommodate the simultaneous passing of the largest vehicle required to access either development.
  - b) A basic right (BAR) turn treatment as shown in Figure 7.5 Part 4A Austroads Guide to Road Design (copy enclosed) is to be provided

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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in Baradine Road at its intersection with the piggery vehicular access. The widened shoulder is to be sealed and built for a 100km/h speed environment to provide a reasonable level of safety for traffic turning into the proposed road and to allow following traffic an area to pass the right turning vehicle on the left hand side.

- c) A basic left (BAL) turn treatment as shown in Figure 8.2 Part 4A Austroads Guide to Road Design (copy enclosed) is to be provided in Baradine Road at its intersection with the piggery vehicular access. The BAL facility will also need to be sealed and built for a 100km/h speed environment. The intersection is to be designed to accommodate the turning paths of the largest vehicle required to access the site (36.5 metre long articulated vehicle).
- d) The access to Baradine Road is to be sealed a minimum of forty (40) metres from the edge of the northbound travel lane in Baradine Road.
- e) Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A Austroads Guide to Road Design and relevant Roads and Maritime Supplements are to be provided and maintained in both directions at the intersection of the property access and Baradine Road. For a 100 km/h speed zone the minimum SISD is 250 metres.

### **Above Ground Fuel and LPG Tanks**

- 11. Existing and new aboveground fuel and LPG tank(s) must meet the requirements of the WorkCover Authority of NSW and comply with the relevant Australian Standards.

*(Reason: To satisfy relevant environmental standards)*

### **Development Lighting – Siding Spring Observatory**

- 12. To reduce light pollution:
  - a) A baffle must be added immediately above the light fitting located under the 30cm eave of the office building, or the fitting must be remounted to face downwards under the eave;
  - b) Replacement lamps for existing light fittings (shed lighting and external lighting) must be 'warm white' in colour (colour temperature of 3000K);
  - c) New external lighting should be kept to a minimum and must be fully shielded and directed in a downward position.
  - d) Development lighting totalling or exceeding 1,000,000 lumens requires the concurrence of the Director of the NSW Department of Planning and Environment.

*(Reason: To ensure that development lighting is consistent with the consultation comments of the Australian Astronomical Observatory and that it is in accordance with the objectives of the WSC Development Control Plan 1 – Lighting Code)*

### **Overland Drainage**

- 13. The applicant shall ensure that the development will not result in the diversion of overland surface waters onto adjoining properties.



# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

(Reason: To prevent adverse environmental impacts to adjoining property)

### Roadworks on Crown Land

14. Prior to any road works being undertaken on Crown Land, written approval must be obtained from the NSW Department of Primary Industries – Lands (Crown Lands Division) and the required land transfer/arrangements must have been completed.

(Reason: To ensure that works on Crown Land are undertaken with the required approval)

### Vegetation Removal

15. The area of vegetation located to the western boundary of Lot 26 DP 750332 and surrounding the piggery operation (identified in the EIS as 'Western Slopes Grassy Woodland') must be retained.

(Reason: To maintain the vegetation buffer surrounding the piggery in order to mitigate adverse amenity and environmental impacts on surrounding land)

## CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Construction Certificate Requirements

16. No new works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works.

(Reason: To ensure work is undertaken in accordance with this consent & the relevant construction standards)

### Road Design

17. All road works, in accordance with the requirements of **Condition 10 Road/Access Upgrade**, shall be designed by an appropriately qualified engineering consultant. All design and construction works shall be in accordance with Council's engineering standards, relevant Austroad guidelines for road design and water way design.

No construction work shall commence until the Construction Certificate and the plans have been approved by Council's Director of Technical Services.

If works are required to take place on Crown Land, approval from NSW Department of Primary Industries – Lands (Crown Lands Division) must be obtained prior to any road works being undertaken and the required land transfer/arrangements must have been completed.

(Reason: To ensure that works are designed to an acceptable standard prior to construction)

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Proposed Effluent Ponds Design

18. Plans for the proposed new effluent ponds and associated drainage works and sediment and erosion control plan must be designed and certified in compliance with the NSW Environment Protection Authority General Terms of Approval, by a practicing consulting engineer.

