



Shire of  
**Gunnedah**  
Land of Opportunity

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21 JUL 2010

**LEGISLATIVE  
COUNCIL**  
GP16/95

Ms Abigail Groves  
Inquiry into the RSPCA Raid on Waterways Wildlife Park  
General Purpose Standing Committee No5  
Legislative Council  
NSW Parliament House  
Macquarie Street  
SYDNEY NSW 2000

16 July 2010

Dear Ms Groves

**Re: Inquiry into the RSPCA Raid on the Waterways Wildlife Park**

In response to your letter dated 9 July 2010 please find attached as requested the amended transcript.

In regard to questions taken on notice during the hearing I submit the following responses:

Page 44 – Inspection of Waterways Wildlife Park by Council Animal Welfare Officer

Council's Animal Control Officer operates under the Companion Animals Act 1998 (NSW) and the Impounding Act 1993 (NSW) which does not extend to inspecting animal premises in regard to animal welfare. The Officer is not a representative of the RSPCA and does not have jurisdiction under the Prevention of Cruelty to Animals Act 1979 (NSW).

Page 44 – Waterways Wildlife Park Development Application

Council confirmed with the owner in 1984 that at the time of the development of the Wildlife Park there was no development or building control in that area and it was not necessary for the applicants to receive formal approval.

The use commenced prior to the gazettal of the planning instrument on the 27 November 1981 and was therefore an "existing use" in terms of the planning legislation. It was therefore able to continue to operate as a Wildlife Park.

Page 47 – Department of Industry and Investment meeting dates and attendance.

**24 February 2010**

Gunnedah Shire Council Chambers

9.00am

Present:

Mr Robert Campbell – General Manager Gunnedah Shire Council

Cr Adam Marshall – Mayor Gunnedah Shire Council

Ms Pam Welsh – Regional Director – Department of Industry & Investment

Gunnedah Shire Council

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Mr Mathew Crane – Inspector - Department of Industry & Investment  
Mr Ross Burton – Manager Security & Emergency – Department of Industry & Investment  
Mr David Amos – Veterinarian – Gunnedah Veterinary Hospital  
Mrs Nancy Small – Waterways Wildlife Park  
Mr Colin Small – Waterways Wildlife Park  
Mr Peter Long – Long & Howland Solicitors  
Mr Chris Frend – Manager Economic Development & Tourism – Gunnedah Shire Council  
Cr Leon Mills – Councillor – Gunnedah Shire Council

**8 June 2010**

Gunnedah Shire Council Chambers

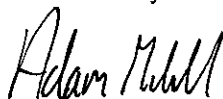
9.00am

Present:


Mr Robert Campbell – General Manager Gunnedah Shire Council  
Cr Adam Marshall – Mayor Gunnedah Shire Council  
Ms Barbara Jones – Legal Officer - Department of Industry & Investment  
Mr Mathew Crane – Inspector - Department of Industry & Investment  
Mr David Amos – Veterinarian – Gunnedah Veterinary Hospital  
Mrs Nancy Small – Waterways Wildlife Park  
Mr Peter Long – Long & Howland Solicitors  
Mr Chris Frend – Manager Economic Development & Tourism – Gunnedah Shire Council  
Cr Leon Mills – Councillor – Gunnedah Shire Council

In response to the additional questions taken on notice by the Hon Robert Brown MLC please find attached as requested 17 media photos taken by Mr Keith Millerd, Editor of the local newspaper the Namoi Valley Independent, of the raid on Waterways Wildlife Park on 3 February 2010.

Yours sincerely



Councillor Adam Marshall  
MAYOR

Contact:   
Reference: 482086  
Am:dw

PVC:VG  
TH79H 764

19th June, 1984.

The District Surveyor  
Land Board Office  
Fitzroy Street  
TAMWORTH 2340

Dear Sir,

Further to our conversation today concerning land in Mullaley Road, Gunnedah, I enclose herewith copies of correspondence on this matter in July, 1980.

I confirm that at the time of the development of the Wildlife Park there was no development or building control in that area and it was not necessary for the applicants to receive formal permission, but development and building control now applies to that area and any further developments will be subject to the normal approvals.

Yours faithfully,

R.J. Pople  
Shire Clerk



P.W. Clarke  
RJC:UG

11th July, 1989

Mrs. N. Small  
Waterways Wildlife Park  
Mullealey Road  
GUNNEDAH 2380

Dear Mrs. Small,

I refer to your enquiry as to whether Council has any objection to the continued use of your land, Lot 667, D.P.40477, Mullealey Road, Gunnedah, for a park for the keeping and display of native birds and animals.

I confirm that this use is one which commenced prior to the gazettal of a planning instrument on 27th November, 1981 and was therefore an "existing use" in terms of the planning legislation. It may therefore be continued without any further consent from Council.

I note also that on 25th July, 1980, Council expressed support for the proposed establishment of your wildlife park, and it has since had no reason to reconsider or qualify that support.

Council therefore has no objection to the continued use of the subject land for the keeping and display to the public of native birds and animals.

Yours faithfully,

I.D. Horwood  
Shire Clerk