Prior to any earthworks occurring, the applicant must advise Council Development Services Department in writing of the proposed destination/management of the excavated material and also, the method for the proposed decommissioning of existing effluent ponds.

*(Reason: To ensure that effluent disposal infrastructure is environmentally sound and designed to the required standard)*

### Bunding of Above ground Fuel Tank area

19. Application for a construction certificate must include design plans and specifications for the construction of the bund/s and or other spill containment measures associated with the above ground fuel tanks.

To minimise pollution, measures for secondary containment including bunding design must give regard to heavy rainfall events, flood levels and potential overflow from the area. Run-off from bunded areas and the concrete pad is to be collected and directed to an appropriate treatment device.

*(Reason: To minimise potential pollution impacts)*

### Contributions

20. Pursuant to Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Warrumbungle Shire Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009, a contribution of \$10,000 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment in accordance with the provisions of the Warrumbungle Shire Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009.

The contribution is to be paid prior to the issue of a **Construction Certificate**.

*(Reason: To comply with Council's Section 94A Levy (Indirect Community Infrastructure Contributions) Plan 2009)*

## CONDITIONS TO BE COMPLIED WITH PRIOR TO NEW BUILDING WORK

### Public Liability Insurance

21. The road/access upgrade works are to be covered by a public liability insurance policy to the value of \$20 million. The policy should specifically indemnify Council from all claims arising from the execution

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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of the works. A copy of this policy must be presented to Council prior to commencement of the works.

*(Reason: To ensure that the works involving public land are insured)*

### **Sediment and Erosion Control**

22. Prior to the commencement of any earthworks on site the applicant is to ensure that appropriate erosion and sedimentation controls are in place in accordance the provisions outlined in document by Landcom titled Managing Urban Stormwater – Soils and Construction Volume 1 (2004) and in accordance with any approved Sediment and Erosion Control Plan.

*(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)*

### **Site Facilities**

23. Toilet facilities must be provided on the work site at the rate of one toilet for every

20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- be a standard flushing toilet, connected to a public sewer, or
- if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- a portable toilet.

The provision of toilet facilities must be completed before any other work is commenced.

*(Reason: For the health and safety of the community and workers on the site)*

### **Site Sign**

24. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

*(Reason: To provide for safe management of the site)*

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Management of Waste**

25. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Demolition materials and waste materials must be disposed of at an approved waste management facility.

The work site must be left clear of waste and debris at the completion of the works.

*(Reason: To ensure responsible disposal of waste material)*

### **CONDITIONS TO BE COMPLIED WITH DURING BUILDING WORK**

#### **Construction Hours**

26. Subject to this clause, building construction is to be carried out during the following hours:

(a) between Monday to Saturday (inclusive) — 7.00am to 5.00pm  
Building construction must not be carried out on a Sunday or a public holiday.

*(Reason: So that works do not interfere with reasonable amenity expectations of residents and the community)*

#### **Aboriginal Relics**

27. Should there be reasonable evidence to suggest that Aboriginal relics have been discovered, all work must cease immediately and contact be made with the NSW Office of Environment and Heritage (Dubbo Branch). Application must then be made for an Aboriginal Heritage Impact Permit under the provisions of the NSW National Parks and Wildlife Act 1974.

If required by the OEH, the proponent must consult with Aboriginal community representatives, a qualified archaeologist and OEH to develop and implement management strategies for all objects/sites. The applicant must register the site along with the management outcome to the Aboriginal Heritage Information System (AHIMS).

*(Reason: To ensure compliance with the NSW National Parks and Wildlife Act 1974)*

### **CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION**

#### **Occupation Certificate**

28. An Occupation Certificate must be issued by the principal certifying authority before the building is used or occupied. The Occupation Certificate shall not

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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be issued until such time as all relevant conditions of development consent have been complied with.

*(Reason: To ensure that development is safe & appropriate for occupation, and is completed in accordance with the consent)*

### **Consolidate Lots**

29. The consolidation of Lots 26 and 27 of DP 750322 must be undertaken prior to the release of any Occupation Certificate, with evidence of this provided by a registered surveyor to Council Development Services Department.

*(Reason: To ensure that the use of the site and all structures and infrastructure are on one title and to reduce the risk of amenity impacts to adjoining separate land uses)*

### **Car Parking and Vehicle Manoeuvring Areas**

30. All on-site car parking and vehicle manoeuvring areas must be constructed of an all-weather gravel surface.

*(Reason: To enable access during all weather conditions)*

### **Fire Safety Certificate**

31. A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule (provided with the Construction Certificate approval) prior to an Occupation Certificate being issued.

*(Reason: To provide for fire safety in accordance with the regulations)*

### **Annual Fire Safety Statement**

32. An Annual Fire Safety Statement must be given to Council and Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier. As soon as practicable, the owner of the building to which it relates must provide a copy of the Certificate (together with a copy of the Fire Safety Schedule) to the Commissioner of Fire & Rescue NSW by email.

*(Reason: To provide for fire safety in accordance with the regulations)*

## **ADVICE**

### **Location of Services**

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **Responsibility for other Consents/Agreements**

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Bushfire Information**

Information on Bushfire hazard reduction and requirements of Asset Protection Zones can be obtained from the NSW Rural fire service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

### **Fire Safety**

As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:

- a) Must cause a copy of the Certificate (together with a copy of the Fire Safety Schedule) to be given to the Commissioner of Fire & Rescue NSW by email, and b) Must cause a copy of the Certificate (together with a copy of the Fire Safety Schedule) to be prominently displayed in the building.

### **Inspections**

If any of the following inspections are required a minimum of 48 hours notice must be given if Council is chosen as the Principal Certifying Authority:

- a) Pier holes, pads or bulk piers before concrete is poured
- b) Steelwork in place for reinforced slab or footings
- c) Wet area water-proofing
- d) Framework at "lockup" stage. (Roof may be loaded, gutters and downpipes in place, veneer tied off to frame, plumbing installed and electrical wiring installed)
- e) Stormwater connections
- f) Final at occupation stage – all aspects complete

### **Native Vegetation Clearing**

There has been no vegetation clearing approved under this consent. Approvals for vegetation clearing (separate from the development approved under this consent) must be obtained from Local Land Services, a branch of the Office of Environment and Heritage.

### **Koala Habitat**

The subject land and adjoining vegetated area may form koala habitat due to the presence of koala feed trees in the area. Future development of the site, or removal of vegetation must consider the impact on koala habitat and koala feed trees in accordance with the requirements of the NSW Office of Environment and Heritage and in consideration of the NSW Threatened Species Conservation Act 1995 and Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Ordinary Meeting – 15 October 2015**

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### **RECOMMENDATION**

That Council approve DA 25/1415 for the existing piggery of 350 sows and the expansion to 400 sows subject to the Conditions numbered 1 to 32 listed in this report.

# WARRUMBUNGLE SHIRE COUNCIL

## Ordinary Meeting – 15 October 2015

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### Item 25 Development Applications

**Division:** Development Services

**Management Area:** Regulatory Services

**Author:** PA to Director Development Services – Kelly Dewar

**CSP Key Focus Area:** Rural and Urban Development

**Priority / Strategy:** RU 4 – The attractiveness appearance and amenity of our towns and villages need to be improved

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### Development Applications

#### (i) Approved – September 2015

Complying Development (Set Criteria) Development Application (Specialised Conditions)	Date Lodged	Date Approved	Applicant's Name	Location	Town	Type Of Development	Stop the Clock Referral Days
58/2015	26/08/2015	29/09/2015	Taylor Made Buildings	Digilah Street	Dunedoo	Installation of manufactured dwelling	0
61/2015	09/09/2015	22/09/2015	Warrumbungle Steel Buildings	Merebene Street	Coonabarabran	Erection of garage/shed	0

#### \*Development from the January 2013 Wambelong Bushfires

#### RECOMMENDATION

That Council note the Applications and Certificates Approved, during September 2015, under Delegated Authority.